

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Thursday, February 14, 2023

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 9:04 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: Trustees: Preston Good, Rob Black, and Mark Icanberry; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Bob Wagner and Martin Berber; DWR: Jas Gill and David Julian; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; Landowner(s): Ceci Giacoma and Jamie Renwick; District Secretary: Cindy Hill

PUBLIC COMMENTS

Jamie Renwick asked if the drainage was connected to the canal when they did the Whales Mouth. Jesse state that this will be discussed under the agenda item. Ceci Giacoma stated that Chevron has been contacting residents regarding carbon capture on their properties. She also stated that Hwy 160 is deteriorating and there have been several accidents. Jesse stated the District cannot repair the asphalt; however we will discuss this under a related agenda item.

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 (Rob Black/Mark Icanberry) to adopt a resolution to allow the Board members to meet remotely. This passed 3-0.

DISTRICT MANAGER'S REPORT

Morgan Johnson said that he would like to go with Bob and Martin to inspect some areas of the drainage canal at Whales Belly. He said there is a tree down on the levee by DelCarols as well as other down trees that need to be dealt with. They pushed all the ditch spoils with the rented dozer. He said that he thinks that we need a tractor and disc. An electrician came out and looked at pumps 2, 3, and 5; they all need repairs. He said that pump 5 needs an electrical panel change. Ceci Giacoma asked how old the pumps are. Morgan said they are old. Preston asked about the need for a disc. Morgan said that we need to rent a disc or hire someone for the disc work on

the ditches. Joel stated that we discussed the distance from the ditch. Martin said we will discuss this under the engineer's report.

ISLAND SECURITY

Martin said there is nothing to report at this time. Ceci stated there has been problems at 3 miles slough with people living at the outrigger and siphoning gas as well as other acts of theft. She said that she called Raghu and informed him of the issues.

APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of January 10, 2023. It was MSP (Preston Good/Rob Black) to approve the regular meeting minutes of January 10, 2023 as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for February 14, 2023. The transfer of \$125,000 from the general fund is required to cover current month cash disbursements pending approval of \$96,272.18 plus 2/20/23 and 3/05/23 payroll checks and related liabilities. Financial statements reflect an ending balance of \$49,004.86 after the before mentioned transactions are approved.

Notes:

- 2/07/23 EFT PERS payment of \$3,954.35
- 02/08 Deposit – \$131.67 from RD 536 for February rent payment
- 1/10/23 Payroll E-check to Mark Icanberry: Gross \$350, Net \$320.078

General Fund:

Balance in general fund account \$57,204.79

- 1/27 Deposit \$1,411.94– RD 536 Jan rent payment (131.67
- RD 1601 Shared Habitat payment (\$1,280.27)

Perla stated PG&E invoice was a little higher this month as some of the pump's costs are for multiple months. She said she is tracking the dozer rental – time used and purpose. The use and purpose is important for charging to the SMFA or to the project. Perla stated that Kludt oil is now charging late charges if the invoice is not paid within 15 days. She said that we can either do an ACH debit or can deal with the late charges. This will be discussed at the March meeting. Rob Black asked about the 10.2 advance. Perla stated that this is taken longer than normal, and we do not know why. Perla sent the financials to the Board prior to the meeting for their review. It was MSP (Mark Icanberry/Rob Black) to approve the February 14, 2023 accounts payable, receivables, and transfers. This passed 3-0.

DRAFT AUDITED FINANCIAL STATEMENTS

Perla presented the draft of the audited financial statements. She said the District passed the audit. Everything went well and she recommends approval. It was MSP (Rob Black/Mark Icanberry) to approve the audited financial statements. This passed 3-0.

