

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, March 12, 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 9:05 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, Mark Icanberry (Mark left at 11:15 A.M.) and Rob Black; District Attorney: Jesse Barton; Accountant: Laura Smith; Engineer: Bob Wagner and Martin Berber; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian and Vincent Wong; Hearing Officer: Garrett Esperson (Garrett left at 10:00 A.M.); Landowner(s): Javier Rosas, Jamie Renwick, and Ceci Giacomia; District Secretary: Cindy Hill

## PUBLIC COMMENTS

There were no public comments.

## CLOSED SESSION – Hearing: Public Employee Discipline/Dismissal/Release

Jesse announced the closed session and asked that the public leave the room. Attending the closed session were: Rob Black, Mark Icanberry, Jas Gill, Cindy Hill, Jesse Barton, Laura Smith, Bob Wagner, Martin Berber, Morgan Johnson, Joel McElroy, David Julian and Garrett Esperson. Jesse, Joel, Bob, Martin, and David left the closed session at 9:25. Jesse was asked to return to the room by the Board at 9:40 P.M. for clarification of actions.

Upon coming out of closed session, the Board reported that it voted 3-0 to terminate Tim Nix's employment if he is unable to return to work full time effective Thursday, March 14, 2024, at 8:00 A.M. The basis for the termination is that Mr. Nix has been absent from work since February 27, 2024, without prior authorization/inexcusable absence without leave.

## OPEN SESSION- Resumed at 9:59 A.M.

## DISTRICT MANAGER'S REPORT

Morgan did not have anything to report at this time.

### **APPROVAL OF MINUTES**

The Board reviewed the minutes of the regular meeting February 13, 2024. It was MSP (Jas Gill/Mark Icanberry) to approve the regular meeting minutes of February 13, 2024, as written. This passed 3-0.

### **ACCOUNTS PAYABLE AND RECEIVABLE**

Laura Smith reported the accounts payable for March 12, 2024. The transfer of \$80,000 from the general fund is required to cover the current months' cash disbursements pending approval of \$201,057.53. Financial statements reflect an ending balance of \$47,133 after the before mentioned transactions are approved.

#### **Notes:**

- 2/16 ACH payment to Kludt Oil for \$1,819.35
- 2/26 Deposit \$87.89 – US Bank rebate Q4 2023
- 3/05 ACH payment to Kludt Oil for \$1,708.56
- 3/07 EFT to PERS for \$4,392.51
- 3/12 Payroll E-check to Mark Icanberry: Gross \$350, Net \$319.38

Balance in general fund account \$2,123.94

Laura recommended issuing warrants 4326 – 4331 for \$25,000 each for a total of \$150,000 to fund current payables and operating expenses through the next meeting. Jesse clarified that Hydrofocus is billed to the SMFA – Laura confirmed yes. Perla sent the financials to the Board prior to the meeting for their review and Rob Black signed off on the invoices. Jas asked how long it will take to receive the reimbursement in the amount of \$251,247.66 from the Public Entity Agreement (DMP). David said it has been submitted to contracting. Martin said this has been paid for – the majority of this work was Dutra work. It was MSP (Rob Black/Jas Gill) to approve the March 12, 2024, accounts payable, transfers, submitted invoices and warrants. This passed 3-0.

### **ASSESSMENT CALL NO 27**

Laura reported outstanding assessments include Malladi for 2022 & 2023 and Souza's in the amount of \$25.00. There is a recorded lien against Malladi's property. The District will not continue to send notifications due to the amount of outstanding assessment for each owner. This will be removed from future agendas and tracked by Perla.

