

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, August 13, 2024

306 Second Street  
Isleton, California

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The Board proceedings are also available via tele-conference, and you may participate in Public Comment in this manner. If you wish to comment, please speak and your comments will be considered. Members of the public are encouraged to observe and participate in the teleconference. District directors and members of the public may participate in the meeting using the telephone conference line listed below. Conference Line Number: 1-877-336-1829  
Access Code: 3653607

## CALL MEETING TO ORDER

Trustee Rob Black called the meeting to order at 9:07 a.m. Jesse Barton conducted the meeting. In an effort to control the discussion, the Board will speak, followed by District staff and employees, and the public will have the final opportunity. He called roll call. Present: Trustees: Jas Gill and Rob Black; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Martin Berber and Julianna Galindo; District Manager: Morgan Johnson; DWR: David Julian; RVWA: Chris Kraft; Landowner(s): Raghu Malladi and Ceci Giacoma. District Secretary: Cindy Hill

## PUBLIC COMMENTS

Chris Kraft reported the 2<sup>nd</sup> Annual Levee Clean-up will be September 24 – this will be done in conjunction with the Sacramento Delta Conservancy. He said that kite boarding made it into the Olympics. Daniella Morales was in the Olympics; she is a 6 time world champion and is from the Sherman Island area.

Ceci Giacoma said that she verified the time it took the fire department to respond on the 4<sup>th</sup> of July – she said it took 20 minutes and not an hour as previously reported in the meeting of July 9, 2024.

Raghu Malladi asked if the cameras are active on the levee. Martin said all cameras are active. Raghu said that the phone lines were cut, and copper removed. Jesse asked him if a police report had been filed. He said yes. Jesse said with a copy of the report, the District can release footage to the police.

Jesse Barton reported that he will be unable to attend the September meeting. He said we can discuss after the meeting the possibility of moving the meeting to another date.

## DISTRICT MANAGER'S REPORT

Morgan reported the PG&E tower construction has begun. Martin said there are control points when they drop the poles. Martin asked the Board if they wanted to do earthquake monitoring.

Rob said that he will look into this to determine who can facilitate this request. Carter has been cleaning ditches up by Noack property, but stopped as there were cables in his pathway. Ryan sprayed some of the ditches and canals. Morgan said that Joel will be on vacation until next Monday.

### **APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting on July 9, 2024. Ceci has a correction to the minutes, she stated El Noreiga should be Elgorriaga It was MSP (Jas Gill/Rob Black) to approve the regular meeting minutes of July 9, 2024, as amended. This passed 2-0, 1 absent.

### **ACCOUNTS PAYABLE AND RECEIVABLE**

Perla Tzintzun-Garibay reported the accounts payable for August 13, 2024. A transfer of \$223,000 from the general fund is recommended to cover the current months' cash disbursements pending approval of \$263,313.72. Financial statements reflect an ending balance of \$54,455.80 after the above-mentioned transactions are approved.

#### **Notes:**

- 7/16 Check 11053 to AT&T Mobility for \$223.65
- 7/16 Check 11054 to Nathan Gardiner for \$350
- 7/16 Check 11055 to Ace Electric for \$1,606.72
- 7/17 EFT to Kludt Oil for \$777.74
- 7/22 Deposit \$189.79 – Assessment 28 payments (\$58.12), RD 536 Jul rent payment (\$131.67)
- 8/07 EFT to PERS for \$3,365.15

Balance in general fund account \$1223.95

Perla reported larger costs this month were due to repairs on pump 3 & 4. Perla said Joel notified her that the bin fee should be under SMFA and not GA. Perla said the ditch repair invoice will be voided. Jesse explained that Carter successfully converted his excavator to gasoline. He submitted an invoice for the rental of his excavator. Jesse advised him as an employee of the District he cannot also be an independent contractor. Jesse gave him the option of continuing to work for the District with the District renting a carb compliant excavator or he can quit, and the District can hire him for services as an independent contractor. Carter has not notified the District of his intent yet. Martin asked if the District is paying off District debt or if we are using funds as cash flow. Perla said the primary intent is to pay off District debt. Martin said that Steve Adgate asked about his retention. The Board decided we will discuss this at the September Board meeting. Perla sent the financials to the Board prior to the meeting for their review and Rob Black signed off on the invoices. It was MSP (Rob Black/Jas Gill) to approve the August 13, 2024, accounts payable, transfers, submitted invoices and warrants. This passed 2-0, 1 absent.