LINE OF CREDIT – BOARD TO REVIEW AND CONSIDER ENTERING INTO A LINE OF CREDIT WITH F&M BANK

Perla reported that we have adequate funds for another month but is concerned with the time it takes to get the funds if we apply for the credit line. She said that the delays on the 10-2 project are causing concerns and recommends that we move forward and apply for the credit line. The rate is prime plus ½. The Board will have to determine the amount that we want to apply for, Perla said it will take a few weeks to get the funds from the Bank. Jesse said we need to possibly cover 5 months. Perla said the full advance on 10-2 was requested in October. Perla stated there were issues that required us to spend funds prior to the receiving the advanced funds. This is not typical for the District. Perla said she will also speak with the Bank about the possibility of using the warrant system as an option with the District assessment as collateral. Rob Black said that that we need approximately \$750,000. Preston and Mark concur. Perla agreed with that amount. It was MSP (Preston Good/Rob Black) to approve seeking the line of credit. This passed 3-0. We are unable to cover the interest payments.

EMERGENCY CONTACT LIST

Jesse Barton provided copies of the updated contact list. Cindy Hill will post this to the website.

DRAFT OF DRAINAGE PLAN

Martin Berber reported that Neil is working on the ditches. They surveyed drainage facilities from station 444+00 – 472+00 in the Whale’s Belly Phase 2A Project area. There are documented existing flowline elevations, culvert crossings, and pipe diameters. He stated they are working with Morgan to improve the drainage in this area. Delta Rentals has cleaned the ditch on the west side of the Cross Road up to the Pump #3 canal. Martin said that his plan includes the adoption of the ditch to the west of the crossroad at station #442+00 which was caused by land use changes. He said Carter cleaned the ditch – it was filled with trash (tires). Martin stated there is levee maintenance attached to the ditch. Jesse said the ditch adoption will occur with the plan. Martin said this will be an ever-evolving plan that we should continue to revisit. Preston said with land use changes we may need to look at this more often. Martin said he would defer to Jesse when we should be spending funds on a facility that goes away eventually. Jesse said we should be clear that we are not spending District funds to enhance the land of private owners only.

2021-2022 SUBVENTIONS WORK AGREEMENT NO 1.

Martin reported the reimbursement under FY 2021-22 final claim is estimated at \$484,680.31. The current work agreement limits State reimbursement at \$397,875. Amendment No. 1 will increase the limits on State expenditures to approximately \$500,000 to ensure the District receives its full reimbursement. Jesse stated he has the resolution. It was MSP (Mark Icanberry/Preston Good) to approve the subventions work agreement No. 1. This passed 3-0.

2022-2023 SUBVENTIONS WORK AGREEMENT

Martin reported this work agreement will reimburse levee maintenance from July 1, 2022 through June 30, 2023. The work agreement is due by June 30, 2023. This was MSP (Rob Black/Mark Icanberry) to approve the 2022-2023 Subventions Work Agreement. This passed 3-0.

17124 SHERMAN ISLAND E. LEVEE ROAD

Martin reported the fill added within the District’s levee easement is outside of the USACE standard levee prism (20-foot-wide crest, 3:1 W/S slope and 2:1 L/S slope) He stated they do not believe the additional fill added will have adverse effects to the stability of the levee prism. Martin stated they recommend Mr. Campos apply for an encroachment permit. Bob Wagner

stated this is minimal impact and recommends the Board allow Mr. Campos to apply for the encroachment permit after the fact. Mr. Campos stated he will keep the cattle off the levee. Bob and Martin will meet with Mr. Campos. Wagner & Bonsignore will provide a breakdown of the costs to manage this situation.

ASSESSMENT # 26

Perla reported the same two landowners are delinquent. She spoke with the Martucci's. We will keep this on the agenda under Delinquent Assessments.

BOARD TO HEAR A STATUS UPDATE AND SEEK APPROVAL TO ENGAGE IN A RELATIONSHIP WITH A NEW INSURANCE CARRIER

Jesse stated he hand delivered the application. We are replacing the current policy. The new carrier is also working on a quote for renewal in September 2023.

FEE SCHEDULE

Martin reported they have developed a draft of the Unauthorized Encroachment Penalty Schedule. He said it should be flexible enough to work on a case-by-case basis but encourages landowners to coordinate with District Staff. He said it is in three tiers. Morgan asked about the tenants. Martin said it includes both the landowners and the tenants. The Board will review and possibly adopt this schedule at the next meeting.

