

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, May 14, 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 9:02 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: Bob Wagner, Martin Berber, and Julianna Galindo; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian; RVWA: Chris Kraft; Landowner(s): Jamie Renwick, Rey Campos, and Ceci Giacomia; District Secretary: Cindy Hill

PUBLIC COMMENTS

Chris Kraft reported the annual spring clean-up was a success with 50 volunteers that filled a truck size dumpster with debris. He said the annual safety meeting and potluck will be held on June 1st. Chris said the US Coast Guard and Rio Vista Fire will be in attendance; they will review safety protocols. Chris asked about the PG&E towers – if there was a schedule for disassembling them. Martin Berber said there is not a schedule as they will not be demolished until the new tower is up.

DISTRICT MANAGER'S REPORT

Morgan reported he met with Martin Berber and Bob Wagner regarding the District capital improvement list. He has not heard anything on the fences. Morgan stated Tim Nix's trailer has been moved.

APPROVAL OF MINUTES

The Board reviewed the minutes of the regular meeting April 9, 2024. It was MSP (Jas Gill/Rob Black) to approve the regular meeting minutes of April 9, 2024, as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for May 14, 2024. A transfer of \$30,000 from the general fund is recommended to cover the current months' cash disbursements pending approval of \$70,614.88. Financial statements reflect an ending balance of \$51,304.36 after the before-mentioned transactions are approved.

Notes:

- 4/16 Check 11001 to AT&T Mobility for \$223.45
- 5/03 Deposit \$131.67 – RD 536 April rent payment
- 5/06 EFT to Kludt Oil for \$3,284.79
- 5/07 EFT to PERS for \$3,367.83
- 5/14 Payroll E-check to Mark Icanberry: Gross \$350, Net \$319.38

Balance in general fund account \$1,948.64

Perla reported workers comp renewed effective 05/01. Rob Black asked what climate credit is reflected in the A/P. Perla said that it is a credit offered by PG&E. Martin asked about the SMFA transfer amount – he said it is less than it should be. Perla said there was a charge that was billed and over transferred – this is the correction. Perla recommended issuing warrants 4334, 4335, and 4336 for \$25,000 each, total \$75,000, 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 May 14, 2024, accounts payable, transfers, submitted invoices and warrants. This passed 3-0.

WORKERS COMPENSATION INSURANCE

Perla reported the broker did not provide a quote from Zenith in a timely manner. Perla began asking for other quotes. She said in the interest of time, the District renewed with Zenith, however we can cancel and go with another carrier. She received 3 quotes, the lowest is with SDRMA. They currently handle our liability insurance. SDRMA will also give us a discount on our liability coverage. She said that the current broker's customer service has declined over the past few years – they sold to another company. Perla recommends the District cancel Zenith and go with SDRMA. She said the District will also have our coverage with one carrier. It was MSP (Jas Gill/Rob Black) to switch the District's workers compensation insurance carrier from Zenith to SDRMA. This passed 2-0-1 absent.

RENEWAL OF WARRANT LINE OF CREDIT

Perla reported F&M contacted the District about renewing our warrant line. She said the District may want to increase the line. Martin asked if we could revisit this after agenda item 17 due to discussion on pumps improvements. The Board agreed to move both agenda item 7 (warrant line renewal) and agenda item 8 (new assessment prop 218) until after agenda item 17.

NEW ASSESSMENT PROP 218

Moved this agenda item to after agenda item 17.

VIOLATION OF DISTRICT RULES AND REGULATIONS**DWR Violation:**

Martin reported we have not received communication from Vincent. Jas said there has been discussion regarding shared costs with the tenants.

