

MINUTES OF SPECIAL MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, September 22, 2022

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 Preston Good called the meeting to order at 9:04 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: Trustee: Preston Good and Rob Black; District Attorney: Jesse Barton; Accountant: Laura Smith; Engineer: Martin Berber and Neil Favor; District Superintendent: Joel McElroy; DWR: David Julian; Rio Vista Windsurf Association: Don Ross; Landowner(s): Ceci Giacoma, Raghu Malladi, and Mark Icanberry; District Secretary: Cindy Hill

PUBLIC COMMENTS

Don Ross reported there will be a clean-up this Saturday in honor of Coastal Clean-up Day. They will rent a container to haul off the debris; the section of clean-up will be from the Windsurf shop to the County Park. Don also recognized Joel Elroy and his crew for keeping the island clean. Ceci Giacoma also commented that the stretch of the levee that Don mentioned is very clean. She said that she has never saw it that clean. Don said they have already been taking some of the debris out; he gave credit to Joel and his team and also said that the fishermen have been helping as well. Raghu Malladi inquired about the ditch project. He said he would like this topic to be re-opened. Martin provided a background; stating that Raghu asked about the ditch that was running across his property. Raghu has inquired about backfilling the ditch. Martin said they received a plan of the discharge capacity; Martin said that the discharge would overwhelm our system. This item will be place on the agenda for the October meeting.

BOARD TO REVIEW AND POSSIBLY ADOPT A RESOLUTION TO RESUME IN PERSON MEETINGS OR ALLOW BOARD MEMBERS TO ATTEND VIRTUALLY

Jesse Barton reported that Board members may call into Board meetings under a new law that allows Districts to continue to allow Board members to meet remotely. This new law addresses the various safety requirements to prevent the spread of COVID. In order to do this, the District will have to adopt a resolution and then re-adopt that resolution every 30-day period. It was MSP (Preston Good/Rob Black) to adopt a resolution to allow the Board members to meet remotely. This passed 2-0, 1 absent.

ISLAND SECURITY

Ceci Giacoma reported there was a theft on the island. She said vehicles and saddles were stolen. This was reported to the police. Neil Favor said they reviewed the security footage on Javier Rosas shop; the footage did not show anything relevant to the theft.

APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of August 9, 2022 and special meeting of September 8, 2022. It was MSP (Preston Good/Rob Black) to approve the regular meeting minutes of August 9, 2022 and special meeting minutes of September 8, 2022, as written. This passed 2-0, 1 absent. Currently Cindy Hill sends the final agenda and minutes to the Board and to the residents separately. It was suggested that she send the minutes in one email to all parties – as Jesse inadvertently did not circulate the agenda for the special meeting.

ACCOUNTS PAYABLE AND RECEIVABLE

Laura Smith reported the accounts payable for September 22, 2022. Transfer of \$567,000 from the general fund is required to cover current month cash disbursements pending approval of \$539,099.74 plus 10/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$39,789.72 after the before mentioned transactions are approved.

Notes:

- 8/12 Deposit \$2,423.03 - Assessment payments (\$2,291.36), RD 536 Aug rent payment (\$131.67)
- 8/16 AT&T payment of \$566.96 was paid with check 10564 (security cameras, cell phones)
- 9/01 Deposit \$2,102.83 - Assessment payments (\$1,971.16), RD 536 Sept rent payment (\$131.67)
- 9/08 EFT PERS payment of \$3,640.16
- 9/14 Deposit \$5,575.86 - Assessment payments
- 9/16 PG&E payment of \$3,635.88 (EP Mayberry Slough Spans refund) was paid with check 10565 and is pending signature today.

General Fund:

Balance in general fund account \$478,713.30

Preston Good asked for clarification of the dollar amount to Wagner Bonsignore. Martin Berber clarified the check amount of \$83,000 was higher than the amount listed on the report as it includes the subventions. Martin said that Perla breaks down the amounts in the report, but issues one check. Preston asked about the transfer amount; how can we transfer more than what we have. Laura said the transfer is already included. It was MSP (Preston Good/Rob Black) to approve the September 22, 2022, accounts payable, receivables, and transfers. This passed 2-0, 1 absent.

ASSESSMENT CALL #26

Jesse Barton reported outstanding assessments in the amount of \$10,981.84. He stated we will not move forward with collection procedures. Perla will provide the names of the delinquent landowners to Jesse next month.

