

# MINUTES OF SPECIAL MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, January 18, 2022

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 Morgan Johnson 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: Trustee: Morgan Johnson, Rob Black, and Preston Good; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Neil Favor and Martin Berber; District Superintendent: Joel McElroy; DWR: Bryan Brock and Juan Mercado (Juan arrived at 9:30 AM); Rio Vista Windsurf Association: Don Ross; Landowner(s): Ceci Giacomia; District Secretary: Cindy Hill

## **PUBLIC COMMENTS**

Don Ross announced that the Rio Vista Windsurf Association will be having their annual clean up. This will be scheduled around Earth Day, depending on the tide. Martin Berber stated there should not be a conflict with PG&E removing the poles.

## **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 (Morgan Johnson/Preston Good) to adopt a resolution to allow the Board members to meet remotely. This passed 3-0

## **BOARD TO DISCUSS SELECTING A NEW BOARD PRESIDENT**

Jesse Barton provided the background on selecting a new Board President based on the Water Code. Since Juan Mercado has resigned from the Board, RD 341 does not currently have a President. Jesse stated one of the duties of the President is to sign contracts and conduct the District meetings. It was MSP (Rob Black/Preston Good) to nominate Morgan Johnson as RD 341 District President. Don Ross inquired how long does the term last. Jesse Barton stated the term lasts 1 year or until the person resigns the position. This passed 3-0.

## **ISLAND SECURITY**

Ceci Giacomina reported there was a huge dump of trash last Sunday. She said there will be a safety meeting on January 31. Neil Favor reported they found nails on the side of the road near the Windsurf shop at Threemile Slough. He said people should be cautious in that area. Ceci said the cameras are not working; had they worked they could possibly have recorded the dumping of the trash. She said maybe we could explore going with a higher quality of cameras.

## **APPROVAL OF MINUTES**

The Board reviewed minutes of the regular meeting of December 14, 2021. It was MSP (Morgan Johnson/Preston Good) to approve the regular meeting minutes of December 14, 2021, as amended. This passed 3-0.

## **ACCOUNTS PAYABLE AND RECEIVABLE**

The Board reviewed the accounts payable for January 18, 2022. Transfer of \$110,000 from the general fund is required to cover current month cash disbursements pending approval of \$89,312.52 plus 01/20/22 and 02/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$45,892.57 after the before mentioned transactions are approved.

### **Notes:**

- 12/20 deposit \$1,483.75 Alco Iron & Metal, Assessment 25 payment (Wenzhuo Chen).
- 01/07 PERS payment of \$2,778.06 was paid via EFT due to timing of due date.
- 01/11 deposit \$2,062.18 RD 1601 shared habitat management payment (SMFA)
- 01/13 deposit \$1,000 Assessment Call 125 payment (Lisa Betz)
- 01/18 Payroll check to Morgan Johnson: Gross \$350, Net \$319.03.

### **General Fund:**

Balance in general fund account \$486,552.24

Perla reported the District paid the annual IRA contributions for all District staff. Ed's IRA contribution is pro-rated; he became eligible May 16, 2021. PG&E is larger this month as pump #5 was not billed; this represents 3 billing months. Supplies in the amount of \$5,000 were misclassified; this will be reclassified to levee vegetation control under subventions. Joel McElroy said Kludt expense for 15/40 oil should be billed to the SMFA. Morgan Johnson reviewed and signed off on the invoices prior to the District meeting. Martin Berber asked if we got approval on crediting the Caltrans co-opt funds on project 10-2. Perla said we submitted a letter of explanation; she said she will check, as she does not think it requires an approval – she said she thought it was more informational. It was MSP (Morgan Johnson/Preston Good) to approve the January 18, 2022, accounts payable, receivables and transfers. This passed 3-0.

## **ASSESSMENT #25**

Perla reported there are two delinquent landowners. One is Betz, they are in a payment repayment plan and are paying as agreed; the other is Riggio. Jesse Barton reported that the delinquent assessment notices were signed for by the landowners. Outstanding assessments owed by Riggio's are \$2,894.76 plus interest for a total outstanding of \$3,227.