Campos:

Jesse provided background information. He said the Board issued an encroachment permit to Campos for a ramp, but after Campos built the ramp. Within the encroachment permit there were restrictions stating that Mr. Campos cannot bring in materials without permission, they must be tested, and he needs a County grading permit. The District discovered that Mr. Campos brought in more material. Mr. Campos said he built a second ramp off Hwy 160. Martin said they received notification from Sacramento County that they received an application for a grading permit. Morgan asked if Caltrans has been notified regarding the egress. Martin said they have notified them but have not received a response. Jesse asked if there is any material placed within the District's easement. Joel said Mr. Campos has not placed any more material within the District area. Morgan said the encroachment permit requires a grading material permit prior to bringing in more material. Jesse reiterated that testing is required. Mr. Campos said he has an engineer that is working on the grading permit. Mr. Campos said he is doing this to take care of his property. Jesse said he needs to do this legally. Jas said if the material is contaminated it will affect the District. Rob Black said if this material is contaminated the District will have to report this. Jesse said the District would like multiple levels of testing since there have been so many material deliveries. Mr. Campos stated that Mr. Zaragoza has done this, and the District has not made him accountable. Martin said that Mr. Zaragoza is far away from the levee, but they will look into what he is doing with materials. Martin said he recommends waiting until we have the material tested – he is in contact with the county. Martin said we could postpone the fines. It was MSP (Jas Gill/Robert Black) if Mr. Campos brings in any more materials prior to testing or grading permits are in place – Mr. Campos will be fined. This passed 3-0. Rob Black directed Martin to look into the work that Mr. Zaragoza is doing on the Island. Mr. Campos said he is also bringing in rocks and wants to know if this is an issue. Mr. Campos said that he is doing this as people are parking on his property. Morgan Johnson said that an encroachment permit is required. Ceci said she is aware of people parking in that area. Joel and Martin will go out and look at the rocks.

OUTRIGGER MARINA DAMAGE AND REMEDIATION

Juliana Galindo reported they sent a letter from the District regarding the current status of the Outrigger Marina via email and mail on April 26, 2024, to the State Lands Commission and Sacramento County Environmental Management. She said we received a response on April 30, 2024, from the State Lands Commission informing us of a site inspection scheduled for May 3, 2024. Juliana said the landowner, W&B, and the following agencies were in attendance at the site inspection: State Lands Commission, Sacramento County District Attorney's Office, Sheriff's Department, CDFW's Office of Oil Spill Prevention

and Response (OSPR), and Sacramento County Environmental Management. The District Attorney's Office is looking into all files detailing property ownership to determine the current owner. They will also be evaluating if criminal charges should be filed against the owner for the environmental pollution. Jesse said that there is a note on the property, and it is in default. The State Lands Commission is looking into funding sources available to assist with the clean-up of the marina if the owner is unwilling or unable to do so. She said the landowner has not paid leasing fees to the State Lands Commission for the last four years. The State Lands Commission intends to recuperate the past due leasing fees and any funds used to remedy the site by going after the owner. A check-in meeting is scheduled for June 5, 2024, at 10:00am by the State 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 PG&E held a pre-construction meeting on 4/26. He said crews and equipment were mobilized on 5/13/2024. W&B will monitor excavation and fill activities including confirming fill and compaction specifications. He said the District will install 2-24"Ø HDPE culverts over the gas line after PG&E has completed work under the Maintenance Agreement with Gornto Ditching . Martin said the pipe has already been purchased through SMFA -the pipe trenches will be backfilled with sand (possibly from on-island sources) and capped with imported fill material.

ENCROACHMENT PERMIT NO 2023-3 (ROSAS FENCE)

Martin Berber reported Mr. Rosas informed W&B that he is no longer pursuing an EP for a fence since the fence would be located too close to his shop. However, he still wants the District to install a barrier along the County road ramp to prevent people from driving up the slope. Mr. Rosas still has his temporary barbed wire fence up. Joel recommends making Mr. Rosas responsible for maintaining the area around the K-rail.

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

Martin Berber reported W&B met with Caltrans and Ancon onsite on April 9, 2024. At the meeting, it was determined that the material placed during the winter was still too wet to rework. Martin said they checked the moisture content of the material on April 26th, and it was still too wet to rework. They also collected samples on Monday, May 13th and will most likely give authorization to Ancon to begin the rework.