### **ASSESSMENT CALL NO 28**

Perla reported there are no updates.

**MOVED AGENDA ITEM 13 UP TO MEET THE REQUEST OF DISTRICT LANDOWNER****OUTRIGGER MARINA DAMAGE AND REMEDIATION**

Julianna Galindo reported there was a check-in meeting with Mr. Malladi on August 7, 2024. In attendance were the State Lands Commission, W&B, Sac County District Attorney, and Sac County Sheriff's Department. The 43-ft sunken vessel is still present at the site. Mr. Malladi has received a quote from Parker Diving Service to remove it. She said a smaller boat in poor condition was tied up to the remaining dock slips. The State Lands Commission wants it to be prioritized for removal to avoid another sunken vessel. The temporary gangway is still in place as of August 7, 2024. Mr. Malladi informed W&B that his labor crew will be removing it in the coming weeks along with the remaining dock slips. Morgan said there is a houseboat that is also sunken in the area. Juliana recommended he contact Parker Diving Service to cover the cost of removal of both vessels. Julianna said the dock will be removed after they no longer need to use it for clean-up. Julianna said the waterside cleanup is progressing well; it is being mandated by State Lands. The DA and State Lands are presently ok with the status of the clean-up. The remaining cleanup tasks include removing old piping and any other small debris. Any pipes that go through the levee and connect to existing facilities will be cut, capped, and marked. She said Mr. Malladi is interested in installing fencing on the landside and waterside of the property to prevent theft and as a safety precaution. W&B informed Mr. Malladi that this work will require an Encroachment Permit from the District – Jesse confirmed this to Mr. Malladi. Mr. Malladi said he is working with the State Land Commission regarding help with funding the removal of the vessels. Mr. Malladi said that he needs to fill some levee slips with materials. Morgan, Martin, and Julianna will meet with Mr. Malladi to look at the slip area.

**NEW ASSESSMENT PROP 218**

Jas Gill reported he does not have an update from DWR. He said there is ongoing discussion. Martin asked what is the date that this needs to be adopted. Jesse said probably January. Jas asked for an additional 30 days.

**FY 2024-2025 SUBVENTIONS WORK AGREEMENT**

Martin presented the 2024-2025 Subventions. Jesse reviewed the contract and recommended approval. This provides up to 75% reimbursement for maintenance. It was MSP (Jas Gill/Rob Black) to approve the 2024-2025 Subventions Work Agreement and CEQA Exemption Declaration. This passed 2-0, 1 absent.

**INSURANCE CARRIER**

Jesse reported the District currently has 2 insurance policies – one mandates that our CPA carries a bond which is 2 x the amount held in our general fund. The bond requirement is outdated and was converted into an insurance policy (crime policy). Jesse received a quote from SDRMA for 2 million dollars who currently handles our other coverage. Moving the coverage to SDRMA will allow for ease of doing business and is the same coverage and

costs. It was MSP (Jas Gill/Rob Black) to move the crime policy to SDRMA. This passed 2-0, 1 absent.

### **CONFLICT-OF-INTEREST CODE**

Jesse presented the District's Conflict-of-Interest Code. He said the District is required to review our Conflict-of-Interest Code every other year and make changes if necessary. Jesse said after review, he determined that the District does not have any changes to be made. The District is still required to submit no change confirmation. It was MSP (Jas Gill/Rob Black) to approve the Conflict-Of-Interest Code without any changes. This passed 2-0, 1 absent.