### **NEW ASSESSMENT PROP 218**

Jesse Barton reached out to an engineering firm to obtain an estimate to prepare a new and District-wide Proposition 218 compliant assessment. He presented a proposal from SCI Engineering for \$42,500. The reason for doing this is that the District is in need of additional funds. There has been a lot of deferred maintenance and the costs to maintain the District have been increasing. The District is going into debt by registering warrants. We will not call an assessment until June, therefore we may need to call additional

warrants this year. Jesse stated next year the Board already authorized a reassessment for Whales Belly which will add \$175,000 to the existing assessment, but that may not be enough. Jesse said when the Whale's Spout is built the District will be able to reassess that area. Jesse said this approach is complicated as the gas reserves and the easements will not be assessable in a new assessment. This will transfer more of the costs onto the landowners. There would be an opportunity for the Board to meet with the engineers to review the process. Ceci Giacomina asked why landowners will have their assessments raised – she said it does not seem fair to her. Ceci stated it is unfair that the Board does not have a public representative that lives on the island. Jas said that it is important to note that the District will lose \$100,000 in assessments from the gas reserves and easements. Morgan said the residents have not had an increase in assessments in 30 years, yet the cost of doing business has risen significantly. Mark would like to review the proposal and table this for further discussion. Morgan will work with Wagner Bonsignore to review foreseeable costs. Bob Wagner said they will create a capital wish list showing work that needs to be done – it will be listed by priority and will reflect estimated costs. Ceci said that there should be a clarification of work performed by State vs District Staff. Morgan and Jas said this is already done – the State reimburses District Staff for all work performed on State property.

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

### **DWR Violation:**

Martin Berber provided a background to the Board. A notice of violation was sent to DWR on two DWR parcels due to lack of/inadequate cattle fencing. The District gave 30 days to respond. Due to DWR time constraints DWR was not able to respond within the time given. Vincent Wong, DWR, said they are working on this. It is currently with management level to determine how they can comply with the requirements. Vincent clarified that they want to do what is best for both the RD and DWR. Morgan asked if they could ask the tenant to not use that parcel until the situation is resolved. Jas said that we would effectively be asking the tenant to not use the land they lease from DWR. Jas said when dealing with DWR, it may take more time than with the public entities when funds are needed. Ceci said that taking care of the Island is more than a checkbook – it also requires commitment, and she thinks it should be quicker. Jas explained that they have protocols that need to be followed which take time – he also said that DWR is 100% committed to Sherman Island as a landowner. Vincent said if this is a high priority, there is a trust fund account that they may be able to use. Jesse recommended that we wait another 30 days. Jesse advised Vincent that he could advise him of the status unless he would like to attend the District meeting.

### **Campos:**

Martin Berber provided a background to the Board - District staff informed W&B that Mr. Campos was importing additional fill onto his property and stockpiling it on the levee section. At the February Board meeting, W&B was directed to inspect the site to see if Mr. Campos had moved the material out of the District Right of Way. After inspection, Mr. Campos moved material off of the levee, but continued to import material after he informed the District he would no longer be doing so. As stated by Mr. Campos,

he has imported over 200 truckloads of material onto his property from various bay area contractors without a County Grading Permit. By email dated March 1, 2024, Wagner Bonsignore contacted the County regarding the continuation of depositing an excess of 350 cy of material without a County Grading Permit. In response the County sent Mr. Campos a Grading Violation Notice. Mr. Campos has expressed interest in applying for a second encroachment permit to construct a new levee access ramp and to place material in the District Right of Way from levee Station 3+00 – 4+00. Martin said they provided comments and a copy of the district EP Application. By email dated September 15, 2023, they provided Material and Compaction Standards to Mr. Campos. Mr. Campos has had both a civil engineer and geotechnical engineer reach out to W&B to get the process moving but has failed to complete the EP Application or address any of our comments for his proposal. Mr. Campos has continued his operation regardless of an Encroachment Permit and has not responded to the District concerns or the County's questions regarding the volume of fill he has imported. The Board advised Martin to monitor the situation.

### **OUTRIGGER MARINA DAMAGE AND REMEDIATION**

Martin Berber stated there aren't any updates, he will prepare a letter to the State Lands and Sacramento County.

