

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, December 13, 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 9:04 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 Neil Favor; District Superintendent: Joel McElroy; DWR: David Julian, Jasbir Gill; Yolo County RCD: Amy Williams; Landowner(s): Rey Campos, Ceci Giacom, and Jamie Renwick; District Prospective Employee: Morgan Johnson; District Secretary: Cindy Hill

PUBLIC COMMENTS

There is nothing to report.

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

ISLAND SECURITY

Cindy Hill asked if there would be a security meeting on December 28. She asked if there would be reoccurring meetings in the future. Neil said he will look into this.

APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of November 17, 2022. It was MSP (Preston Good/Rob Black) to approve the regular meeting minutes of November 17, 2022 as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for December 13, 2022. Transfer of \$270,000 from the general fund is required to cover current month cash disbursements pending approval of \$253,565.43 plus 12/20/22 and 1/05/23 payroll checks and related liabilities. Financial statements reflect an ending balance of \$38,606.02 after the before mentioned transactions are approved.

Notes:

- 11/18 \$651.78 check 10611 to AT&T (security cameras, district cell phones)
- 11/18 \$170 check 10629 to US Postmaster
- 12/07 EFT PERS payment of \$3,640.16
- 12/13 Payroll E-check to Mark Icanberry: Gross \$350, Net \$319.37

General Fund:

Balance in general fund account \$251,320.62

Joel McElroy confirmed the Delta Rentals invoice is split between the drainage canal and subventions work. Neil Favor confirmed Martin Berber submitted an invoice for retention to Asta. Perla reported a refund received from Frontier in the amount of \$100,404.07. It was MSP (Preston Good/Rob Black) to approve the December 13, 2022, accounts payable, receivables, and transfers. This passed 3-0.

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

Perla reported this item has remained on the agenda in case the District needs to enter into a line of credit agreement to supplement District operating costs. Perla stated with have been waiting on advance funds from DWR on the 10-2 project and are currently down to \$251,420.62 in the general fund. She stated that we are due \$345,000 for 10-2 plus subventions. She stated that she does not think that we need to move forward with applying for this credit at this time but would like to keep this on the agenda. Perla state there are application fees of .1% of the credit limit plus a \$625 set up fee. There is no action at this time.

ASSESSMENT CALL #26

Perla reported there is \$1,755.88 in outstanding assessments.

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

Jesse Barton reported that Perla is in the process of applying for coverage with SDRMA. Perla stated that she has been working with Joel to identify District assets that need to be insured.

BOARD TO POSSIBLY HIRING A GENERAL MANAGER

Jesse Barton provided a background of last month's meeting. The Board interviewed Morgan Johnson and there were concerns regarding his healthcare coverage. Perla confirmed that Morgan's hire by the District will not place his healthcare coverage in jeopardy. Jesse provided an overview of the offer. The District offered an annual salary of \$65,000. The requirements would be 2-3 days per week. Morgan will choose which days; he will be an exempt employee. The Board has approved accelerating benefits based on prior service, thereby eliminating the

waiting period. Morgan Johnson confirmed the benefits and stated that the expectation is that he would receive 9 days of vacation upon his hire date. The Board extended the offer with a start date of December 16, 2022. Morgan accepted the offer. It was MSP (Preston Good/Mark Icanberry) to hire Morgan Johnson with an annual salary of \$65,000, waiver of probation period with benefits to start immediately and 9 days of vacations effective 12/16/22. This passed 3-0.

FEE SCHEDULE

Jesse Barton reported the background on this item. The District has had circumstances where its residents have not approached the District when they are working on their property and at times this work has affected the District. The Board agreed that there may be a need to add fees to cover unauthorized encroachments. Bob Wagner said there are fees that the engineers incur for this as well. There may be legal costs that are also incurred. Bob said he will provide an update on this at the January meeting with consideration of a fee plus a cost to cure. Jesse stated there is currently a statute that allows us to collect through legal action. Mark Icanberry asked about a pile of dirt currently on someone's property. Jesse stated that the District does not have jurisdiction over private property. Ceci asked how property owners will know about the changes in costs. Cindy Hill will post to the website and possibly send out a notification. There is no action at this time.