### **VIOLATION OF DISTRICT RULES AND REGULATIONS**

#### **DWR Violation:**

Martin reported W&B and District staff met with DWR and the two affected tenants on August 7, 2024. W&B was tasked with acquiring quotes for the installation of new cattle fencing. Quotes will be provided to DWR for them to coordinate with their tenants for cost sharing.

#### **Campos:**

Martin reported W&B provided the County with standard specifications for compacted embankment (fill material), aggregate base, and hydroseeding to include on the construction drawings and grading permit on July 26, 2024. Comments included making the Grading Permit contingent on Mr. Campos also obtaining an encroachment permit for the additional work within the District's easement.

### **IRRIGATION CANAL**

Julianna said a few tenants have reported they are not getting enough water. On August 7, 2024, W&B inspected the Irrigation Canal with District staff. They confirmed the canal cannot deliver water to the furthest downstream parcels. The banks of the canal are overgrown with blackberries which prohibit inspection and cleaning. She said in addition the vegetation in the canal is reducing flow capacity. Asta Construction provided a quote for the mobilization of a long reach excavator (\$1,775) and 64 hours of excavator/operator time at \$362/hour. Total quote: \$24,943.00. Holt Rentals quoted us \$2,075/day or \$7,075/week for a long reach excavator rental; the District would need to provide an operator. Mobilization is quoted at \$175/hour. Morgan said an issue is that there is a fence in the middle of the blackberries; the blackberries are being used as a fence on one side. Rob asked if we are required to replace the fence if it is removed. Martin said the District is not responsible for replacing fencing. Jesse said that the District is not required to provide fencing and if the blackberries need to come out to fix the issue there are no other options. He recommends that we complete one side first to see if this will help. Martin said this is a priority as it is the District's responsibility to provide access to water. Jas asked if we could wait to do this instead of the District incurring the costs of a warrant. Martin said the cost will go up. Jas asked Martin to inform Vincent Wong. It was MSP (Rob Black/Jas Gill) to approve the expenditure of not more than \$25,000 to cover the cost to clear the blackberries and vegetation of the District's main canal. The Board requested the clearance of one side first (it does not matter which side).

**ENCROACHMENT PERMIT NO 2022-4 (PG&E D-1262 GAS TRANSMISSION DIG)**

Julianna reported PG&E received their permit amendment from DWR. PG&E plans to re-mobilize on Monday, August 26 to complete the project. W&B will monitor all excavation and compaction activities. During construction, PG&E is anticipating some nuisance groundwater as they will be digging very deep. Upon removal, the groundwater will be filtered to remove particulates. PG&E is requesting permission from the Board and landowner (DWR) to spread the water via trucks on approved un-paved access roads shown in their drawings. Access roads include the Old Highway and the Whale's Mouth berms next to their pipelines. David asked if the water could be pumped into the field or spread around the berms. The Board agreed.

**ENCROACHMENT PERMIT NO 2023-5 (PG&E IDLE LINE REMOVAL)**

Martin said there is no update. David asked about renting the cherry picker to remove the cameras. Martin said he will get a quote.

**ENCROACHMENT PERMIT NO 2024-6 (CALTRANS HIGHWAY 160 REPAVING)**

Martin reported Caltrans submitted an application for the repaving of Highway 160 from the Antioch Bridge to the Threemile Slough Bridge on July 5, 2024. By email dated July 5, 2024; the work that will take place on the District's levee, approximately 2.5 miles. He said an Encroachment Permit has been prepared which includes the following Special Conditions:

- The permittee shall inspect all down drains from the Highway and perform necessary repairs to ensure they are functioning properly. Any levee sections that are experiencing erosion due to lack of proper drainage infrastructure shall be addressed by the Permittee.
- Permittee shall remove all downed woody debris from Caltrans Mitigation Site from PM L5.3 – L5.4. Permittee shall remove any future downed woody debris when requested by District.
- Permittee shall collect and dispose of all trash within State right-of-way.
- Permittee shall submit as-built plans and photographs detailing the following:
  - AC dugout locations.
  - Drainage infrastructure to be repaired or installed.
  - Mitigation site cleanup.
- Caltrans has already reviewed the EP and is ready to execute once approved by the Board.