### **ENCROACHMENT PERMIT NO 2023-3 (ROSAS FENCE)**

Jesse Barton provided a background – last month the Board denied an encroachment permit to Mr. Rosas to build a fence. Mr. Rosas was notified that any fence would have to be located along the levee toe road and not on the levee section. Mr. Rosas has concerns about his safety with vehicles driving around his property to get onto Sherman Island Cross Road. Mr. Rosas prepared an additional proposal. Martin stated the issue is that the District does not allow residents to install a fence that will impair our maintenance efforts. Mark advised him that he could bury PVP pipe and have a chain across from pipe to pipe. Mr. Rosas said he would like it higher up. Mark asked if we could stop the access to the area. Ceci asked if they could have something written that allows him to maintain the area. Jas said that we need to focus on the District employees' work efforts and not obstruct them from doing their jobs. He said the rules and regulations are in place so that the District can maintain the island. Mr. Rosas also says he needs additional room to park his trailer. Martin told him that he could not park on the levee. Mr. Rosas asked if we could put something as an obstacle at the crossroads so that trespassers can't go down the road. Jesse said we could use k-rails or something like that. Martin will send him a permit application. Morgan will work with Martin and Joel on possibly setting up some k-rails to block access. Mark asked if we could look into putting in a gate near the Ag shop which may deter people from driving down the road.

### **ENCROACHMENT PERMIT NO 2023-4 (HWY 160 SPILL CLEAN-UP)**

Martin reported there is no update at this time; he will be scheduling a site visit with Ancon this month to go over their workplan.

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

Martin reported PG&E expressed their concern in removing the concrete foundation below grade at the tower located on the Threemile Slough levee. Due to the proximity of the tower to the levee, it would require digging into the levee section. The District requested PG&E to provide topographic surveys or any additional information that shows the tower's foundation location relative to the levee. Martin said we will use this information to determine how far the tower is encroaching into the levee section. PG&E informed us on March 4<sup>th</sup> that it may take a few months to provide the requested information as they may not have any data at the project location.

#### **ENCROACHMENT PERMIT NO 2024-1 (USGS BENCHMARKS)**

Martin provided a background as this Board rejected this permit application last month, and Neil put it back on the agenda this month. Background: USGS would like to install 7 benchmarks near the AG shop to monitor subsidence over a 6-month period. Previously, USGS had no intention of removing the benchmarks after the study or paying an EP application fee. After the February Board meeting, the Board directed W&B to inform USGS that if they had no intention of removing the benchmarks, the District had no intention of approving their EP. Mr. Howle, USGS, has now told W&B that USGS would now be willing to remove the benchmarks after the study is complete and is hoping the Board will waive all fees and deposits for the work. Bob Wagner said they should pay the fees but it is important to note that the technology that could come from these benchmarks could be beneficial for the District. Martin will respond to USGS they will need to pay for the fees and security deposit.

#### **PUMP NO 1 DISCHARGE PIPE REPLACEMENT**

Martin reported 5 contractors attended the pre-bid job walk on February 27. We received 2 bids for the work – Asta came in at \$78,013.00 and Dutra came in at \$129,700. A Notice of Award has been prepared for the Board's consideration to Asta. Martin said the engineers estimate was \$75,000. Martin said that this pipe is priority #2 and that the pipe will continue to leak. The District has the pipe onsite already.

The Board decided to review Pump No 4 at this time:

Martin reported 4 contractors attended the pre bid walk on February 26. Bid opening was on March 5 and Asta was the lone bidder at \$181,113. The bid amount does not include the actual pump repairs since those will be determined after the pump is pulled and inspected. Martin said pump repairs will be paid under Force Account. Martin said they will also have to have a box for the pump. They will be pouring a pad for the pump and a concrete wingwall to stop the sump from caving in. Jas and Mark asked if something pre-cast could be purchased and then delivered to the site for less money. Martin stated there are obstacles in the way. Bob said this is a sizable structure. Martin said they have prepared a Notice of Award to Asta for the Boards consideration.

Bob recommends this work to be done as efficient and performance-wise, both pump 1 and pump 4 should be done. Jesse reviewed the minutes from last month to determine if we have adequate funding. Martin said that due to new CARB requirements some of the

smaller contractors are unable to bid. He said this is raising the costs. Jas asked about the de-watering price. Martin said they will have to build a cofferdam in the canal and pump the entire sump area to dry. This will require it to pump for days while the concrete cures. Ceci asked if we could do it at a dryer part of the year. Martin said no, the water will not go anywhere as this is below sea level. It was MSP (Jas Gill/Rob Black) to approve Pump No. 1 and Pump No. 4 bids. This passed 2-0, 1 absent.

