

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, June 11, 2024

306 Second Street
Isleton, California

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 9:01 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, and Rob Black; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Martin Berber and Julianna Galindo; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; Landowner(s): Chris Gullick, Jamie Renwick, and Ceci Giacomina.

PUBLIC COMMENTS

There were no public comments.

DISTRICT MANAGER'S REPORT

Morgan reported the District will be renting a D-6 to spread the spoils left over from ditch cleaning – this is within his spending limits; no action is required. He will be taking a few days off. The capital improvements and fences will be covered under the engineer's report.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting on May 14, 2024. It was MSP (Mark Icanberry/Jas Gill) to approve the regular meeting minutes of May 14, 2024, as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for June 11, 2024. A transfer of \$50,000 from the general fund is recommended to cover the current months' cash disbursements pending approval of \$483,888.03. Financial statements reflect an ending balance of \$61,083.10 after the before-mentioned transactions are approved.

Notes:

- 6/03 Deposit \$131.67 – RD 536 May rent payment.

- 6/04 EFT to Kludt Oil for \$2,096.64
- 6/06 EFT to PERS for \$3,367.83
- 6/11 Payroll E-check to Mark Icanberry: Gross \$350, Net \$319.37

Balance in general fund account \$527.33

Mark Icanberry asked if the bill for \$40,000 is the engineering fees. Martin said it covers the redesign of the concrete headwall structure once they discovered how deep the sump was needed to be and for construction inspection. W&B is billing out at \$160 per hour for construction inspection. Perla said there are other costs covered including the balance of the trash rack. Perla recommended issuing warrants 4337 – 4355 for \$25,000 each, total \$475,000, to fund the current payables and operating expenses through the next 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 (Jas Gill/Rob Black) to approve the June 11, 2024, accounts payable, transfers, submitted invoices and warrants. This passed 3-0.

WORKERS COMPENSATION INSURANCE

Perla reported she does not have the paperwork as it was held up in underwriting. Jesse said the Board could still approve the coverage, and that it is important for the Board to do so since the coverage starts 07/01/2024. Jesse recommended approving the new workers comp policy. It was MSP (Mark Icanberry/Jas Gill) to approve the resolution for workers comp coverage. This passed 3-0.

EMPLOYEE WAGES

Jesse reported that Morgan is currently a part-time exempt employee. He is paid \$65,000. In order for the district to offer that position, the role must be paid 2 ½ times minimum wage. Jess said that would require Morgan's wages to be \$66,560 which would be an increase of \$1,560 per year to match that requirement. Perla provided a table chart showing past wage increases and said the other District employees received a raise in September 2023. The Board discussed increasing other staff wages by 5%. Perla said that she would like to see the increase go into effect July 1 as it will fall in line with the fiscal year. It was MSP (Mark Icanberry/Jas Gill) to approve 5% increase effective 07/01/2024 for District employees and an increase of \$1,560 for Morgan retroactively. This passed 3-0.

ASSESSMENT CALL NO 28

Jesse presented a summary of assessment call 28. He stated that the assessment includes a re-assessment of the Whales Mouth property due to change in use. This re-assessment increased the Districts assessments by \$181,000. The full call for Assessment Call No 28 will be \$931,000. The Board agreed to 100% call for assessment 28. Jesse will prepare the assessment to be called at the July meeting.

NEW ASSESSMENT PROP 218

Jesse reported the District is limited to an assessment of \$931,000 unless and until there are more changes in land use. If there are no more changes in land use, then the District will need to consider adopting a new prop 218 compliant assessment roll. We would need to hire

an engineering firm to develop a new District-wide assessment. The cost would be \$40,000. Jesse recommends the firm SCI Engineering. It will take several months to prepare. Last month Martin recommended an annual call of \$1.5 million based on estimated costs to maintain the District. At that level, the District would need a whole new assessment rate. This was put on hold last month after failing to pass. Jas said that he wanted to elevate this to DWR management, he has not heard back and asks the District to put this on hold for another month. Mark Icanberry said inflation is affecting us all, costs are rising by 100% - he said he would like to see this done but is also hesitant. Jesse said of the current assessment at \$931,000 about \$800,000 of that is DWR. If it goes to \$1.5 million that would put DWR's cost at approximately \$1.3 million. The Board decided to hold off another month before the District takes a vote on this. Jas will try to get feedback from DWR. Chris Gullick asked if this increase amount is across the board for all landowners. Jesse said it is a series of calculations that the engineering firm will use to determine the new assessment. Jesse said that the use of land will also be considered, for example habitat is considered a higher value. Chris says that he understands that it can be substantial but is also aware that there has not been an increase in years. He said it would have been nice if the assessment would have increased throughout the years. Jesse said that the assessment rules are not set up this way.