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

Martin reported on February 2, PG&E partially executed the encroachment permit for this work. The project is located on a DWR parcel in the Whale's Mouth wetland area. The work is scheduled to begin in June and will entail excavation and backfill of the south Mayberry Slough levee to repair a gas pipeline. Martin stated with the endorsement from the landowner, DWR, they recommend the Board fully execute the EP. Preston confirmed that the work cannot begin until DWR approves it. This was MSP (Rob Black/Mark Icanberry) to approve the encroachment permit no 2022-4 to PGE for a transmission dig. This passed 3-0.

ENCROACHMENT PERMIT NO. 2022-6 (CALTRANS 160 MITIGATION SITE)

Martin Berber reported Caltrans is trying to decide whether to have their maintenance crews or a contractor address the need of the tree removal that occurred on the highway. This has been escalated to their leadership. Caltrans arborist recommend removing the dead trees and stems and leaving the stumps/roots. To resprout or decompose in place. They believe that numerous saplings and resprouts will be conserved. Rob Black said there is justification to send the letter. Bob Wagner stated they will respond to the arborists.

HIGHWAY 160 TURNOUT BARRIERS

Martin reported we are still waiting on Sacramento County to approve the Record of Survey. He said that they informed Everett Upham that the District will need written authorization from him before installing the barriers.

DWR DEFERRED MAINTENANCE PROGRAM

Martin Berber stated that David Julian informed the District that the funding is not available.

PROJECT FUNDING AGREEMENT SH 10-2.11 – (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 Berber reported on the ongoing work on the completion report. Martin stated during construction, they discovered cracking on the landside levee slope that corresponded to pavement cracking on Highway 160. Caltrans informed Martin by email dated July 18, 2022, the section of Highway was widened using “wood chips” as light weight fill material and according to Caltrans as-builts had to have emergency repairs conducted in 2002. Caltrans inspected the site on August 30, 2022 and by email dated December 15, 2022 stated the cracking observed was a direct result of the District’s project. Caltrans asserted, without evidence, that the District’s project was the cause of the cracking.

Martin stated they prepared a written response to Caltrans which disputes every point made; it will be submitted after the meeting. Caltrans has repaired the guardrail that was damaged at Station 932+00; but Martin had to submit a work order through their online portal. However, the pavement settlement has not been addressed. Martin stated that we have photos prior to the project. Martin said there seems to be communication between the Caltrans offices (the engineers are in Roseville and maintenance is out of Rio Vista). They are aware that accidents have occurred, and the guard rail is damaged. We have photos of overturned semis that will be sent to document public safety.

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.

Whales Mouth: David Julian reported that Tim Nix has been performing maintenance work at Whale’s Mouth. He rented a backhoe through RD 1601 to clear out the area around the risers. He brought out a beaver hunter. He said the siphons are having issues keeping prime. David discussed plans with Morgan regarding updating the syphons. He had a meeting with Division Operations and Maintenance, as they are spending a lot of money cleaning fish screens. He said there are two entities responsible for the repair on the siphons (the Division of Operations and Maintenance). They will create a written responsibility list of what needs to be done and who is responsible. He said the landside work is under the SMFA while the waterside work is under the other two entities. David said that the CDFW nutria operations caught a large nutria. Ceci said that Carter killed several nutrias. David Julian said these need to be reported to CDFW. Nutria can also look like muskrats.

Mayberry Farms: Tim is clearing the risers with the backhoe at Mayberry Farms. There is enough space in the drainage canal to flush the area. Morgan confirmed the plantings should not be on the external levee system.

The Risers: David said he has been looking at the risers and has asked for spec sheets. He talked to Bruce Gornto about fabrication. He said they need to determine why they are not functioning properly. They do not want Tim going into the risers. Jesse said the District still has the work agreement, so we would be the one that would contract the work. Jesse said this should be attended to this year. Martin recommended an inspection with Polyriser to make sure there is not an issue with the product. Morgan has a contact at Polyriser – he offered to contact this person. Ceci Giacomina asked who the engineer was – Martin said Ducks Unlimited. Martin said they reviewed the DU plans and as-builts. They discovered several variation from the as-builts to the plan.