### **PUMP NO 3 REHABILITATION**

**Pump No. 3 Rehabilitation** - Martin reported Pump 3B has been installed and Delta has been paid. The final cost for the pump inspection and repair was \$24,857. Joel said it looks good – he has not ran it yet. He said we should have it tested.

**Trash Rack** – Martin reported we are providing a 50% down payment to Hydro Component Systems for the finished fabrication of the trash rack. Once payment is received, HCS will ship the trash rack to the District Shop and send an invoice for the final 25% plus shipping and handling. Martin said the updated costs estimate to build a new trash rack is \$288,000.

### **PUMP NO 4 REPAIR**

See above agenda item under Pump No 1.

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

Jesse recommended tabling this – he has not had any additional conversations with Todd Gardner with CDFW.

### **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 SUSIDENCE, SEQUESTER CARBON, AND REDUCE GREENHOUSE GASES.**

- a. **Clean-up of the Project area by Gornto Ditching**  
David Julian said he does not have anything to report at this time. Morgan asked about the new CARB requirements. Jesse said that we can fit Gornto in under the existing maintenance agreement that applies to current contracts. Jesse said that Perla is able to accept the existing tax ID.
- b. **Removal of beaver dam in Whale’s Mouth perimeter ditch**  
David Julian said there is nothing to report at this time.
- c. **Repair of perimeter berm leakage at Whale’s Mouth through construction of a bentonite cutoff wall or the installation of a recirculation pump.**  
David said there is nothing to report at this time.
- d. **Moving a drainage ditch adjacent to the Sherman Island Cross Road, the repair of replacement of several risers within Whale’s Belly, the repair of**

**several siphons, and the installation of new culverts in Pump 3 Canal. The Board will discuss the status of the Whale's Mouth maintenance contract with Gornito Ditching. The Board will also receive an update on the riser that was incorrectly installed in the Pump 3 canal.**

Martin reported they are wrapping up the plans and contract documents for the remediation bid. He said they intend to go to bid in March. Jesse said that we need to be sure there is a difference between remediation work and warranty work. Martin will work with David on the scope of work. Jaime asked if there was a resolution to the PG&E pipeline. Martin said the beaver dam is over the area and they are waiting for this to be cleared.

- e. **An operational plan that will coordinate wetland operations with District Operations.**

Martin said there is nothing to report at this time.

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

Martin said they received a 3<sup>rd</sup> round of comments from CDFW on the scope of work. CDFW has added 4 new additional comments. He said once we receive comments from DWR, we will address the comments and re-submit the scope of work for approval. He said they are working on the pole line relocation and have received two Condition of Title reports for DWR parcels adjacent to the project area. On February 22 they received updated legal descriptions and plats for the relocation of the pole line alignment onto DWR fee. The legal descriptions were sent to PG&E for review. Martin said they are working with DWR REB regarding a request to explore options to no longer relocate the powerline onto DWR land because DWR REB does not want to grant an easement. Vincent Wong said that DWR is willing to have additional conversations but needs an EP.

#### **PROJECT FUNDING AGREEMENT SH 23-1.0 (HIGHWAY 160 EMERGENCY WATERSIDE REPAIR)**

Jesse reported that he and David are working on the public entity agreement.

#### **ENGINEERS REPORT**

Martin reported they reached out to Sac County for possible surplus equipment. Jesse reminded him it has to be tier 4.

#### **SUPERINTENDENT REPORT**

Joel reported the goats are feeding on the San Joaquin levee. They have been spraying and loading scrap iron. He said they have been mowing on Mayberry Farms Habitat. They have been walking patrols on high water days. He completed the paperwork for the Sac County and Air Resource Board. He said they got a quote for a Kubota for \$78,677.50. Jesse recommended he work with Terra if he wants to submit additional applications for

additional equipment. Joel said the pumps are doing good and we should be able to cut back on run times.

**CLOSED SESSION – Adjourn for closed session at 11:46 A.M.**

**Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9**

No reportable action.

**There being no further business to come before the Board, the public meeting was adjourned at 12:39 P.M.**

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**The presiding Trustee of the March 12, 2024, meeting hereby certifies that the above minutes were approved as read.**