2024-2025 BUDGET

Perla notified the Board that she will present a draft of the budget for the year 2024-2025 next month. She provided a comparison of last year's budget with the actual budget. We were over budget this year. Perla said we are anticipating emergency work reimbursement (\$243,000 on Hwy 160) and the FY 2023-24 subventions claim – but we do not anticipate receiving those funds until next spring. Perla said that they will prepare the budget based on the current assessment.

NOTICE OF EXEMPTION FOR FY 2024-2025 LEVEE MAINTENANCE

Martin reported that the District needs to have a Notice of Exemption on file for its annual routine levee maintenance subventions program. Jesse Barton has reviewed the Notice. Martin is asking the Board to adopt the Notice of Exemption for routine levee maintenance work. It was MSP (Jas Gill/Rob Black) to approve the annual Notice of Exemption. This passed 3-0.

VIOLATION OF DISTRICT RULES AND REGULATIONS

DWR Violation:

Martin reported Vincent Wong informed them that he is meeting with the affected tenants this month to discuss a collaborative solution to bring DWR into compliance with the Rules and Regulations. This would include moving those fences.

Campos:

Joel reported the District has not seen any imported material being delivered to the site since the May Board meeting. Joel said that Ed noticed that he had a load of material on a truck at a different parcel. Martin will go out to the site today. There may be dirt piled up on DWR

property. Vincent is going to go out and meet with Campos – they may have to perfect the easement to ensure that Mr. Campos is not piling dirt on DWR property.

OUTRIGGER MARINA DAMAGE AND REMEDIATION

Jesse reported he went out with Martin and Julianna to meet with Malladi, State Lands Commission, Sacramento County District Attorney's office, Sheriff's Department and Sacramento County Environmental Management on June 5, 2024. He said there was a fair amount of pressure put on Malladi from State Lands to clean up the property. State Lands believes that they have a lease on the property. The State Lands Commission located a lease agreement dating back to April of 1968. In 1974 it was increased to add boat dock sheds from 3 sheds to 7 sheds. The EIR said that the REC Board approved this in 1968. Malladi has not paid the payment on his lease with the State Lands Commission. Malladi needs to bring the lease current and clean up the property. The property is in default. Jesse asked about a landing that was recently added. It is on the District levee. This connects the remaining marina slips and the levee. Jesse informed Malladi that he has two weeks from June 11, 2024 to remove the landing – if it is not done within that time frame the District will remove the landing and the cost will be charged to Malladi. The next check-in meeting is scheduled for August 7, 2024 by the States Lands Commission to assess the progress made by the landowner in cleaning up the site.

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

Martin reported crews and equipment were mobilized on May 13, 2024. PG&E was able to identify the pipeline anomaly but was unable to complete the work under their Encroachment Permit with DWR due to a scoping issue. The anomaly is lower in elevation than expected which means PG&E will have to dewater as part of their project. The pipeline was backfilled on May 31, and work is temporarily on hold. PG&E is hoping to have the project re-permitted with DWR this summer, currently we are waiting on a proposed timeline to continue work. Jas recommended he reach out to Josie at DWR. Jesse said he does not see any reason for them to have to request a new permit from the District, however we should ask for an additional deposit as the project scope as expanded. David Julian has agreed to pay for the installation of additional culverts through the SMFA so that the area will drain better. David Julian is also planning an all-weather access road in the future.

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

Martin Berber reported on the Encroachment Permit Work. He said that Ancon was on site Wednesday, May 29 to excavate and recompact the previously backfilled area. They removed 2 ft of material and replaced it with new and drier imported fill. Apex Testing was on site for compaction tests and verified that Ancon met the required 90% relative compaction under the terms of the Encroachment Permit. He said that Ancon wrapped up construction on Thursday, May 30 at 2am. This permit is complete, and the remaining deposit can be returned to Ancon. In addition, we authorized Ancon to place and compact the portion of the Highway shoulder immediately southbound of the Encroachment Permit Work. Ancon placed and compacted the Highway shoulder with the excavated material from the Encroachment Permit Work. He said the additional work was completed simultaneously

with the Spill Cleanup. Ancon's invoice in the amount of \$13,600 will be paid at the July Board meeting.

