

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, July 12, 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 9:03 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 and Rob Black; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Bob Wagner and Martin Berber; District Superintendent: Joel McElroy; DWR: Juan Mercado, David Julian, and Bryan Brock; Rio Vista Windsurf Association: Don Ross and Chris Kraft; Landowner(s): Ceci Giacoma and Mark Icanberry; District Secretary: Cindy Hill

## **PUBLIC COMMENTS**

Bryan Brock introduced David Julian who is an Engineer with DWR; he will be covering the west Delta region. Chris Kraft reported there is a new water sport (wing surfing) that has been bringing more people out near the pit area. Don Ross asked for contact information with PG&E in case they need to contact them because of the tower drop. Martin stated that the tower drop has been pushed out until next year. Jesse Barton stated when they begin the work it would be ok to engage PG&E but right now it is premature. Don thanked the District personnel for keeping the island clean.

## **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/Rob Black) to adopt a resolution to allow the Board members to meet remotely. This passed 2-0, 1 absent.

## **ISLAND SECURITY**

Martin stated there is not an update on Security. Joel McElroy stated that Caltrans picked up the trash on 160. Ceci said there is an RV on the island. Caltrans advised the District the burnt-up trailer is not on Caltrans property but is on Upham property. Martin spoke with Upham and asked

if the District can put up barriers along the turnouts for his property. He is open to the idea. Bob Wagner said it is difficult working with the state regarding moving or picking up trash that is not on state property – he said if there wasn't a Caltrans easement there, they would not be able to dump on the private property. Caltrans said they will be out to survey the area to show where their right-away ends. The District will place barriers to separate state property from private property. Juan Mercado clarified the only property that we will block is landowner property – we will not block any property owned by the state of California.

### **APPROVAL OF MINUTES**

The Board reviewed minutes of the regular meeting of June 14, 2022. It was MSP (Morgan Johnson/Rob Black) to approve the meeting minutes of June 14, 2022, as written. This passed 2-0, 1 absent.

### **ACCOUNTS PAYABLE AND RECEIVABLE**

The Board reviewed the accounts payable for July 12, 2022. Transfer of \$1,522,000 from the general fund is required to cover current month cash disbursements pending approval of \$1,557,961.67 plus 07/20/22 and 08/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$46,141.01 after the before mentioned transactions are approved.

#### **Notes:**

- 6/15 AT&T payment of \$651.56 was paid with check 10522 for security cameras and cell phone
- 07/07 EFT PERS payment of \$3,637.26
- 07/12 Payroll check to Morgan Johnson: Gross \$350, Net \$319.37.

#### **General Fund:**

Balance in general fund account \$124,539.70

Perla reported an additional charge for Arlo reflecting on Joel's credit card is for additional access to view the security footage. Bryan Brock asked if the District received \$445,000 from the FSRP. Perla stated she will check the records and report back. Juan Mercado said that the District will receive 2 invoices from Gornto and Cabral. Perla met with Morgan Johnson prior to the District meeting to review and approve the invoices. It was MSP (Morgan Johnson/Rob Black) to approve the July 12, 2022, accounts payable, receivables and transfers. This passed 2-0, 1 absent.

### **ANNUAL INDEPENDENT AUDIT**

Perla reported this will be defer this item to the August meeting.

### **ASSESSMENT #25**

Perla reported Assessment #25 is paid in full.

### **ASSESSMENT #26**

Jesse Barton prepared the assessment at 100% of the maximum rate. Payments will be sent to the District's accountants Butterfield + Co. CPAs, Attention Perla Tzintzun-Garibay. Perla stated the assessments advised the property owners to make payment to the District. Cindy Hill will place

notice for publication with the Rio Vista Beacon today, July 12, 2022. It was MSP (Morgan Johnson/Rob Black) to approve assessment call #26 at 100% rate. This passed 2-0, 1 absent

Water Code 51540 - Operation and Maintenance Assessment Notice:

Reclamation District # 341  
Sherman Island  
18419 State Highway 160  
Rio Vista, CA 94571

Notice is hereby given that at a meeting of the Board of Trustees held on July 12, 2022 an installment of \$752,961.90 was ordered paid within 60 days from July 12, 2022 to September 12, 2022. Any installment which shall remain unpaid on the 13th day of September 2022 will be delinquent, together with accrued interest (if any be due) and 10 percent will be added thereto and collected for the use of the district.

