

MINUTES OF SPECIAL MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, October 11, 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 Rob Black called the meeting to order at 9:01 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, Rob Black, and Mark Icanberry; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Bob Wagner, Martin Berber, and Neil Favor; District Superintendent: Joel McElroy; DWR: David Julian; Yolo County RCD: Amy Williams; Rio Vista Windsurf Association: Don Ross; Landowner(s): Ceci Giacoma, Jamie Renwick, and Raghu Malladi; District Secretary: Cindy Hill

PUBLIC COMMENTS

Don Ross reported the Coastal Clean-up Day went well. They had 25 helpers and several fishermen helped as well. The cleanup area was between Sherman Island Road to the Sherman Marina. They filled a dumpster. They have removed the porta-potties for the season.

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 3-0.

ISLAND SECURITY

Ceci Giacoma stated that Neil Favor will be handling this from now on. Neil Favor said he had nothing to report.

APPROVAL OF MINUTES

The Board reviewed minutes of the special meeting of September 22, 2022, and special meeting of September 28, 2022. It was MSP (Preston Good/Rob Black) to approve the regular meeting

minutes of September 22, 2022, and special meeting minutes of September 28, 2022, as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for October 11, 2022. Transfer of \$220,000 from the general fund is required to cover current month cash disbursements pending approval of \$218,615.85 plus 10/20/22 and 11/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$43,642.78 after the before mentioned transactions are approved.

Notes:

- 9/23 Deposit \$2,500 – Ross Island Sand & Gravel permit and special meeting fee
- 9/23- Assessment payments (\$1,106.84)
- 9/26 \$104,003.74 check 10592 to DWR-FSRP (unused advance)
- 9/27 EFT PERS payment of \$3,640.16

General Fund:

Balance in general fund account \$286,013.88

Joel McElroy confirmed that Delta rental should be under G&A and is not subvention eligible. Asta submitted their invoice. Martin Berber stated that even though PG&E will not be doing the work on Birds Landing this year they want to expense the funds this year on their budget. Perla said the funds will be deposited into the General Fund. Preston Good asked if we are tracking Ross Island. Perla said the checks are held and have not been deposited. The only fees deposited are the ones that will not be returned. Jesse said the Board will review whether we will return the deposit and bond today. Perla met with Preston Good prior to the meeting to review the review and approve the invoices. It was MSP (Preston Good/Mark Icanberry) to approve the October 11, 2022, accounts payable, receivables, and transfers. This passed 3-0.

F&M BANK ACCOUNT CHANGES

Perla reported she spoke with Joe Miner. He stated with they can move forward with an update to the signers with a resolution. It was MSP (Rob Black/Preston Good) to approve the changes to the bank account signers – removing Morgan Johnson and adding Mark Icanberry. It was MSP (Rob Black/Preston Good) to approve the resolution to update the authorized signers on all District bank Accounts.

ASSESSMENT CALL #26

Perla reported there is \$5,790.36 in outstanding assessments. Perla provided a list of the delinquent landowners to Jesse Barton. Raghu Malladi requested Perla send his assessment letter via email. Jesse Barton asked the Board if they would like him to issue the letter or wait another 30 days. The Board directed Jesse to send the letter imposing penalties and late fees.

BOARD TO REVIEW AND POSSIBLE APPROVE A DRAFT OF THE OPERATING BUDGET FOR YEAR ENDING JUNE 30, 2023.

Perla presented the draft of the budget and explained the expenses. She stated the expenses are consistent year after year. The District is expected to spend what we have received in revenue each year. Preston asked Joel if \$16,000 for equipment repairs is adequate. Joel said he thinks

that he can work with that amount unless there is a major issue. Mark asked if we considered increases in costs. Perla confirmed that she did consider increases – the increased costs of fuel, utilities and wages were considered. Perla said that we did not budget for any capital acquisitions. Joel stated the vehicles should be fine unless something unexpectedly happens. He stated he does not think we will need to purchase a new vehicle. Martin asked about the excavator. Joel said he has not checked prices, but a tractor is about \$95,000 - \$100,000. Preston asked about security. Perla said that last year the number was higher since it considered a new fence. She said they factored in the monthly fee for the cameras. It was MSP (Rob Black/Mark Icanberry) to approve the budget. This passed 3-0.

