

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, December 12, 2023

306 Second Street  
Isleton, California

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The Board proceedings are also available via tele-conference, and you may participate in Public Comment in this manner. If you wish to comment, please speak and your comments will be considered. Members of the public are encouraged to observe and participate in the teleconference. District directors and members of the public may participate in the meeting using the telephone conference line listed below. Conference Line Number: 1-877-336-1829 Access Code: 3653607

## CALL MEETING TO ORDER

Trustee Jas Gill called the meeting to order at 9:00 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: Mark Icanberry and Jas Gill; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Martin Berber; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian; Landowner(s): Jamie Renwick and Ceci Giacomia; District Secretary: Cindy Hill

## PUBLIC COMMENTS

There are no public comments at this time.

## DISTRICT MANAGER'S REPORT

Morgan shared there is nothing to report at this time.

## APPROVAL OF MINUTES

The Board reviewed the minutes of the emergency meeting minutes of October 27, 2023, and regular meeting of November 14, 2023. It was MSP (Jas Gill/Mark Icanberry) to approve the emergency meeting minutes of October 27, 2023, and the regular meeting minutes of November 14, 2023, as presented. This passed 2-0, 1 absent.

## ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for December 12, 2023. The transfer of \$760,000 from the general fund is required to cover current months cash disbursements pending approval of \$728,974.76. Financial statements reflect an ending balance of \$55,002.10 after the before mentioned transactions are approved.

## Notes:

- 11/15 Payment \$223.45 to AT&T Mobility with check #10896

- 11/27 Deposit \$118.21 – US Bank rebate for spend in Q3.
- 11/29 Deposit \$660.67 – RD 1601 shared habitat payment (\$489), assessment call payment (\$40 Barbara Parker), RD 536 Nov rent payment (\$131.67)
- 12/05 ACH payment to Kludt Oil for \$3,003.44
- 12/06 EFT to PERS for \$3,953.95
- 12/12 Payroll E-check to Mark Icanberry: Gross \$350, Net \$320.08

Balance in general fund account \$237,024.03

Joel confirmed he has a signed contract with Delta Rentals. Perla sent the financials to the Board prior to the meeting for their review and Jas Gill signed off on the invoices. It was MSP (Mark Icanberry/Jas Gill) to approve the December 12, 2023, accounts payable, transfers, submitted invoices and retention release letter. This passed 2-0, 1 absent.

#### **ASSESSMENT CALL NO 27**

Perla reported she received a call from Martin Zaragoza' daughter. She sent the assessment when it was due by money order. The daughter tracked the money order – it had not been cashed. She resent the assessment – Perla has already received it. Perla asked on behalf of Zaragoza to waive the late fees as he has not had a history of delinquency. Ceci Giacoma commented there has been a lot of mail theft in the area. The Board agreed to approve the waiver of interest and penalties. It was MSP (Jas Gill and Mark Icanberry) to approve the waiver for Martin Zaragoza. This pass 2-0, 1 absent.

#### **NEW ASSESSMENT PROP 218**

Jesse Barton recommended tabling this until next month.

#### **HIGHWAY 160 LEVEE EMERGENCY WATERSIDE REPAIR**

Martin Berber provided an update and photos. He reported on November 30, 2023, they met with Caltrans onsite to go over the emergency waterside repair and asphalt cracking in the area; Caltrans plans to fill in the large cracks in the asphalt by the end of the year. They are currently working with DWR on potentially funding this work under a PFA for Deferred Maintenance. He provided David Julian with a budget of \$315,000 to reimburse the engineering and construction work that has already occurred as well as fund the preparation of as-built drawings and a completion report for the funding agreement. David said this is a little different as it is a Deferred Maintenance Agreement after the fact; he said there are comments on verbiage. Jesse asked if they want this agreement approved today as he will ensure there are not substantiative changes to the agreement. It was MSP (Mark Icanberry/Jas Gill) to approve SH-23-1.0 agreement subject to no major changes. Jas asked about the effective date of the agreement. Jesse said the PFA explicitly covers the work prior to the effective date. Martin is waiting for the reports from CDFW to ensure there are no mitigation requirements. This passed 2-0, 1 absent.

**SHERMAN LAKE ROCK SLOPE PROTECTION**

Martin reported this work has been completed. Dutra began work on November 20, 2023, with clearing and sloping of the various levee sections. Rock placement began on November 27 and was completed on December 2. Martin said 1,600 LF of levee waterside slope was armored with 4,019 TN of rock. The final cost was \$439,900 which was slightly over the contract amount of \$438,000 due to the additional 19 TN of rock at \$100/TN. He said that 2,400 LF of levee waterside slope remain along Sherman Lake that need to be addressed. Retention and progress invoices have been submitted for payment. He reported the Joel and Morgan were happy with the work.