BOARD TO HEAR AN UPDATE ON FY 2021-2022 SUBVENTIONS CLAIM

Martin Berber reported total expenses for FY 2021-22 were \$665,740.42; the District's estimated reimbursement is \$484,680.31. The FY 2021-22 Work Agreement limits the State expenditures to \$397,875 because our Application included a maintenance budget of \$550,000; by letter August 4, 2022, we provided DWR a revised application to cover the higher than anticipated maintenance costs. The District will receive reimbursement in 2 parts; 1 in the spring for \$397,875 and the remaining balance once the revised application has been approved by the Central Valley Flood Protection Board which is expected to occur in early summer. Martin stated they are optimistic that this will be amended.

BOARD TO DISCUSS AND POSSIBLY FILL THE BOARD VACANCY

Jesse Barton provided a background stating that Morgan Johnson had left office and the Board will need to fill his seat until 2023. He explained that the Board Trustee expiration dates are staggered. There are two candidates - Ceci Giacomina and Mark Icanberry. Ceci provided a written statement of interest. Mark spoke his interest in the position. Mark stated he is the owner of Bele Vie Event Center. He stated his experience is as a real estate investor and is involved in business at the state level. He stated he is on corporate boards. Ceci stated she is a resident of the island and was a guardian ad litem for the L.A. County Superior Court and has been an advocate of independent adults. Ceci also said she is the president of a non-profit corporation; it is an animal welfare corporation. She also owned art galleries in southern California. She said that she has board experience; she was the admin. on the fire district board and regularly attends their meetings. Mark said he is on a board that deals with state and county real estate regulations, and he used to own his own business. He said he has been involved in business in a different way and is involved in 3 corporations at this time. Jesse stated that he would prefer not to go through an election process as it is expensive. Both candidates bring different perspectives that will be valuable to the District. Mark has been an owner on the island for 5 years. Ceci has owned and lived on the island since March of 2003. She has attended District meetings for 20 years, missing only four times, and is committed to the Island. She said that she has learned a lot about the island and saw a lot of change over the years. Jesse said that this is very uncommon to have two people interest in a position like this. He said that both are good candidates, he stated that Ceci consistently attends meetings. Rob Black confirmed that he and Preston have to ask the candidates questions and decide on who they think the new trustee will be during the meeting. Jesse confirmed this. Preston Good thanked both of the candidates; he said that Mark brings real estate experience while Ceci brings island security experience to the role. Preston believes that while Ceci's experience is valuable, he believes that Mark Icanberry's real estate experience and business perspective is more valuable at this time. Rob Black agrees with Preston Good's assessment. Ceci expressed her disappointment in not being chosen for the position of Trustee. She said that she was hoping the Board would make history and have a woman for the first time on this Board. She said not that that is an issue, but she has put in effort and commitment to the island and the Board. She is sorry this was not recognized. It was MSP (Preston Good/Rob Black) to approve Mark Icanberry as the new trustee. This past 2-0, 1 absent.

BOARD TO DISCUSS AND POSSIBLY APPROVE REVISING ITS ENCROACHMENT PERMIT FEE SCHEDULE.

Martin Berber reported the District's EP Application Fee Schedule currently requires \$500 at the time of filing the application and a \$500 fee for a Special Meeting Request. They recommend the Board to increase the Special Meeting Request to \$2,000 to cover legal and engineering expenses associated with preparing and executing an expedited Encroachment Permit. Martin said this came

up after Jesse was requested to prepare an encroachment permit for Ross Island. Bob, Jesse, and Martin thought that \$500 to create and attend a special meeting request was too low. Martin stated that the District has not raised their fees in years. Jesse stated that when a landowner requests an encroachment permit, the District does not typically charge them unless it is a complicated project. Preston Good said he thinks the encroachment permit fee is low and believes that we should raise it to \$1,000 to cover engineer, legal and accounting fees and impose the \$2,000 special meeting fee on anyone that asks for a special meeting. Mark asked for clarification on what these covers. Martin stated these fees are primarily charged to PG&E or Caltrans while the landowners are not typically charged a fee. He said that there are incidences that landowners are charged and gave an example of Steve Adgate who is building onto his home and requires review of plans. The county is significantly involved in Steve Adgate's improvements which requires District engineers to be more involved. Mark stated that the fee should be increased due to costs. Jesse stated on complicated projects we require additional funds (PG&E) – these fees would not be included on the fee schedule. It was MSP (Preston Good/Rob Black) to approve increasing the permit fees to \$1,000 and special meeting fee to \$2,000. This passed 3-0.