Perla stated Western Power has an assessment waiver and a credit will appear on the books. It was MSP (Morgan Johnson/Rob Black) to prepare a credit memo to cover the assessment waiver for Western Power. This passed 2-0, 1 absent.

**DISTRICT STAFF – BOARD TO DISCUSS AND POSSIBLY APPROVE CHANGING BENEFIT TERMS FOR DISTRICT EMPLOYEE**

Jesse Barton inquired with Joel McElroy what type of benefits that he would like changed for Tim Nix. Joel stated he would like Tim to receive holiday and vacation pay. Perla stated he is already eligible for holiday pay. Morgan and Rob agree with the change in benefits resulting in paying Tim for vacation pay. This would be effective 07/01/2022. It was MSP (Morgan Johnson/Rob Black) to make Tim Nix eligible for vacation pay allowing for an exemption to the employee handbook for this employee. Bryan Brock fully supports this change in benefit for Tim Nix.

**CALIFORNIA DROUGHT – BOARD TO DISCUSS THE CURRENT DROUGHT SITUATION AND EFFECT ON**

Juan Mercado stated he has been speaking to the tenants each month regarding the drought. Bryan Brock stated all of the tenants received a letter from the DWR regarding the water and planting restrictions. The letter informed the tenants that they cannot plant row crops, they can only use one irrigation cycle per month for alfalfa and pasture, and no water on wetlands starting July 1 until the next rain season. This has been implemented. Some tenants are being reimbursed through the Delta Conservancy for not watering. They are also performing surveys and satellite imagery to determine the evaporation rate. Juan stated he is out on the island on a regular basis. Morgan asked if the tenants are in the program are restricted from irrigating. Juan confirmed the program is for row crops only. Bryan state they cannot irrigate the wetland past July. Joel asked about the fish screen at Horseshoe as he noticed there is a tag on the valves and wondering what the tag is. Bryan and Juan so not know what the tag is, it may be there for identification purposes.

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

Jesse Barton reported there are no updates at this time.

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

Martin Berber reported the permit was recorded with Sacramento County on June 15, 2022. Steve Adgate advised Martin that they will not begin work immediately due to delays in obtaining the Sacramento County permits.

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

Martin Berber reported Jesse provided a template that was used for the Encroachment Permit (EP). The EP was distributed to the Board. The EP was sent to PGE with two special conditions.

- Special Condition 1: A new Encroachment Permit will be required if the existing gas pipelines need additional maintenance or repairs and that maintenance or repair will involve work over, under or through the Mayberry Slough Levee System.
- Special Condition 2: A new Encroachment Permit will be required if the existing gas pipelines will be abandoned and/or replaced and that abandonment or replacement will involve work over, under, or through the Mayberry Slough Levee System.

Once the EP is fully executed, we can close out the project and return remaining funds.

### **SACRAMENTO RIVER ARUNDO REMOVAL AND RIPRAP PLACEMENT**

Martin Berber reported 5G Land Management completed the work during the last week of June. Total cost was \$7,200; the quote was for \$13,500. Morgan said that once it is mowed and gets about a foot tall we need to start spraying. Martin will get an estimate for the second removal. This was reported on the inspection report. Martin stated they will engage Caltrans on providing traffic control so the District can mow the sections along the Highway 160 levee.

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

Martin Berber reported ongoing work on the Completion Report and Project closeout. The District was unable to perform the mitigation. Jesse asked if the Board wants to proceed with the close out. Both Morgan and Rob agreed. A portion of the mitigation may not be paid out because the District was unable to complete the mitigation. The District has done all they can to satisfy the mitigation requirements. Bryan Brock stated that there is minimal opportunity for mitigation. He said that CDFW is stringent on this, and they may stop future projects.