Martin recommends approval of the permit. Morgan asked Martin about the cost of grinding. Jesse asked if it would benefit the District if we could get the grindings – Morgan said we can find a spot to store them. Martin will ask about the grindings. It was MSP (Jas Gill/Rob Black) to approve the EP to Caltrans and ask Caltrans about the grindings. This passed 2-0, 1 absent.

**PUMP NO 4 REPAIR**

Julianna Galindo provided the final construction costs:

- Asta Construction: \$302,002.47
- Delta Pump: \$36,117.80

- Total \$338,120.27

Martin said that Asta saved the District \$5,000 in mark-up costs by allowing the District to pay Delta Pump directly. W&B is currently working on as-built drawings and a memo summarizing construction. A copy will be transmitted to Board members once completed.

#### **MAYBERRY SLOUGH SETBACK LEVEE HABITAT**

Jesse reported he spoke with Robin Brewer. She sent the wrong contract – it should have been Yolo RCD. Jesse confirmed that the RCD has not done any work on Mayberry Slough. Jesse will contact Amy with Yolo RCD directly.

#### **DWR “SUBSIDENCE MITIGATION FUNDING AGREEMENT” – AGREEMENT TO BUILD SEVERAL HUNDRED ACRES OF WETLAND IN THE WESTERN AND CENTRAL PORTION OF THE ISLAND IN AN EFFORT TO REVERSE SUBSIDENCE, SEQUESTER CARBON, AND REDUCE GREENHOUSE GASES.**

**Whales Belly Permitting:** Martin said the District received our amended Section 401 Water Quality Certification from the Central Valley Water Quality Control Board on August 2, 2024. We received our Nationwide Permit from the US Army Corps of Engineers on August 7, 2024.

**Whales Belly Warranty Work:** Martin reported Gornto Ditching completed reconstruction of the 4 gates in late July. W&B is meeting with Jesse, DWR and Gornto on Friday, August 16 to go over plans for the Pump No. 3 Canal widening under warranty and the reconstruction of 2 risers under credit. Perla said that we need to know how much money is in credit so that we can issue a credit memo. She said the invoices will go against the credit memo.

**Whales Belly Remediation Work:** Martin reported due to being late in the construction season, we are currently only finalizing Plans and Specifications for remediation work associated with the Pump No. 3 Canal. This will include replacing the 30-inch diameter crossings with 48-inch diameter crossings, relocating the perimeter ditches along Sherman Island Cross Road, and grading exterior areas to drain into the perimeter ditches/canals. get a contractor under contract and start work before October 1, a Special Board Meeting will be required at the end of the month, possibly August 27<sup>th</sup> or 28<sup>th</sup>. Jesse said he could be at a special meeting on the 28<sup>th</sup>. Remediation work for the riser replacements and interior haul road will be bid in early 2025 with construction starting May 1, 2025.

**Whale’s Mouth Perimeter Ditch PG&E Crossing:** Martin reported they are currently in the process of finalizing bid documents. He said they plan to bring it back to the Board at the September meeting. Martin said he would like the Board to consider awarding at the Special meeting in September.

#### **PUBLIC ENTITY AGREEMENT 34600015864**

Perla reported we have not received funds, but she is receiving updates. David Julian said we should receive it in mid-August. Martin said he is working on the completion report and final invoices.

**PUBLIC ENTITY AGREEMENT WITH DWR (SHERMAN LAKE RSP)**

Martin reported that David reached out on funding available. This is a reimbursable project. This is \$700,000 and it appears this is a 45 day funding turnaround. Martin is working with David on this public entity agreement.