**OUTRIGGER MARINA DAMAGE AND REMEDIATION**

Martin reported they reached out to two contractors for quotes on the cleanup of the Outrigger. Asta Construction informed them that they are not setup for this kind of work, but they recommended an environmental cleanup company, Clean Harbors. Galindo Construction informed Martin that they would be providing a quote, and they also recommended the District install a boom to prevent debris from floating away. Martin is currently waiting for Galindo's quote. Morgan said there is also an abandoned dock that should be included in this clean-up. Jesse said that the District needs to contact Raghu and advise him the work will be done due to it being on the levee and therefore a violation of the District's rules and regulations. We will give him the opportunity to remove, if it is not done, we will complete the work and bill him. It is unknown if Raghu still owns the property. Mark Icanberry suggested contacting the State Lands Commission. Martin said there are issues with squatters on the property. Martin will reach out to the County and to State Lands Commissions. Jesse will send a letter to Raghu.

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

Martin reported Javier Rosas requested a permit to install a rail fence along the eastern portion of his property to prevent people driving on the levee to get around his property. He said this is due to the toe road being a direct path to his property. He has informed Martin that the District will have access through his fence to maintain the levee. He advised that he would be responsible for vegetation control within the fenced area. Martin said these items would be added as Special Conditions to his permit if approved by the Board. Martin confirmed this is a pipe fence. Jesse said the gate needs to be a double bar. Joel said anything he blocks off should be maintained by Mr. Rosas. Martin stated that there is a barbed wire fence that was erected on a temporary basis for security purposes (without a permit) as he has been robbed in the past. Martin asked Joel if we wanted to ask for the barbed wire fence to be removed. Joel wants it removed. Martin said he will add the special conditions. Martin said the Board needs to decide if Mr. Rosas must pay the \$1,000 application fee. Morgan and Joel will visit the site and speak with Mr. Rosas.

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

Martin reported that on November 27, 2023, Ancon Services submitted an Encroachment Permit Application for the excavation of contaminated soil along an approximately 37 LF

section of highway/levee around Station 973+00. Martin said that District specifications have been provided to Ancon for the replacement of levee fill material as well as the potential armoring of the waterside slope. Ancon has provided the \$1,000 application fee; however, no deposit has been requested yet. Jas asked if Ancon has experience doing levee work. Martin said they are doing the clean-up and are sub-contracting under George Reed. It was MSP (Jas Gill/Mark Icanberry) to approve the encroachment permit with conditions. This passed 2-0, 1 absent.

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

Morgan reported the work on welding 40-foot sections of pipe into 80 footers will begin this week.

### **PUMP NO 3 REHABILITATION**

Martin reported:

- Transfer Switch – the transfer switch was installed by Steve Smith on December 5. The generator will need to be mobilized to test the switch. This has not been tested until we mobilize the generator.
- Pump 3B Repair – Delta Pump removed pump 3B on December 5. A 3” hole was found in the column. The column has also been sleeved. Martin reported the work to get this operational is \$20,900. We previously approved up to \$25,000. They quoted an additional \$8,700 for the bowl. Joel said he looked at the bowl in the past and it appears to be ok. Joel does not think we need a new pump. The Board agreed to move forward with the repairs within the prior approval of \$25,000.

### **CAPITAL IMPROVEMENTS**

Martin reported the CARB consulting agreement with Tara Beaver was fully executed on December 1, 2023. She advised Martin that the opening for the CARB grants was extended until January/February 2024. Morgan reported there are fields that are overgrown that could be issues with maintaining the canals. David Julian said there are a variety of repairs that need to be performed that the SMFA could possibly cover. He would like a list of repairs that need to be done. Morgan said there is a lot of deferred maintenance that are becoming capital improvements. Jesse recommended that we add this to the general manager report. Morgan will take the lead on this.