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

Jesse Barton explained that the cost of insurance has increased substantially. Perla and Jesse have been looking for another carrier. They located a company, SDRMA; their costs are much lower than what we currently have. Jesse looked at a quote for another District from SDRMA; they quoted lower prices with the same and/or better benefits to this other District. The Board gave approval to seek a quote from SDRMA.

BOARD TO SELECT A NEW PRESIDENT OF THE BOARD

Jesse Barton said that since the Board has now seated all our Board members, they must choose a President. He said the primary duties are to sign documents. Preston nominated Rob Black as he is currently the senior Trustee. It was MSP (Preston Good/Mark Icanberry) to approve Rob Black as the President. This passed 3-0.

BOARD TO DISCUSS AND POSSIBLY APPROVE CHANGES TO ITS PERSONNEL MANUAL

Jesse Barton stated this item is in relation to item 15 – hiring a General Manager. The District needs to update the manual so that they are able to offer the person in this role with vacation pay and holiday pay as part of the hiring package. Jesse said he believes that we need to add these benefits as an option to a part time regular employee to attract high quality applicants for the position of General Manager. Perla asked about the Trustee position, as we had to switch the trustee as a paid employee vs 1099 employee. Jesse said we should add a category for the trustee as well. Preston said the changes look good with the addition of the trustee. It was MSP (Preston Good/Rob Black) to approve the amendments to the manual. This passed 3-0.

BOARD TO DISCUSS AND POSSIBLY APPROVE SIGNING A CONFIDENTIALITY AGREEMENT WITH LODI GAS

Jesse Barton distributed the confidentiality agreement with Lodi Gas. This is in reference to Wagner & Bonsignore needing to view specific information that Lodi Gas does not want the public for security purposes. Jesse asked for two amendments. He said that it should clarify that all information that the engineers will see is not private – some of it is already public record. They also said that they want the District to give the information back. Jesse said that he amended that area, as we need access to this information in case, we need it for a flood fight. Martin reported he found the as-builts in Henry Matsunaga's old files. Since we found those, both Jesse and Martin said that we do not need to request this information and we will not act on signing this agreement.

BOARD TO DISCUSS MODIFYING ONE OF ITS EMPLOYEE'S WORK SCHEDULES

This was placed on the agenda as Brad may want to come back to work on a modified schedule. Perla and Jesse both looked into it. With the workman compensation payment this will only cover 90% of his pay. Brad does not have a clearance from his doctor. Joel will contact him. Jesse said that Brad should be told that he does not need to share his medical information with the District. Joel said Ed has a health issue that may require him to be out. Joel will keep the Board, Jesse and Perla updated if Ed is unable to work. Joel asked Ed if this was work related. Ed told him it was not work related.

BOARD TO DISCUSS POSSIBLY HIRING A GENERAL MANAGER

Jesse prepared a list of duties that a General Manager would perform. Jesse would like one member of the Board to work with him and Perla on the duties and eventually post it on a job hiring site. Morgan Johnson has indicated an interest but the District, however, should also advertise the position. After reviewing the duties, Preston said that we should add attendance at the District meetings. Preston said he would work with Jesse and Perla. The Board agreed with Preston working with Perla and Jesse to develop the duties. Perla asked if this is an hourly position. Jesse said no – it would be an exempt position.

BOARD TO DISCUSS AND POSSIBLY APPROVE REVISING ITS ENCROACHMENT ENCROACHMENT PERMIT NO. 2022-3 (ROSS ISLAND DREDGING)

Joel reported they are done and did a good job. He said the levee looks good; except he has to scrape the road as a pipeline had to be dug over the road in one area and the piles were pushed out. David Julian said water flowed into the area as expected and vector control has been notified. Jesse asked if there is a reason to hold on to the bond and deposit. Both Joel and David said the work looks good and there is no reason to hold back funds. Jesse said this is the last year for this agreement. He said if they come back to the Board, the District may want to re-negotiate the agreement as the dredged materials are not really usable. The Board may want to consider charging Ross Island or the Port. It was MSP (Rob Black/Mark Icanberry) to release the bond and deposit. This passed 3-0.