Martin said that there is a secondary issue. There is a portion of the waterside Highway shoulder immediately southbound of Ancon's work area that is eroding and undermining the asphalt shoulder. Martin said Ancon said they could place and compact in this area while doing the rework under the Encroachment Permit. They quoted \$13,600 for the additional work. All costs for traffic control and mobilization will be covered under the Encroachment Permit work. Martin said they inquired with Caltrans if they could assist the RD in paying for the additional work. However, we have not received a response from Caltrans. This work would be subventions eligible. It was MSP (Rob Black/Mark Icanberry) to approve the installation of material along the Caltrans guardrail by Ancon in the amount of \$13,600.

This passed 3-0. Jas asked Martin if he is still trying to get Caltrans to help to pay for this work.

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

Martin Berber reported they engaged our geotechnical subconsultant, Shannon & Wilson, on recommendations for removal of the tower on the Threemile Slough levee. Martin said they summarized their recommendations in a letter dated May 3, 2024, which will be provided to PG&E. Morgan asked if the old footings would be cleaned up. Martin said the tower removal will happen, but the footings will be removed later as this was not a part of PG&E's original scope of work. Martin will make them aware that these footings need to be removed.

PUMP NO 1 DISCHARGE PIPE REPLACEMENT

Martin reported work is scheduled to begin on Thursday, May 16. He said pressure testing of the discharge pipeline through the levee section will be paid for under force account and is currently estimated between \$5,000 and \$7,500. Asta's original bid was for \$78,013.00. Testing of this pipeline will be done every 5-7 years or at the request of the Central Valley Flood Protection Board.

PUMP NO 4 REPAIR

Martin reported the following:

Pump Repair:

- Delta Pump provided us 3 quotes for the pump repair:
 - Repair of Existing Pump \$31,098.37
 - New Pump (1/4" Wall): \$38,481.55
 - New Pump (3/8" Wall): \$39,235.80
- Due to the poor condition of the existing pump, Delta Pump recommended building a new pump rather than attempting to repair the existing one. Additionally, due to the minor cost difference, a new pump with 3/8" wall was selected over a 1/4" wall since it will prolong the life of the pump.
- Asta's bid of \$181,113.00 did not include pump repairs since that item was to be paid under force account. With the addition of the new pump, their contract is increasing by \$45,121.17 (\$39,235.80 + 15% markup) for a total of \$223,234.17.

Sump Repair:

- After construction of the cofferdam and dewatering of the sump, it was discovered that significant excavation was required to achieve a 1.5-foot clearance between the bottom of the pump and the top of concrete pad. Furthermore, additional excavation was required to remove all the weak materials from the bottom of the sump to provide a stable foundation for the concrete pad.
- Asta attempted to perform the excavation using their excavators and removing a portion of the chain link fence, however a vacuum truck was called in to conduct most of the excavation.
- Excavation of the sump was not included in the original Bid Schedule; therefore, the work will be paid for under force account.

- Due to the deepening of the sump, the reinforced concrete pad and headwall had to be redesigned to include thicker concrete and additional rebar. The additional materials and labor will be paid under force account since the reinforced concrete was bid as a lump sum item. Additionally, deepening of the sump resulted in 2 extra loads of gravel base material being imported and placed at an additional cost of approximately \$24,000.

Discharge Pipe Repair:

- After removal of the pump, it was discovered that the 15-foot section of discharge pipeline from the pump house to the check valve was thin and past its useful life. Asta removed the discharge pipeline just landward of the check valve including partially removing the wooden piles that supported the check valve. After removal of the pipe section, it was discovered that the discharge pipeline was a quarter full of debris. Asta will be installing a new section of discharge pipeline once the pump is reinstalled. The check valve will be omitted to allow the pump to backflow and prevent the accumulation of debris. This additional work will be paid for under force account.