### **DWR “SUBSIDENCE MITIGATION FUNDING AGREEMENT” – AGREEMENT TO BUILD SEVERAL HUNDRED ACRES OF WETLAND IN THE WESTERN AND CENTRAL PORTION OF THE ISLAND IN AN EFFORT TO REVERSE SUSIDENCE, SEQUESTER CARBON, AND REDUCE GREENHOUSE GASES.**

#### **a. Clean-up of the Project area by Gornto Ditching**

David Julian reported he contacted Gornto. Antonio Leal will be responsible for the day-to-day work. He has cleaned up most of the area. One of the containers is out at Whales Mouth. He would like that to keep that out there as it would be a good area for storage for CDFW supplies. He said there is a piece of equipment that belongs to Jaime within the project area. They have asked to remove that. Bruce’s

daughter will be applying for Bruce's contractor license. At this time, they do not have an active contractor's license to do the work. David asked if we could do stand-alone projects and find someone else to remove the fence. He also asked if it would be ok for Gornto to remove their silt fence. Jesse said they can go out and remove items but cannot perform construction work. Morgan said Gornto has the maintenance agreement on Whales Mouth. He said there is a fence that needs to be removed. Jesse said this was not constructed by Gornto. We cannot contract with Gornto to remove the fence until they have their license in place. Morgan will find another contractor and bill it to the SMFA. Morgan wants to make it clear that District employees should not be maintaining areas that should be maintained by the tenants.

**b. Repair of perimeter berm leakage at Whale's Mouth through the construction of a bentonite cutoff wall.**

Morgan reported there is water under the PG&E pipeline. He said they tried twice to stop the leaks; they were unsuccessful. Morgan asked if they could try one more time. Martin said they will look at it to see if using a long reach will fix this.

**c. Moving a drainage ditch adjacent to the Sherman Island Cross Road, the repair or replacement of several risers within Whale's Belly, the repair of several siphons and the installation of new culverts in the Pump 3 Canal. The Board will discuss the status of the Whale's Mouth maintenance contract with Gornto Ditching. The Board will also receive an update on the riser that was incorrectly installed in the Pump 3 canal.**

Martin reported he spoke with Josh Cabral. The riser was installed by Gornto outside of the project area. David said this was built into the SMFA. Josh Cabral informed them that Pump No. 3 Canal is the sole source of water for cattle within the lease. He reported to Martin that he had lowered the level of Pump No. 3 Canal by removing a flashboard. Originally, his source of water was within the Whales Belly area. Martin said that he spoke with Vincent Wong and the agreement does not include supplying the tenant's water. Morgan said that the fence should be between the cattle and the canal per our rules and regs. Ceci asked if this is the District's obligation to provide water to the tenants of the State. Jesse said it could be required if it the parcel of land is one of the parcels that pay for irrigation as part of their assessment. He said the District has the authority to remove the riser. DWR will need to ensure the installation of the fence. Morgan said there are other areas that need fencing. Jesse said this should be added to the General Managers' report. Martin will coordinate with Vincent Wong regarding building the fence and pulling out the riser. Josh Cabral will have to find his own way to water his cattle. Jas said if he has an issue with taking out the riser, he should tell him that this is an RD responsibility. Mr. Cabral having issues with watering his cattle is a tenant issue; it is not a District issue.

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

David Julian sent a draft of the operational plan to Martin and Neil Favor.

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

Martin Berber reported there are no updates at this time. No response from PG&E.

**ENGINEERS REPORT**

**Caltrans Coordination**

- Martin reported they had a meeting with Caltrans on November 30. They discussed the possibility of the District mowing/spraying the Highway 160 levee. Caltrans informed them that they already have a program in place with BALMD and they can provide the same resources (CHP, signage, etc.) to Sherman Island. Next season, the District will need to provide Caltrans with a two-week block where we are available to mow/spray.
- Martin reported they provided Caltrans with photographs of issues along the Highway 160 levee that need to be addressed by email on December 7, 2023.

**Mayberry Slough Setback Levee**

- Martin reported they reached out to Molly Ferrell about the possibility of using the endowment account funds for maintenance of the setback levee habitat to reestablish the District's minimum 10-foot buffer. Molly informed them that the endowment account is specifically for Parcel 11 but that she would reach out to Yolo RCD if they could complete this work for the District. Molly informed us on December 12, that "they are rethinking the 10-foot buffer that was based on the design" because this "will have implications for other projects". Morgan asked if it was designed to have the buffer why wouldn't we have the buffer. David said that they are looking at it and wondering how much habitat would be lost. The Board would like to see the 10-foot buffer reestablished.

**SUPERINTENDENT REPORT**

Joel reported Ed has been performing work with the slope mower. The work on the Sacramento River is done and is working his way towards the Mayberry setback. Delta Rentals is clearing canals. Brad has been clearing the berries at the Hyde Canal. The truck is in the shop; it over heated. The CAT backhoe needs to be fixed. He provided quotes for repairs; they are within Joel's discretion.

**CLOSED SESSION**

**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 11:20 A.M.**

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