BOARD TO HEAR AN UPDATE ON OBTAINING INSURANCE WITH A NEW CARRIER

Jesse Barton reported that he found another insurance carrier. This company is currently working with Twitchell – and they too have had disproportionate increases through the years. They have been working with SDRMA who has significantly lower premiums. He said that the District will have to sign up with SDA to be able to obtain insurance through SDRMA. The District recently renewed with our prior carrier, but once new insurance is in place, we will cancel this policy; there will be a cancellation fee which will be considered as part of the decision to move the coverage. Jesse will present the plan and premium at the October meeting for review and possibly seek approval to apply to SDRMA for District insurance. Laura Smith confirmed that the check that was signed today for insurance covers the policy year beginning September 1. Mark Icanberry asked if we can pay quarterly insurance instead of the full premium so that we do not have a cancellation fee. Jesse said that he will check but he believes that we will have a cancellation fee either way as we have committed to a year of coverage.

BOARD TO DISCUSS THE POSSIBLE HIRING OF GENERAL MANAGER

Jesse Barton stated that now that we have a full Board, the District will begin the possible hiring of a general manager. Jesse will have to amend the District personnel policy. Then the District will have to determine what qualities that they are looking for in a general manager.

ENCROACHMENT PERMIT NO 2022-1 - MAYBERRY SLOUGH SPANS (PG&E MAYBERRY SLOUGH SPANS)

Neil Favor reported work is fully complete on the subject EP. On March 10, we requested a \$500 Encroachment Permit fee along with a \$5,000 deposit from PG&E. At the August Board meeting, the Encroachment Permit was fully executed. On September 13, they directed Perla to prepare a final check to reimburse PG&E for the remainder of the balance. Joel stated he was satisfied with the work.

ENCROACHMENT PERMIT NO. 2022-3 (ROSS ISLAND DREDGING)

Jesse Barton reported he received the performance bond from Ross Island. After receiving it, he had the Board sign the permit. They paid the permit fees as well as fees for a special meeting. Jesse stated this is a 3-way contract with DWR, the Port of Stockton, and the District. It expires

next year. Joel said that they started pumping water this morning which is required for environmental purposes. He made contact with the foreman, and they told them that the dredging material is being delivered today. Joel said that he believes they will begin dredging today and vector control has been engaged. Jesse said that this may be the last year of dredging. The Port of Stockton may not continue dredging without a renewed agreement. Jesse said that he spoke with Preston, and the Board may want to consider charging them for the material as there is a fair amount of work in accepting the material. In the past the material was good for filling in low spots on the island, but the material is not of good enough quality for our purposes. Rob Black agrees with that we should charge for that material.

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

Neil Favor reported PG&E is planning a gas transmission dig on their gas pipeline that crosses Mayberry Slough to inspect metal loss corrosion anomalies. The dig is supposed to take place on the south side of the Mayberry Slough levee embankment in the Whales Mouth project area. At this time, PG&E projects the work to take place between the months of May 1st – October 1st, 2023. The work is estimated to take 3 weeks of time. Generally, the work will entail excavating the crest and embankment of the southern Mayberry Slough Levee to expose the gas transmission line to inspect and repair the gas pipeline. Under Special Conditions, they recommend that we require PG&E to:

- o Have an on-site engineer to inspect all excavation and compaction activities
- o Haul all excavated material off-site (due to potential contamination)
- o Import certified levee fill material
- o Provide compaction reports for all placed material
- o Repair all access roads to pre-project conditions

Neil recommends that the Board requests a \$25,000 deposit for the engineer's time of inspection and oversight. Rob Black asked if this area has had issues in the past. Joel said not in that area, but they did have a leak near the Antioch Bridge. He said this was resolved. Neil said we will be involved to ensure that the work is done properly, and the area is left in equal or better condition that when they started. David Julian asked about the access road. Neil said we plan on asking that all access roads are repaired as appropriate. We will add a special condition that they must follow the assigned route. A \$500 application fee was submitted. After we receive the \$25,000 deposit the EP will be presented, possibly at the October meeting.