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

Martin Berber reported the Encroachment Permit has been prepared for the Board's consideration. Jesse has reviewed it. The EP authorizes removal of 4 towers within the District's easement as well as the removal of concrete foundations 3 feet below grade once PG&E has acquired the necessary approvals. Martin said special conditions include:

- All work shall be completed to District Standard Specifications.
- All work for the tower located on the Threemile Slough levee shall follow the recommendations outlined by Shannon & Wilson by letter dated May 3, 2024.
- The permittee shall be responsible for any District expenses incurred over \$25,000.

It was MSP (Mark Icanberry/Jas Gill) to approve the encroachment permit to PG&E for the Idle Line Removal. This passed 3-0.

ENCROACHMENT PERMIT NO 2024-3 (RENWICK SIPHON REPAIR)

Martin Berber reported Jamie Renwick submitted an Encroachment Permit application for the repair of an existing 16-inch-diameter siphon at approximate levee Station 605+50 by email on June 3, 2024. Martin said the repair will consist of replacing the entire waterside pipe only. No excavation is proposed within the levee section. An Encroachment Permit, with the Special Condition that the Permittee test the repaired siphon under supervision of District staff, has been prepared for the Board's consideration. Additionally, he is requesting the Board to consider a waiver of the application fee. It was MSP (Mark Icanberry/Rob Black) to approve the encroachment permit and waive the application fee. This passed 3-0.

ENCROACHMENT PERMIT NO 2024-4 (EDDO'S LAUNCH KIOSK)

Martin Berber reported Chris Gulick submitted an Encroachment Permit application for the construction of a launch kiosk at approximate levee Station 317+50; the kiosk will also support a power shutoff for a groundwater well that is located outside the District's easement by email dated June 4, 2024. The kiosk will be located approximately 45 feet from the edge of Sherman Island East Levee Road on an overbuilt levee section. Martin said the Encroachment Permit with no Special Conditions has been prepared for the Board's consideration. Additionally, he is requesting the Board to consider a waiver of the application fee. It was MSP (Jas Gill/Rob Black) to approve the encroachment permit and waive the application fee. This passed 3-0.

PUMP NO 1 DISCHARGE PIPE REPLACEMENT

Martin reported Construction was completed on May 27th, 2024. The Contract Amount was \$78,013.00 and the final Cost: \$97,983.22 He said the T&M items included the following:

- Pressure testing of pipe at 50 PSI for 30 minutes was conducted between the waterside valve and 15' past the landside levee toe – this was Central Valley Flood Board requirements.

- After clearing and grubbing, seepage was discovered along the pipe alignment. Drain Rock and Non-woven Geotextile fabric was installed before reconstruction of the pipeline.

During testing of the discharge pipe, leaks were discovered in most of the welds performed by the welding subcontractor. Martin said a third-party welder was called in to redo welds done by the welding subcontractor under warranty. Morgan and Joel are happy with the finished product.

PUMP NO 4 REPAIR

Martin reported Swisher poured the concrete pad on Wednesday, May 22, and the concrete wall on Monday, June 3. The formwork will remain for a week to allow the concrete to cure, and will be removed on Monday, June 10th. The wall backfill and cleanup will take place on Tuesday, June 11 and Wednesday, June 12. Martin said Asta cleaned the Pump No. 4 canal as far as they could upstream on May 31, 2024. Delta Pump is planning to install the new pump this week. Asta will fabricate a new pipe section to connect the new pump to the existing discharge pipe.

PUMP 3 REHABILITATION

Martin reported:

Trash Rack:

- The trash rack was delivered and received by Joel McElroy on June 28, 2024.
- Final payment to Hydro Component Systems for the delivery of the trash rack will be processed today. The payment includes the final 25% and freight costs for a total of \$19,170.00.

Pump 3B:

- Asta will use the old pipe material from Pump 1 to patch the leak at the bottom of the pipe for Pump 3B. Asta plans to patch the pipe during the Pump 4 Sump Repair.