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

Neil Favor reported on August 30, 2022, we requested a \$500 application fee to process the EP application. They are going to explore some anomalies. At this time, the District has not received the \$500 application fee. By email dated October 10, we requested an additional deposit of \$25,000 to monitor the project. Neil said we are waiting on the fees before preparing the encroachment permit.

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

Neil Favor reported the Encroachment Permit was fully executed between Bryan Brock and the District on September 23rd. Gornto Ditching plans to begin work on the repair on Monday, October 17. The repair is estimated to be three days of work. During the repair we will have an on-site inspector to monitor construction; all expenses related to monitoring will be charged to SMFA. Neil said that the pipe was ordered, but they have not looked at the total cost. He will get back to David Julian on the cost to complete.

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

Martin Berber reported they received an application from Caltrans to cut and remove the vegetation along HWY 160. They are proposing to complete the work within Caltrans right-of-

way. Caltrans is requesting a waiver of the \$1,000 application fee as all work will be done within their property lines. Preston asked if the District requested this to be done. Martin confirmed and said that Caltrans was unaware of the area prior to being advised of the issues with the trees. The District will want to have oversight; however, Caltrans typically does what they want within their property boundaries. Jesse said since we asked them to clean it up, he thinks that a waiver would be appropriate. Perla said last time they wanted a reimbursement agreement which took a lot of time and effort to create. The District has not charged them in the past. Preston Good said that since we have not charged them as a public entity, we should continue that path. It was MSP (Preston Good/Rob Black) to waive the \$1,000 application fee. This passed 3-0.

HIGHWAY 160 TURNOUT BARRIERS

Martin stated the surveyors are scheduled for next week and we will know next month if we will incur a cost for re-setting the monuments. Jesse Barton said he is concerned about the concrete blocks as a barrier. He thinks that we should look at another way to limit access. Martin is looking into other options.

OUTRIGGER MARINA DRAINAGE

Neil Favor reported that in November of 2020, the Board requested the existing ditch should be surveyed, and draft plans should be prepared to tie into the existing drainage network with perforated HDPE pipe and covering the ditch. During the design process, DCC Engineering and Gill Labrie provided us with a Conceptual Development Plan for the Paradise Waterfront Resort. We requested design run off volumes from DCC Engineering because the intent of the Paradise Waterfront Resort design was to use the District's drainage infrastructure as storm water infrastructure. After DCC Engineering analyzed and estimated total design runoff of 8.207 cfs, we asked the Paradise Waterfront Resort to either:

- o Design an on-site detention basin to reduce peak flow rates; or
- o Upgrade the existing trench drain infrastructure downstream of the planned development to manage expected flows.

The estimated total design runoff was approximately 6 times larger (1.3 cfs v 8.2 cfs) than the existing infrastructure can handle. The final correspondence with DCC Engineering was on August 31, 2021. Raghu Malladi asked if the District got sufficient information from Gill; as he wants to know what the District needs to get this done. Neil explained that we need the design team to look at the project and provide a course of action. Neil said he sent a summary by email of the requirements. Raghu confirmed yesterday that we have the correct address. Raghu stated since that date there is a lot of weed growth in the ditch. He said there is a blockage; and the ditch is unable to flow. Joel said that there are tulles and growth in the ditch. This will be subvention eligible. The Board agreed Joel will go out and clean the ditch.