ENCROACHMENT PERMIT NO 2022-5 (WHALES BELLY SIPHON REPAIR, STA 402+00)

Neil Favor reported a DWR siphon on Sherman Island East Levee Road requires repairs through the levee crest. The siphon will be repaired under the CDFW Whales Belly project by Gornto Ditching. DWR requested that Wagner & Bonsignore prepare the construction plans. Generally, the work will entail the removal and off-haul of a 2-3-foot-wide section of existing asphalted concrete road surfacing, stockpiling the aggregate base, replacing a section of 12" diam. coated steel pipe through the levee crest above Base Flood Elevation and rebuilding the road. On 9/10 Bruce marked the siphon, on 9/12 we surveyed the siphon elevation and a cross section of the levee. On 9/20 the Application for Encroachment Permit was executed by DWR through Bryan Brock. We have an Encroachment Permit drafted to complete the work. Neil stated he recommends to the Board to waive the \$500 application fee and execute the EP. As the cost of the project will be paid for through the FSFA, he stated the plans have specifications for the contractor to import virgin levee embankment fill, compact all placed material, and import aggregate base for the asphalt concrete road subgrade. Neil asked if the Board has any Special

Conditions to add to the Encroachment Permit before execution. Preston confirmed the EP is between DWR and RD 341. Joel said the new pipe is on the land and water side. He said the contractor has been advised to keep one lane open. It was MSP (Preston Good/Rob Black) to approve the Whales Belly encroachment permit and waive the fees. This passed 3-0.

HIGHWAY 160 TURNOUT BARRIERS

Martin Berber reported Caltrans has provided us a map showing that 2 of the 3 Highway turnouts are part of their right-of-way; the remaining turnout is mostly owned by the Upham Family. The turnout owned by Upham is notorious for illegal dumping and camping. Neil said they are proposing to install concrete utility blocks within the Upham parcel right at the edge of Caltrans' right-of-way. Asta Construction has provided us a quote in the amount of \$9,625.00 to complete this work. Prior to installing barriers, we will need to have our surveyors recover survey monuments to ensure we are not encroaching on Caltrans right-of-way; this work is estimated at \$2,430.00. If the monuments are disturbed or missing, they would have to be reset at an additional cost of \$6,040.00. Joel stated that a Sheriff and two CHP were at the site cleaning up the area this morning. Martin stated that there was a notice that an RV had to be removed by yesterday. He said that since the area is being cleaned the District should move on this as soon as possible before there is more dumping. Preston asked what the chance is that the monuments are destroyed. Martin said that he does not know but would have to work with the surveyor. Martin stated he believes this is also levee trash control. Mark asked why Caltrans is not putting up their own barriers. Martin said that Caltrans has not responded to this request. Jesse Barton asked what the distance is between the highway and the blocks. Martin said it is at least 15 feet, but he can check. Jesse said he does not want the barrier too close to the highway. Jesse said that the District will have to have an agreement with Upham, so he wants to be prepared to answer any questions. It was MSP (Rob Black/Mark Icanberry) to approve the expenditure to higher the surveyor to determine the lines. This passed 3-0.

FLOOD SYSTEM REPAIR PROJECT AND EMERGENCY REPAIR

Martin Berber reported the final expense statement as well as the Completion Report will be submitted to DWR after the Board meeting. Additionally, we will be hand-delivering a check for the remaining advance funds. Once the Completion Report is approved, we will request release of retention.

PROJECT FUNDING AGREEMENT SH 10-2.9 – (HWY 160 CONSTRUCTION) AGREEMENT TO ADD A DRAINAGE SYSTEM TO THE PORTION OF THE LEVEE EXPERIENCING SEEPAGE PROBLEMS ALONG THE SACRAMENTO RIVER AT STATIONS 870+00 THROUGH 940+00

Martin reported on August 16, 2022, they conducted the AB 360 post project inspection with DWR and CDFW. On August 30, 2022, they met with Caltrans re: the asphalt cracking/settlement within our Project area; Caltrans' engineering geologist will be providing estimated costs to the District 3 Office which vary from a simple asphalt overlay to a complete reconstruction of levee section. By email dated, September 16, 2022, DWR provided Amendment No. 10; the Amendment will provide the requested \$885,000 in additional funding. The District will need to adopt an authorizing resolution at the October meeting. Additionally, the Amendment will be sent to the Trustees for signature via DocuSign. Asta hauled all the heavy vegetation from the drain ditches that were recently cleaned in support of the Project to the District's burn pile. Also, Asta completed the new chain fence at Martin Zaragoza's property.