**BOARD TO REVIEW AND POSSIBLY APPROVE DRAFT AUDITED FINANCIAL STATEMENTS FOR THE YEAR ENDED JUNE 30, 2021**

Perla presented the draft audit report. She reviewed the report; they agree with the District financials completed by Butterfield + Co. Perla stated the audit is required by the State of California. She said it went smoothly, there were no changes or modification of the District reporting. Preston Good asked if the approval will make the draft final. Perla stated yes, once we receive the final report it will be sent out to the Board. It was MSP (Morgan Johnson/Preston Good) to approve the draft audited financial statements for the year ended June 30, 2021. This passed 3-0.

**BOARD TO DISCUSS AND POSSIBLY APPROVE ACQUIRING INTERNET SERVICES FOR THE DISTRICT'S BUSINESS OFFICE IN ISLETON**

Jesse Barton presented a request by District 1601 to acquire internet services for the District shared office space. Perla said she looked into the costs; we will have to install the Cradle Point IBR device which has a one-time cost of \$302.99 with a monthly fee of \$40. District 1601 is requesting RD 341 to share the costs. Morgan asked if the bandwidth allows Zoom meeting capabilities. 1<sup>st</sup> net said they cannot guarantee a certain speed but did say that they we will have the fastest internet service available in Isleton. Bryan Brock said he uses Zoom on his phone from this location. Preston said he thinks it would be beneficial to anyone that wants to present to the Board. Perla said that PG&E cost is a wash; she said that one District could pay for one cost and the other could pay for the other cost. Jesse said that RD 1601 is having a meeting in 2 weeks; Jesse said that we could split the hard cost of the Cradle Point IBR, and they can pay for the monthly fee. Preston said after reviewing the agenda, all this could be dependent on item 11 as there is a request from another District to share office space. It was MSP (Morgan Johnson/Preston Good) to approve contingent on item 11. This passed 3-0

**BOARD TO DISCUSS AND POSSIBLY APPROVE SHARING OFFICE SPACE WITH EGBERT TRACT RD 536 MAKING THE OFFICE A SHARED SPACE WITH RD 341, RD 1601, AND RD 536**

Jesse Barton presented a request by RD 536 to share office space. Jesse explained he recently became the legal counsel for this RD, and they do not have an office space. They meet on the first Wednesday of each month. Jesse asked if we could have a side agreement that they would share 1/3 of all costs or whatever is equitable instead of placing them on the lease. Preston stated we need to include all costs – rent, cleaning services, utilities, and supplies. Cindy Hill stated that she has not been formally hired, but she is being considered for the Secretary role. Jesse asked Perla to put together numbers to present the average cost of the office space. Preston said that he was initially concerned with sharing the space due to Special Meetings but feels comfortable knowing that Jesse is involved. Jesse stated this is a small agricultural district with just a few landowners. Morgan asked if we could include a clause stating we can terminate the shared office space. He also said that we should add 10% to capture Perla's costs. Perla stated both RD 1601 and RD 341 are on the current lease. She said that the current lease states that we cannot sublease the space without landlord approval. Perla said the landlord is happy to have a constant tenant in place. Morgan stated he would rather RD 536 is not on the lease just in case legal counsel changes. Preston said it should also be clarified that the space is for meeting location only. Morgan said in the past that District only met twice a year, but now there are new landowners that are requesting monthly meetings. Jesse stated he will present this at RD 1601's next meeting. Morgan stated he just wants to ensure the RD 341 and RD 1601 do not lose their time slots if another District is

using the space. Jesse said he will contact the landlord and make sure that it would be ok to sublease the space. Preston stated he does not object to sharing the space. Rob Black stated he has no objection.

### **BOARD TO DISCUSS THE POSSIBLE HIRING OF GENERAL MANAGER**

Jesse Barton stated there has been no action since the last meeting. He inquired as to how this is going with Neil Favor being more involved with the landowners. Joel said during this time of the year the District is focused on levee maintenance we are fine; he said that during project work the engineers will need to be more involved. Currently Juan Mercado is still managing the real estate for DWR, and he is still involved in this role. Neil stated all encounters with landowners have been at the direction of Juan. Jesse asked Neil if he feels more familiar with the island issues. Neil said he has been able to handle the current issues and answer questions. Preston said DWR is typically contacted first. Preston said he does not want to drop the concept of the District having a general manager. Rob Black agrees with Preston; he would like to wait and see what happens during project work and likes the idea of having a general manager. Jesse said we will leave this item on the agenda.