The Drainage Issues: Martin recommends that we do an as-built topographical survey. The cost will be approximately \$57,000. Bob said this is 1000 acres of surveys. Preston asked if the District is having drain issues who should pay for the repairs. Martin stated they are suggesting this work should be paid for through the SMFA. David said he spoke with Bryan about this. They are concerned with the budget as this is so early in the calendar year. David is concerned with spending \$60,000 on this so early in the calendar year. Jamie Renwick said he is still having drainage issues. His property is still flooded. Bob Wagner said they need surveys and elevations as this is important to understand why certain areas are having drainage problems. Bob stated he thought that we had \$6 million in the advance. David said that we have an annual allocation of \$1 million per year. Perla said we have 2.3 million available in the advance account. David said this gives him a better understanding of available funds. Bob said we should include both projects. Rob said we are going to have to hire a licensed surveyor. Ceci said, given the problems and lack of functionality she thinks we should have an independent survey. Preston agreed, but thought we should get a second quote.

Jesse's Summary:

- The siphons need to be addressed with the appropriate entity. Morgan will help provide advice on the repairs.
- The risers need to be addressed due to safety issues
 - Morgan will contact Polyriser for an inspection to be sure that this is not an issue with the product.
- Tentative agreement on the elevation-based surveys on Whale's Belly and Whale's Mouth need to be addressed. Jesse will meet with Bryan and David. Bob's office will obtain a second quote.

Water Curtailment: David said that we do not have the same blanket curtailment that we had last year unless something drastic happens. They are recommending that we do not do the same curtailment process as we did last year.

Ditches: Martin stated Carter cleaned the ditch, but more water needs to be moved. The ditch needs to be moved; Martin recommends this be paid for by the SMFA. This needs to be moved to DWR property. David thought the District was going to cover the costs. Martin said DWR did not clean the ditch which has caused the issues and it has compromised the area. Bob said they will provide the costs to rebuild the ditch. It should only cost a few thousand dollars.

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

Martin reported our biology subconsultant, SWCA, is updating our BRE/BIR and ARD reports for permitting and the scope of work. They are working with a PG&E representative to schedule an estimator and design team onsite to draft the final PP alignment. PG&E has been tied up repairing damage from fires and windstorms.

ENGINEERS REPORT

Martin Berber reported: DWR released a new PSP. The full application is due March 5. He will be submitting the concept proposal. He said this will be a different type of process; it will be a two part process. It will be advanced funds.

DWR Tenants:

- On January 31, M. Berber, N. Favor, and J. McElroy met with DWR REB representative, Vincent Wong, to discuss the issues the District faces with tenants adjacent to the District's interior drainage infrastructure,
 - Tenants have installed culverts in District ditches and canals without authorization from District maintenance staff – this leads to maintenance issues if the culverts are too small or get clogged and restrict flow.
 - Cattle damage the canal banks which leads to culvert blockages from silt and vegetation deposits.
- By email dated February 2, we contacted DWR REB to coordinate with the District and tenants to:
 - Install cattle fence 30' from the canal/ditch hinge point.
 - Clean up single use cattle feeders after use.
 - Consult District staff prior to installing culvert crossings.

DWR Trust Agreement:

- Historically, the District has never billed DWR for engineering services on DWR owned land/facilities. By email dated February 2, 2023, we inquired to DWR REB if engineering services would be reimbursable for the following tasks:
 - Coordination with DWR on maintenance/repairs needed on DWR owned facilities e.g., siphons, fish releases, etc.
 - Coordination with DWR on their tenants/parcels

SUPERINTENDENT REPORT

Joel McElroy reported Brad came back to work on February 26 with no restrictions. He said they put rip-rap on 3 Mile Slough and the San Joaquin. Joel said there is another ditch that needs to go to the drainage canal – it runs along the Haul Road. He said he may ask Carter to clean it. He said there was a valve not marked and it broke off the portion of the riser when they were clearing the debris. He advised David this needs to be repaired before it can be used.

There being no further business to come before the Board, the public meeting was adjourned at 11:26 A.M.

X _____

The presiding Trustee of the February 14, 2023, meeting hereby certifies that the above minutes were approved as read.