Asta installed a pipe gate at the new levee access ramp by the Horseshoe Bend siphons. They should be out there today to work on this. The rains on September 19 eroded the new embankment within the Project area; the erosion was focused on areas where Caltrans' Highway down drains discharge. They will instruct Asta to repair the erosion sites as well as place gravel at the discharges to minimize future erosion. The Highway down drains were not connected to our levee drainage system because they accumulate trash and debris; one down drain we replaced was completely full of aluminum cans. Martin said Ryan Katsuki reached out to him about graveling the roadway as the road was used during the project. He asked about the District applying fresh gravel for winter. Martin estimates this work between \$1,000 - \$1,500. He believes this is reimbursable under the project. Rob agrees that we should put the road back in the same shape or better. This is covered under the project. Martin will submit a change order.

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.

David Julian reported he met with DWR real estate branch personnel, Vincent Wong and Jaz Gill. They asked if Tim Nix is able to do maintenance on land that has not been leased. This would be maintenance work that a tenant would typically perform. David said the time would be compensated through the SMFA. Joel said that he typically fixes anything that the leasees ask to be done. David does not think this will be an extensive amount of time. He said that regular maintenance at Whales Mouth has been done including the removal of phragmites. They are looking at putting in a fish screen on syphon 27. Preston said that DWR asked which ditches the district maintains; there is a landowner inquiring about a ditch causing an issue on his land. Preston said DWR does not have a list of who maintains the ditches. David said once we determine who owns it they can move forward. He said they will not flood up until it gets 45 degrees night temperature – but believes it will be in late October dependent on when we get the rain. There is a snag caught on the syphon – Martin said that the District does not have a routine maintenance agreement for this, it would be on the DWR field division. Bryan Brock spoke with Tim Nix about a vehicle. Bryan does not think that Tim will use it enough to warrant purchasing a new vehicle.

PROJECT FUNDING AGREEMENT SH 17-1.0 SP - PHASE 1 OF SAN JOAQUIN SETBACK LEVEE/HABITAT BENCH MULTI-BENEFIT PROJECT (STATIONS 175-199)

Neil Favor reported NorthStar Engineering has completed work on the surveyed property lines. They plan to have a field meet with PG&E to review the proposed power pole alignment and prepare plans for relocation. Once the field meet is scheduled, they will contact the affected landowners to update them on project status. Neil said they are reviewing the draft biological resources reports and should have them finalized by the next Board meeting. Once the reports are finalized, we will be able to address concerns in the Scope of Work with CDFW and DWR.

ENGINEERS REPORT

Martin Berber reported on the Highway on the 160 Mitigation Site

- By email dated September 20, 2022, Caltrans informed us that their arborist recently inspected the site and determined that the trees should be cut and removed from the site.
- Caltrans is inquiring if their maintenance staff can complete the work.
- Martin recommends requiring an Encroachment Permit from Caltrans for this work

Martin reported on the Mayberry Slough Interior Levee

- By email dated September 13, 2022 they asked DWR if maintenance of the Mayberry Slough Interior Levee would be eligible for reimbursement under the Subventions Program.
- The Mayberry Slough Dam was constructed between 1952 – 1959.
- According to the CA Water Code Section 12986(a) – the intent of the Legislature is to reimburse eligible local agencies for costs incurred in any year for the maintenance or improvement of project or non-project levees.
 - Non-project levees are defined in the CA Water Code Section 12980(e) - a local flood control levee in the delta that is a not a project facility, as shown in the DWR Sacramento-San Joaquin Delta Atlas (page 38).

Martin reported on the Sacramento County Park Erosion – Rob Black asked him to look into this.

- They have received photos of the erosion from Don Ross and have surveyed an elevation profile of the park. Mr. Ross informed us that erosion has advanced 20 feet in the past 3 years. Also, that the park floods more regularly.
- They will contact the County and have an update for next month's meeting.

Neil Favor reported on the Drainage Plan

- They prepared a draft drainage plan exhibit. In the exhibit we show where District ditches are located relative to each pump station. Neil said they have developed an inventory of the District's ditches, siphons, and pumps on Sherman Island. To finalize ditch documentation, we plan to survey elevations, diameters, and condition of all culvert crossings for future maintenance.

SUPERINTENDENT REPORT

Joel McElroy reported Brad is doing better. The doctor told him he should be able to return to work after the first of the year. Delta Rentals is cleaning around Whales Belly

There being no further business to come before the Board, the public meeting was adjourned at 11:45 A.M.

The presiding Trustee of the September 22, 2022, meeting hereby certifies that the above minutes were approved as read.