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

Neil Favor reported on December 2, the District received a check for \$25,500 covering the \$500 application fee and \$25,000 to cover inspection and project coordination. PG&E is planning a gas transmission dig on their gas pipeline that crosses Mayberry Slough to inspect metal loss corrosion anomalies. The dig is supposed to take place on the south side of the Mayberry Slough levee embankment in the Whales Mouth project area. PG&E projects the work to take place between the months of May 1st – October 1st, 2023. The work is estimated to take 3 weeks of time. Generally, the work will entail excavating the crest and embankment of the southern Mayberry Slough Levee to expose the gas transmission line to inspect and repair the gas pipeline. They will now draft an EP for the work to be completed, under Special Conditions, we want to require PG&E to:

- o Designated site access route
- o Have an on-site engineer to inspect all excavation and compaction activities
- o Haul all excavated material off-site (due to potential contamination)
- o Import certified levee fill material
- o Provide compaction reports for all placed material
- o Repair all access roads to pre-project conditions

Jesse asked Neil for the opportunity to review a draft of the permit. This will be circulated and presented for approval at the January meeting.

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

Neil Favor reported we are waiting for Caltrans' response on the Draft Encroachment Permit,

HIGHWAY 160 TURNOUT BARRIERS

Neil Favor reported NorthStar Engineering was unable to locate any of the 3 original Caltrans monuments. As a result, a Record of Survey will need to be prepared for NorthStar to reset the monuments. The additional cost to perform this work is \$6,040.00. Neil asked the Board if they would like to proceed. Jesse asked about the wide spot on 160 – the area that they are dumping.

Neil said that we are still trying to figure out where the property lines are. Bob said this cost is typical to perform a record of survey. It was MSP (Preston Good/Mark Icanberry) to engage with NorthStar Engineering to perform a Record of Survey in the amount of \$6,040. This passed 3-0.

BOARD TO DISCUSS AND POSSIBLY APPROVE MOVING THE DRAINAGE DITCH ADJACENT TO SHERMAN ISLAND CROSS ROAD AND THE HABITAT PROJECT

Mark Icanberry asked about the ditch labeled SJR5 on the drainage map. He said it has not been cleaned for 8 years. Mark stated there is a problem with flooding and he used the draft of the drainage plan to point out the area. Bob asked whose ditch it is. Mark said it appears to be a DWR ditch and the District has been cleaning it. Neil Favor said this is primarily an issue between the County and the landowner, there are no District maintained Canals or Ditches parallel to the subject road. The only District maintained facility near the Cross Road would be Drainage Canal 3B, which has a culvert that travels below the Cross Road. Per County documents, the right-of-way for the Cross Road is 40 feet in width; the road itself is 20 feet in width meaning the County only has rights 10 feet outside the travel lanes. Bob stated he will send the engineers out to look at the area and determine the issue. Joel said that most of the work that has been done in the vineyard was Hansen. Rey Campos asked if Mark was talking about ditches around where the property owners live and the County Road. Rey confirmed that the areas are flooding and need to be fixed.

OUTRIGGER MARINA DRAINAGE

Neil Favor there is no update at this time.

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

Neil Favor reported by letter dated November 18, 2022, we received approval from CDFW on retention release for the Project. Once the Completion Report has been approved by DWR, we can request release of retention. The District has been working on permit closeouts with Caltrans, Central Valley Flood Protection Board and US Army Corps of Engineers. By letter dated November 29, 2022, Wagner Bonsignore requested a time extension to June 30, 2023. On December 5, 2022, DWR informed us that the requested advance is still in the queue. On December 7, 2022, Caltrans repaired the Highway down drain at Sta. 902+00; the down drain had separated near the roadway and was allowing erosion to occur.

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.

Amy Williams provided an update on RCD activities. She reported that a high school class was working on the island November 15 performing vegetation efforts. There were 25 students in attendance, and they installed 260 native plants. There will be a second event on February 14, 2023. She thanked David Julian for his presentation. Ceci Giacomina thanked Amy and her group for the work they do on the Island. David Julian reported they have not trapped any more nutria. He is working with Wagner Bonsignore to secure deferred maintenance funds for future work.

David reported he discussed with Bryan Brock the need to purchase a truck for Tim Nix's use. Bryan agreed and they recommended spending about \$40,000. The truck needs to be properly outfitted for the work that has to be done on the island. Joel said that Tim Nix has been doing research. Perla confirmed there are adequate funds in the advance account to manage the purchase. Jesse confirmed Joel will be authorizing the purchase. It was MSP (Preston Good/Mark Icanberry) to purchase a truck fully outfitted for the type of work to be done in the amount of \$40,000. This passed 3-0. Joel asked David about renting a backhoe. David will look into it and contact Joel.

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 they are working to submit the Scope of Work for a third time, they are addressing issues related to existing encroachments from private landowners and the environmental aspects of the design. There were issues finalizing the new power line alignment with DWR REB and they are currently working with PG&E to provide a new design that works for all three parties: District, private landowners, and DWR REB. Currently, they are collaborating with the environmental consultant to finalize the Aquatic Resource Delineation Report and Biological Resource Evaluation Report so the District can begin to apply for permits. They are coordinating with PG&E to schedule a field meeting with their estimator so the District can finalize the power line alignment, PG&E is currently experiencing delays from higher priority Projects. Neil said they will re-engage the landowners to update them on the current Project Status due to project delays.