### **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 Asta has installed all collector and outfall piping. Due to the volume of water discharging from the drainage system, they engaged District staff and Carter to clean three local drainage ditches to improve functionality of the entire drainage system. Asta has furnished and placed all the fine drain material (sand) in Site B, C & D. During construction, we exposed the existing Caltrans blanket drain and discovered that the existing drainage system was much in higher elevation on the landside slope than anticipated. As-built plans provided by Caltrans were not indicative of the exact location of the existing drainage system throughout the project area. As a result, approximately 10,000 tons of additional drain material was required to tie into the existing drainage system. They will be submitting a request to DWR for additional funding in the amount of \$885,000 to cover additional material costs. Currently, Asta is placing levee fill material over the newly installed blanket drain. The total PFA amount is \$4.2 million. Morgan

stated that in the future, if Caltrans proposes a new project, we need to communicate that their road construction must meet District standards. Bob stated that we do not know when the work was done but believes that they may have tightened up their quality control since this work was completed. Martin said they also found abandoned pipes that are not documented. Morgan asked if the District will use this information later to document the case. Martin said this is all documented and they will present the issues in the as-builts. Morgan asked if it is the District's responsibility to remedy the issues. Martin stated that the issues are on Caltrans property. Morgan does not believe that the District should be responsible for these repairs. Bob said that it is their intent to try to fix the issues and not just repair the pavement. Bryan asked if there are longitude cracks, Bob said that it is not displaced badly, but the problem will only get worse. Jesse said that we will have a difficult time asking Caltrans to replace the levee and believes it will be difficult to assign the problem to Caltrans unless we have documented proof—example would be that they were negligent on the type of fill used when they laid the road down. Morgan said that we will need to demonstrate to Caltrans that this would lessen their maintenance costs. Martin stated for short-term, we will request additional funding from DWR in the amount of \$885,000. Joel said the pipes in the drainage on the vault ditch is too high in the ditch; and down further there is a temporary pipe that was hit. Juan said this should be a part of the project. Morgan confirmed 3 crossings 3- 40 footers and asked if the District is going to adopt the ditch. Martin said yes. Morgan said we could open up the ditch for drainage purposes. Jesse said there is not a formal requirement to adopt a ditch. The Board agreed to adopt the 3 ditches at Station 893+00, 903+00 and 913+50. This will be incorporated in the mapping of the ditch work that Neil Favor is working on; he is preparing a comprehensive drainage map and will include the adopted ditches. Morgan said he will sign the letter requesting additional funding.

#### **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.**

Bryan Brock reported construction on the Belly wetland is moving along; they are bringing in rock. He said there will be 100 trucks with transfers and will run 10-20 per day. With the water shut off, there are complaints about mosquitos, but they are using vector control.

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

Martin Berber reported they proposed two alternative powerline alignment options to PG&E on June 7. We are still waiting for a response from PG&E to finalize the powerline alignment design. Once PG&E confirms on a powerline alignment, we will be able to complete our CEQA documents and re-submit the SOW for approval.

#### **ENGINEERS REPORT**

Martin Berber reported by letter dated June 22, 2022, the District informed Caltrans of illegal dumping along the Highway 160 levee. The letter included photographs of trash bags as well as the burned-up trailer. This was discussed under the Island Security. Caltrans stated they are not responsible for the trailer as it is not on Caltrans property.

#### **SUPERINTENDENT REPORT**

Joel McElroy reported the TD has been repaired and is ready to be picked up. The repair cost just under \$5,000. Ed has been mowing with the Kubota and the boom mower. They cleaned out the

duckweed on pump #4; this is a poor performing pump. He said that there needs to be a vault placed under the pump or the area needs to be cleaned out under the platform. The engineers will go out and see what is need for the vault and determine the costs. Joel said that they may be able to eliminate that pump and use pump 5 or let it drain to the wetlands. Morgan asked how deep the water is. Joel said that it is very deep; the back side was dredged out. Joel estimates the water level is probably 8 feet deep. Joel said he has been looking at new tractors. There is a used tractor that was used as a rental that will cost in the mid \$90,000. He said right now, it is difficult to purchase new ones with the supply chain issues. Jesse said that if the Board decides to replace the tractor, it must be included on the agenda. Joel will be gone on vacation August 4-8.

**There being no further business to come before the Board, the public meeting was adjourned at 10:39 A.M.**

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**The presiding Trustee of the July 12, 2022, meeting hereby certifies that the above minutes were approved as read.**