### **BIRD'S LANDING PROJECT**

Neil Favor reported on this project. PG&E has completed driving piles for all four footings (16/16). They will be monitoring inclinometers and levee control points this month. PGE's original plan was to demolish the existing tower in the fall, however due to supply chain issues they may not have the new tower ready by then. PG&E will be providing us an updated schedule at the end of March. They are currently putting together plans and specifications for the standby barge. Their plan is to use 24-inch-minus so we can start rocking the Sacramento River levee waterside starting at the entrance to the County park once the tower demo is complete. 24-inch-minus has a median particle weight of 150 lb. while 18-inch-minus has a median particle weight of only 60 lb. The heavier rocks will ensure that Island visitors won't be able to move the slope protection. Don Ross said he would like to work with them when they begin planning the rock placement as there are some areas that are used for safe river access. He stated he has a map of the access areas. Neil said he will contact Don as they get further in the process. Bryan Brock asked if launch sites jeopardize the levee. Don said they use Kevlar bags for sandbags as recommended by DWR. Joel said the bags work, however, when they begin to breakdown it is spread all over the island. He said the larger rocks are a more permanent fix. Bryan said that it is imperative that we have a system that does not compromise the integrity of the levee. Don Ross stated that the fishermen use the sandbags to cut their fish, which is the cause of them falling apart. Martin Berber stated that rocking on the Sacramento River levee is not new, he said that DWR did not want to pay for the construction of PFA SH-09-2.0. The plan is to rock the levee in 100 ft areas, and it is their intent to use 24" rock so it stays in place. He said this will be a long-term project.

### **ENCROACHMENT PERMIT N0 2021-1 (OUTRIGGER MARINA DOCK DEMOLITION)**

Neil Favor reported on January 6, Patrick Ervin met Raghu onsite with J. McElroy regarding the condition of the landside slope and existing debris. Raghu stated his crew would start cleaning the landside slope by hand. Raghu also stated he would talk to R. Galindo regarding the re-grading the landside slope and bench. During the meeting onsite, Joel McElroy stated Raghu and his crew needs to use a magnet to collect any nails and miscellaneous debris, so the District doesn't get any

flat tires during routine maintenance. Preston Good asked if Raghu committed to a date of completion. Joel said there has not been any work done in the last 2 weeks. Morgan said that we need to send Raghu a letter with the expected completion date.

#### **ENCROACHMENT PERMIT NO 2021-2 (PG&E TOWER 35/266 REMOVAL)**

Martin Berber stated there are no updates at this time. We are waiting on the \$25,000 deposit and signed encroachment permit. Patrick Ervin has reached out twice via email requesting the status of the Project and the EP deposit. This item will be taken off the agenda if we do not hear a response. Perla stated if we are removing this, she will have to prepare a credit memo. She also stated that the District has incurred costs. Martin stated that dependent on receiving a response, we may have to charge this to general expense. He said that we will recoup the costs at a later date. Perla will continue to track the expenses.

#### **ENCROACHMENT PERMIT NO 2021-3 (ADGATE ADDITION)**

Martin Berber reported there are no updates at this time. Steve Adgate has stated he is getting together the \$5,000 deposit.

#### **SACRAMENTO COUNTY ROADS**

Neil Favor reported:

- They are currently monitoring the rate of settlement on the East Sherman Island Levee Road from Sta. 416+00 – 418+50.
- A construction plan set has been prepared and they are working on contract documents and specifications to repair this section of levee in the Spring.
- The plan is to start construction in March if the weather holds, if not by April.
- The goal is to have everything done by June 30 so we can capture the work completed under this year's Subventions cycle.

#### **SHERMAN ISLAND DRAINAGE PLAN**

Neil reported – no update at this time.

#### **FLOOD SYSTEM REPAIR PROJECT AND EMERGENCY REPAIR**

Martin Berber reported work on the completion report is ongoing. Patrick Ervin reached out to the USACE regarding purchasing mitigation credits for the project. They are waiting for a response from USACE.

#### **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 Berber reported:

- PG&E is scheduled to complete powerline relocation on Friday, February 11 with cleanup on February 12. Our job was delayed again due to our PG&E contractor responding to the outages in the Sierra.
- PG&E will also be repairing the gate that was damaged at the grain bins when they demobilize.