Canal Cleaning:

- The Pump No. 4 Canal needs to be cleaned before the cofferdam is removed. Since the canal has been stagnant for so long, there is a buildup of vegetation and silt which will make its way into the sump once the cofferdam is removed. Asta has a long reach excavator onsite and will perform this work under force account. The excavator and operator are \$326/hour.
 - Joel stated Carter is not set up to clean this ditch.
 - Martin said that when we remove the dam, we want to be sure that we have clean water.

Total Estimated Cost:

- Original Bid Amount (\$181,113.00) + New Pump (\$45,121.17) + Additional Gravel Base (\$24,000) + Sump Excavation (~\$25,000) + Additional Concrete (~\$25,000) + Discharge Pipe Repair (~\$15,000) + Canal Cleaning (\$3,000) = ~\$320,000 total new price.

PUMP 3 REHABILITATION

Martin reported:

Trash Rack:

- The trash rack manufacturer is still waiting for shipping quotes before delivering the trash rack to the Ag Shop.

Pump 3B:

- The Pump 3B discharge pipeline developed a leak at the bottom of the pipe on a reach that is right over the sump. As a result, access to conduct repairs is limited.
- Since Asta will have welders on the island for Pump 1 and Pump 4 work, Martin asked the Board if they want to authorize repair work not to exceed \$25,000 to complete this repair work.
 - Morgan said an issue is that when they go through the pipes, they do not know how bad they are until they are in there.
 - Joel said the pipeline has been there since 1995.

It was MSP (Rob Black/Jas Gill) to authorize up to \$25,000 to repair the discharge pipeline. This passed 3-0.

Agenda Items 7 & 8 moved after discussion of District Expenses

RENEWAL OF WARRANT LINE OF CREDIT

Perla reported that the District currently has a \$1 million line of credit of which \$125,000 has been used. She said that we are expecting funds from DWR within the next few months. Perla said the Hwy 160 emergency work is cutting into our general fund. It will take several months to get those funds. Current year subventions claim will take about 18 months to recover from DWR. However, the District will be calling an assessment in a few months. She said extending the credit line will give the District the flexibility to access funds, if needed. She said that she does limit the warrants to small amounts (\$25,000) so they can be paid off faster. It was MSP (Jas Gill/Rob Black) to approve the renewing of the credit line and extending the credit line to \$2 million. This passed 3-0.

NEW ASSESSMENT PROP 218

Jesse said that this was held over last month pending an approval of a capital improvement plan. Martin provided a breakdown of general funds required for levee projects and capital improvements citing estimated cost at \$12 million. Mark said that we should add 5-10% additional funds to cover possible added costs. Jesse said the District will receive an increase in annual assessments due to the reassessment of Whale's Belly – the new assessment will be approximately \$925,000 per year. Jesse said the only way the District can further increase its income is to hire an engineer to perform the research to develop an entirely new assessment roll with new values. This new roll must comply with Proposition 218. He said one risk with a new roll is that we will lose the money for mineral right holders (PG&E and money from gas company). The assessments will need to increase by approximately 35% in order to cover the losses from the mineral right holders. The last change in assessments was in the late 1990's. Rob Black said he understands that we realistically should make this increase due to rising costs. Rob asked if we could phase-in the increase over the years. Jesse said that the Board can do this, and we can also institute a CPI for 5 years. Martin asked if the District would do a direct assessment. Jesse said our District has been good at doing the assessments ourselves – if we used anyone else, we would have to pay for the service. Martin added that W&B thinks an annual assessment of about \$1.5 million is appropriate. Jesse said habitat land has a higher value and those lands will continue to pay a disproportionate amount for protection. He said there could be flexibility with the engineer to consider the ratios of value for purpose of land. He said they may be able to shift the burden of increase to the land that is more costly to protect. Jesse said the issue for the Board is if we would like to consider hiring an engineer to examine for a new assessment for prop 218. The analysis will cost \$40,000. Perla said the District will have to go into debt to pay costs over the next few months. Rob Black made a motion to hire SCI to examine the District for a new assessment under prop 218. Jas Gill said he would like to put this off for another month. Mark Icanberry said he was abstaining from the vote. Motion failed for lack of second. This will remain on the agenda for next month.