**PROJECT FUNDING AGREEMENT SH 17-1.1 SP - PHASE 1 OF SAN JOAQUIN SETBACK LEVEE/HABITAT BENCH MULTI-BENEFIT PROJECT (STATIONS 175-199)**

Julianna Galindo reported:

**PG&E Overhead Utility Easements** – She said the District held a meeting with DWR REB on August 1, 2024, to discuss the proposed PG&E pole line alignment and the necessary PG&E easement. PG&E insists on an easement and not a permit from DWR. Julianna said as part of this process, they will be submitting an Easement Deed & Legal Description (complete), Title Report (complete), PG&E Design Drawings (complete), Phase 1 Environmental Study (in progress), and Land Appraisal (in progress):

- W&B reached out to ENGEO and Shannon & Wilson for Phase 1 ESA proposals.
  - ENGEO - \$7,000 and complete in approximately 3 to 4 weeks.
  - Shannon & Wilson - \$6,510 and complete in approximately 3 weeks.

Julianna said they reached out to Arable Advisory Group and Edwards, Lien & Toso for land appraisals proposals.

- Arable Advisory Group - \$7,000 and complete in approximately 21 days.
- ELT - \$7,500 and complete in approximately 45 days.

In addition, W&B reached out to PG&E to ask for an extension for payment due in the amount of \$450,721.16. Due to the length of the Contract, it was not granted. PG&E will prepare a new contract with price adjustments.

**Scope of Work** – Julianna reported before the SOW will be approved by CDFW, the District must prepare a detailed plan to create habitat and protect existing special status species on the waterside of the setback levee. She said they will complete the second special status species survey. Once they have compiled the data, they will update the waterside habitat design and re-submit the Scope of Work to CDFW for approval.

**PROJECT FUNDING AGREEMENT SH 24-1.0 SP (MULTI-BENEFIT PROJECT ON SHERMAN ISLAND).**

Julianna Galindo reported W&B requested an advance in the amount of \$400,000 by letter dated July 18, 2024. She said they received a cost proposal from American Aerial Mapping for a topographic survey, in the amount of \$5,950.00. Shannon & Wilson provided a cost proposal for a geotechnical evaluation in the amount of \$100,000.00. Martin said the PFA expires at the end of 2026 – the funds for this are based upon what is available at the time. W&B requests the authorization to proceed for surveying, geotechnical evaluation, and preliminary design while the District awaits the advance. Martin said it takes time to schedule. It was MSP (Jas Gill/Rob Black) to begin the preliminary design work while waiting on the advance funds. This passed 2-0, 1 absent.

## **ENGINEERS REPORT**

**Birds Landing** - Martin stated construction on the new tower has resumed. Demolition of the old tower is scheduled for January 2025. They informed PG&E that the District will not allow tower demo to occur inside the flood window (November 1 – April 15) if rain is in the forecast or if the Sacramento River is near flood stage. W&B is currently preparing bid documents for the Standby Barge.

**Zaragoza illegal importing of material and grading (APN 158-0020-037-0000)** – Martin reported JJ Cortes from Sacramento County Engineering has not receive additional information or the requested engineering exhibit from Mr. Zaragoza. A final notice letter was sent to Mr. Zaragoza on August 9.

**Siphon Inventory** – Martin reported W&B would like to conduct a siphon inventory for the Sherman Island levee system. This would include documenting siphon location, diameter, condition, and party responsible for maintenance.

**DWR Siphon Backwash Pump Pad** – Martin reported W&B informed DWR about the condition of the several siphon pump pads on the island and the need for maintenance or removal on July 17, 2024. He said W&B provided the DWR rep, William McLaughlin with the Division of O&M, a copy of the Encroachment Permit DWR acquired in 1998 for the subject facilities but has not received a response. Jas said that the Delta Field team is short of staffing.

## **SUPERINTENDENT REPORT**

Morgan reported Joel is on vacation. He said that they have been working on Mayberry Slough. He said there is an evasive species (Aquatic Yellow Primrose Willow) that needs to be eradicated. Jesse said they have been dealing with this on other Districts. If this work exceeds Morgan and Joels spending limits, they will have to bring this to the Board.

**There being no further business to come before the Board, the public meeting was adjourned at 11:02 A.M.**

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**The presiding Trustee of the August 13, 2024, meeting hereby certifies that the above minutes were approved as read.**