MAYBERRY SLOUGH SETBACK LEVEE HABITAT

Jesse reported he sent an email to Molly regarding the details of the work responsibilities to be performed by the RCD and the District. She has not responded to Jesse. Joel said they are going to spray at the setback levee today. Jesse said that they need to have permission to do this work in writing. Martin pointed out if there is overspray the District is on the hook for potential costs. Jesse will reach out to Molly again.

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.

Jesse reminded the Board the Belly was not constructed as it should have been. The warranty work will be done by Gornto. Ducks Unlimited is asking to increase the scope of work to include biological monitoring. This has increased the cost substantially. This increase is due to David Julian asking Ducks Unlimited to be more involved in the monitoring process. The work should be built to spec. They will have to adjust the riser as it is not working as it should be. The work will be reimbursed through SMFA – no retention.

Morgan shared concern that the District Engineers may have to oversee the work. Martin clarified that W&B will resolve any issues between the District and Ducks Unlimited. It was MSP (Rob Black/Mark Icanberry) to amend the scope of work. This passed 3-0.

Martin stated he reached out Gornto regarding rebuilding the gates under the warranty work. They said they are currently waiting for staff availability. Martin asked the Board if they want to give them a deadline to start. The Board agreed the work should start by the next meeting.

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 on PG&E Overhead Utility Easements. She said on May 22, W&B received revised plats and legal descriptions for the PG&E easement for all four properties from NorthStar. The revised documents were sent to PG&E land division to review. Julianna said once the plats and legal descriptions are approved by PG&E, they will begin to engage the landowners. In addition, Julianna reported on the Scope of Work Approval. CDFW has informed the District they will not approve the SOW until the District has a more detailed plan to create and protect habitat on the waterside of the setback levee. She said on May 22, they met with CDFW, DWR, SWCA (biologist) and Shannon & Wilson (Geotech) on site to review project constraints the District is currently facing with the waterside habitat design. They have prepared alternate designs of the proposed setback levee and habitat bench for our geotechnical engineer to review. On June 18, they will be surveying special status species on the levee waterside with SWCA (biologist) to update the waterside design.

PUBLIC ENTITY AGREEMENT 34600015864

Jesse reported invoices are in line for payment.

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

Martin Berber reported he received an email on June 6 that DWR recalled the PFA a second time via DocuSign. There was a paragraph number referenced typo. He said the Trustees are free to sign the revised PFA once it is received.

ENGINEERS REPORT

Martin reported:

- Port of Stockton
 - Port of Stockton is looking for an additional site to deposit dredged material from the San Joaquin River. They executed a contract with NorthStar Engineer to have the scour area in the Whale's Mouth from Sta 530+00 – 542+00 to identify if there is additional storage available.
 - We received survey data from NorthStar Engineering Group on May 14. Depending on the amount of freeboard DWR is comfortable with will change the remaining storage capacity at the site.

Jesse said the agreement with the Port has expired, he advised them that the Board may require compensation for placement of the dredged material. Since the material is mainly sand, it is not likely that the District would use the material. Jesse will contact the Port and advise them that a new agreement will be required.

- Highway 160 Repaving
 - Caltrans is planning to repave Highway 160 from the Antioch Bridge to the Threemile Slough Bridge. We have informed Caltrans that they will need to acquire an Encroachment Permit for the work that will occur on the Horseshoe Bend levee. Morgan asked if they would grind off the old stuff. Martin said yes, and when they are out here, he will have them do additional repairs.

Julianna reported on:

- Zaragoza Illegal Grading (APN 158-0020-037-0000)
 - She said the County was notified about Mr. Zaragoza's importing of fill material and grading activity on the property over the last decade on June 3, 2024. They were provided with aerial photos.
 - On June 5, 2024, the County responded that they intend to send a Notice of Violation letter to the landowner as there seems to be more than a mile of disturbance.

SUPERINTENDENT REPORT

Joel reported the goats are gone. They have been mowing. They are a little behind as there were repairs needed on the tractor. He said there are dirt pile fields that need to be leveled in order to maintain the area appropriately. The other tractor has been having issues with the clutch (it is a 2007 tractor with about 10,000 hours on it) – he has worked on it, but thinks that tractor would be a good tractor to trade in. Morgan said we need to commend the employees as they have been able to work on the equipment at probably half the cost that it would cost if we hired it out.

There being no further business to come before the Board, the public meeting was adjourned at 11:15 A.M.

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The presiding Trustee of the June 11, 2024, meeting hereby certifies that the above minutes were approved as read.