MAYBERRY SLOUGH SETBACK LEVEE HABITAT

Jesse reported Molly contacted him. DWR would like an RCD group to do this work. They would have to operate under the District's routine maintenance agreement. Jesse said if they are operating under the District authority they would need a contract with the District. The work would be eligible under subventions. Joel said he met with David Julian and Amy Williams regarding work assignments. The District will continue to mow the grass area up to the vegetation. A nesting survey was done recently. Joel said that RCD will do the maintenance. He said the District will not be able to do anything with machinery until the nesting season is over. Jesse will contact Molly to better understand who will handle the work.

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.

Martin reported Ducks Unlimited (DU) is currently working on reopening permits with the Water Board and US Army Corps of Engineers for the warranty and remediation work. W&B provided DU with fill quantities estimated for both warranty and remediation work and reviewed and commented on the Permit(s) Amendment Request. He said that W&B will engage Gornto Ditching this month to begin the gate repairs under warranty while permitting is resolved by DU. David Julian said we should not have to apply for new permits – we will renew the permits, there will be a 45-day comment period and then we will be able to begin the work. Jesse confirmed that the work that was not built to spec is under warranty. Jesse said all new work must go out to bid. David said that siphons to Whales Mouth were plugged with another animal. He is working on installing a fish screen. It will be installed with a crane and is wondering if he needs an encroachment permit. Martin confirmed an EP is required. David said they do not need to re-hire for Tim's position at this time. District employees, Molly Farrell's group and David have been helping with the work. David asked if he could use the truck that was purchased for Tim Nix to use. Jesse said that since David is not an employee he would not be covered under the District's insurance policy. Jesse said he cannot drive the truck on public roads. Morgan said that we will need to rent a dozer to spread the spoils.

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

Martin reported PG&E provided comments on legal descriptions and plats for the overhead utility easements on 1 of the 4 parcels. We should have comments and revisions to the other 3 parcels in the upcoming weeks. He said after all of the easements have been reviewed, we will coordinate with DWR REB regarding the legal descriptions and project timelines. Martin said CDFW provided comments on the habitat bench design. In order to get all parties involved on the same page and the project to move forward, W&B is coordinating a meeting with CDFW and DWR (Delta Levees) to discuss the habitat design and project constraints. We are still coordinating a time that works for our biologist and CDFW.

PUBLIC ENTITY AGREEMENT 34600015864

Jesse presented an agreement from DWR that covers the repairs that the District made on HWY 160. This was for emergency work done several years ago. He read the agreement and recommends approval. It was MSP (Jas Gill/Mark Icanberry) to approve the standard agreement. This passed 3-0.

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

Martin Berber reported DWR recalled the PFA through DocuSign due to CDFW having additional comments. The revised PFA will be routed for signature next week. There is about \$800,000 in grant funds and \$90,000 in general funds.

ENGINEERS REPORT

Martin reported:

- Port of Stockton
 - On April 16, NorthStar Engineering Group surveyed the Scour Pond Dredge Disposal Site.
 - We are still waiting for the results from the survey to determine the remaining capacity.
 - The Port paid for the survey.

SUPERINTENDENT REPORT

Joel reported they are mowing the habitat. Goats are at Mayberry Farms. Carter has been working on the backhoe at Whales Mouth and Mayberry Farms. He said they have been patching, coring, and fixing leaks. The tractor has a leaky rear axle that will eventually need to be repaired. Brad is off the rest of this week for a funeral. Joel is taking off on Friday. Jas asked Joel to take photos if he sees materials being brought onto the island by Campos.

CLOSED SESSION –

Closed Session - Conference with Legal Counsel – 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 11:45 A.M.

X _____

The presiding Trustee of the May 14, 2024, meeting hereby certifies that the above minutes were approved as read.