PROJECT FUNDING AGREEMENT SH 10-2.10 – (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 the rains on September 19th eroded the new embankment within the Project area from Caltrans' Highway down drains. After inspecting the site, we prepared plans to repair all erosion on the levee embankments and install riprap around each of the down drains to dissipate the energy from the water and prevent any future erosion. As part of the plans, we also included

adding additional AB road base from HWY 160 to R. Katsuki's shop and adding additional riprap around the siphon discharge that R. Katsuki's uses for irrigation. This will prevent erosion of District drainage facilities that were installed as part of the Project. Asta is planning to mobilize on Monday, October 17 to complete the repairs. We estimate the repairs should take approximately 3 working days. DWR has yet to fully execute Amendment No. 10; once the Amendment is executed, we will be submitting an advance request in the amount of \$796,500. Perla said there is \$325,000 currently due to the District for this project. She said that we may need to seek financing to cover costs until the District receives the advance funds as it may take 6 months or more for the District to be paid and we have not made a request yet. Perla suggests that we should begin seeking a line of credit. She thinks that we have another month of liquidity. Preston asked what costs are associated with obtaining a line of credit. Perla stated the application fee is less than \$1,000 and we will have to submit our financials. Perla said we previously discussed this; we no longer are able to draw on warrants. The rate is prime + ½ of a percent of the amount we are seeking. The fee is .1% of the amount of credit plus \$695.00. Perla said this would be a 24-month line of credit with a renewal fee. She said that we will only draw the funds we need. Perla said that since this will take a lot of work, we should possibly consider a higher amount to cover any other District costs. It was MSP (Rob Black/Mark Icanberry) for Perla to seek a line of credit with Farmers & Merchants Bank for \$1,000,000. This passed 3-0

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.

David Julian reported general maintenance is being performed. They have been chopping phragmites and doing road maintenance. He said they are waiting on cooler temperatures before they begin filling up again. The Whales Belly risers are fully enclosed. David authorized Tim to purchase safety equipment to do the work and will have a second person on site when the work is being done. The access road was damaged by PG&E. Bruce will repair the culvert damage. Tim and Joel repaired the roads. David talked to the Real Estate Division to maintain repairing the roads and suggested they create a maintenance agreement for the roads with PG&E. Tim will clear out the ditch and this work will be charged to the SMFA at the request of the Real Estate Branch. They will in turn charge the Real Estate Branch. Joel said this property is leased to Dave Leal. The Real Estate Branch decided to do this as a good faith effort. Joel spoke to the Whites, if the ditch doesn't drain it will back up behind their property which is the same field for their septic ditch. Joel advised the Whites that the District does not maintain the crossings. Jesse said the District doesn't have any contractual obligations to clean the ditches. Both David and Joel will communicate to Tim that he cannot work on Whales Belly risers without a second person being on site. Preston asked them to communicate today. Amy Williams reported they are working on habitat enhancement and mitigation parcels. They are working on the invasive weeds. She also gave an update on the Center of Youth Land Based Program. Highschool students will be coming out November 15 to replant some areas on the island. They will be learning about ecology, landowners, land managers and if anyone is interest in making an appearance to speak, they would appreciate it. David said this is through the Real Estate Branch and they will use goats to clear the land. Jesse asked if the students will have signed parental releases. She confirmed they would.

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 by email dated October 10, we have requested to meet the PG&E design team in the field to review the updated power pole alignment. Once the field meet is scheduled, we will update the landowners on project status

ENGINEERS REPORT

Neil Favor reported an update on the Drainage Plan. They are working on surveying the crossings and updating the District Drainage facilities. He will meet with David and Joel to go over the plans. Martin asked if we can consider reimbursing Tim at the Caltrans rate for the mileage. He said this is \$30 an hour. He is currently reimbursed at .62 miles, which may not cover the wear and tear on his vehicle. These are hard miles. Martin said the District gets paid the Caltrans rate for subvention work. Perla said the District typically pays contract work based on the federal rate. She said that the problem comes into play to track the time. Martin said that he thinks this will be fairer to Tim. David will speak to Bryan Brock.

SUPERINTENDENT REPORT

Joel McElroy reported all pumps have been off for over a month. Cabral's are happy that pump 5 is off as it will irrigate their ditches and the same with Mayberry Farms. Ed has been working on the boom mower. They have been performing tractor maintenance. There is a pre-season flood meeting on October 25.

Rob Black asked about the next meeting as he will not be available on the 15th. The Board will go back and advise of a date.

There being no further business to come before the Board, the public meeting was adjourned at 11:04 A.M.

The presiding Trustee of the October 11, 2022, meeting hereby certifies that the above minutes were approved as read.