- During clearing and grubbing of the Project site last summer, they discovered 6 wells within Caltrans' Right-of-Way. We initially reached out to Caltrans on September 13, 2021, and finally received a response on January 12, 2022.
- On January 13, they met a Caltrans geologist which informed us that 3 of the wells were settlement plates and the remaining 3 were piezometers, both of which were installed during the last widening of Highway 160. He also informed us that Caltrans currently has a program in place to abandon wells that have been installed within their right-of-way. However, it would take Caltrans a couple of years to abandon the wells under their program.
- They informed Caltrans that we would be able to abandon the piezometers and remove the settlement plates as part of our levee project, however we would need some correspondence to take to the Encroachment Permits division when we reapply for our Encroachment Permit.

Morgan asked about the process of abandoning the wells. Martin stated it depends on DWR. They will be going out to measure the depth of the wells. He said this should all be covered by the project as it is an encroachment removal issue.

**PROJECT FUNDING AGREEMENT SH 12-1.2 – SCOUR POND HABITAT ENHANCEMENT PROJECT – AN AGREEMENT THAT WOULD FILL THE EXISTING SCOUR POND AND CREATE NEW WETLAND HABITAT.**

Martin Berber stated they provided the completion report. They should submit the final invoice to Perla soon. Perla said we will begin the retention process once we get the approval of the completion report. She asked if the Morgan could approve the retention request or if this has to go to the Board.

**DWR “SUBSIDENCE MITIGATION FUNDING AGREEMENT” – FIVE YEAR SUBSIDENCE REVERSAL AND CARBON SEQUESTRATION PROGRAM AND CDFW WETLAND RESTORATION FOR GREENHOUSE GAS REDUCTION CONTRACT**

Bryan Brock stated they are working with CDFW to get the final bill paid. This should be done next February. He said all is going well. A couple of the gates at Whales Mouth need to be fixed. There are some parts of the Whales Belly Wetland project that need to be completed. He said this will be done during the summer months. Ceci asked Bryan how he stops the area from drying out during periods of draught. Bryan said some of the issues were due to syphon problems and increase in salinity. He said during the winter months, he tries to store extra water. Bryan is the principal contact on this project if there are questions or concerns. He will direct the field maintenance employee as needed.

**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:

- Scope of Work document was submitted to the Department of Water Resources and California Department of Fish and Wildlife on January 14, 2022.
- The County Board of Supervisors meeting is scheduled for January 25, 2022. At this time a Cost Share Agreement for \$200,000 will be presented to the Board for execution.
- They are currently working on a letter to DWR Real Estate Branch regarding the need for a PG&E easement on their property. We are also resuming work on the CEQA document.

**PROJECT FUNDING AGREEMENT SH-18-1.0-SP – AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES TO FUND THE PREPARATION OF THE FIVE-YEAR PLAN.**

Martin Berber reported there is no update at this time; they are waiting on DWR approval of the Final Five-Year Plan.

**SUPERINTENDENT REPORT**

Joel McElroy reported the pumps are doing good. They are caught up and cutting run times. Pump #1 has 4 separate leaks that have been patched. He said the pipe needs to be replaced. The last time this was done was about 30 years ago. Joel stated he will get prices for the pipe. They placed 12 loads of riprap on the Sacramento River adjacent to the houses. He said there was an illegal encroachment put in years ago by the residents – they used the line to water their lawns. Joel said he capped it and marked it for GPS. Martin inquired as to what thickness is needed. Joel said 3-1-2. He said there have been issues with availability of the product. It is approximately 320 feet. Joel said he just received notification that ½ of the trash dump has been removed. Juan Mercado asked Joel about the goats. Joel said he has not heard anything from Robert; he will contact him. Juan asked about the hole that developed on Mayberry levee. Joel said they compacted the area with 6” minus and will cap it with ground asphalt. Juan stated that Joel advised him of another hole. Juan contacted PG&E and made them aware of the hole. DWR will not pay for this as it is on top of their gas pipeline. Rob Black asked what type of hole. Joel said the hole by the PG&E gas line is vertical and appears to be caved in. Rob Black said Wagner Bonsignore should take a look at the hole. Joel agreed. Neil said he will be out on Thursday. Juan said he will give Neil the contact information for PG&E.

**There being no further business to come before the Board, the public meeting was adjourned at 11:00 A.M.**

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**The presiding Trustee of the January 18, 2022, meeting hereby certifies that the above minutes were approved as read.**