DRAFT OF DRAINAGE PLAN

Neil provided a background of this agenda item. He reported during the winter of 2021, there was uncertainty of District Maintained Ditches. The Board requested Wagner & Bonsignore to develop a Drainage Plan to identify ditches that are used for the benefit of the District, i.e., ditches where interior levee drains discharge into. On Friday, December 9, Neil emailed a DRAFT Drainage Plan to the Jesse and the Board President, the document was forwarded to Trustees yesterday. During the development of the Drainage Plan the following steps were taken:

- 5 of the 6 District Pumps were tested – Gives the District data for pump efficiency and frequency of being used
- Ditches/Canals are now identified with names and lengths
- Updated ditches/canals around Whale's Mouth and Belly Projects
- Prepared a maintenance schedule for ditch/canal cleaning
- Identified Ditches for the District to adopt: □ HB3 & HB4 from the 10-2 project and TS8 from the Threemile Slough Rehabilitation Project

The initial budget was \$35k, to date W&B has spent approximately \$30,000. Neil said in order to improve the Drainage Plan, Wagner & Bonsignore recommends the Board approve additional scope and budget of approximately \$25,000 to:

- Identify and survey all existing siphons, both location and elevation relative to BFE. Previously, W&B was showing siphons from a DWR exhibit, but they were not confident in the accuracy of the exhibit.
- Identify and survey all culverts (size and elevation)
- Identify additional ditches that require District maintenance.

17124 SHERMAN ISLAND E LEVEE ROAD

Neil Favor reported that his office informed Mr. Campos that he was in violation of the District's Rules and Regulations due to running cattle on the levee and placing fill material on the landside levee embankment. The letter noting the violation was sent on November 14, 2022. Mr. Campos responded by contacting Mr. Neil Favor via telephone to schedule an on-site meeting. On Monday, November 21, Mr. Campos met Joel McElroy and Mr. Neil Favor to discuss the District Encroachments. At that time, Mr. Campos was no longer running cattle on the levee and had delivered approximately 40 loads of fill below the base of the existing structure on the levee embankment. Preston Good asked if this was an unauthorized encroachment. Bob said they are going out to determine if an encroachment permit is needed. Mr. Campos stated he thought he was putting the dirt in his backyard. Neil explained to him the regulations. Mr. Campos stated that if he starts putting the dirt 50 feet from the toe it will create a canal. Bob said he will go out and look at it. Mr. Campos said that the cows were eating the grass and he didn't realize this would cause an issue. Preston explained that the weight of the cows is not good for the levee. Ceci Giacomina stated that the District should do a better job notifying the landowners of the rules. Perla said when we are ready to send the updated fee schedule, we should also send the rules and regulations. In addition, this needs to be posted on the website.

ENGINEERS REPORT

Neil Favor reported on West Sherman Island Levee Road. By letter dated November 28, 2022, he informed Sacramento County of the current condition of West Sherman Island Levee Road and requested that the County repave the entirety of the West Road less the 0.8-mile section that was reconstructed as part of the Fish Release Project. Supervisor Nottoli was copied in the letter. By email dated December 2, 2022, the County informed the District that they currently have a backlog of \$800,000,000 in pavement maintenance and that they currently do not have plans to rehabilitate the West Road. However, they will continue to monitor the West Road and bring projects forward in future fiscal years as the budget allows. The County encourages residents to report potholes by calling 311 or online at 311.saccounty.gov so staff can perform the necessary temporary repairs.

SUPERINTENDENT REPORT

Joel McElroy reported the District may need to purchase a disc and dozer if the Board desires him to continue to clean the ditches. This equipment is needed to clear the spoils. Jesse said that this should be a part of the drainage plan as the equipment is required to implement the plan. Joel said 2 cars went off the road. They have been clearing the siphons every day to keep them primed. Ceci said there were 3 cars. She said there are 2 places on 160 that are bad. Carter has been cleaning the established ditch between DWR and Mark Icanberry's property. Neil said they will look at the area when they do inspections on the island. Joel said that pump house #4 was shot up during Thanksgiving weekend. He said they are putting up a fence to make it difficult to get out of the area if someone gets in. He said they trapped 5-6 beavers near McCormick's. They are going to remove the lodge. Brad's doctor has not released him. The estimated release date is 01/23.

There being no further business to come before the Board, the public meeting was adjourned at 11:02 A.M. for closed session meeting

There being no further business to come before the Board, the public meeting was adjourned at 11:14 P.M.

X_____

The presiding Trustee of the December 13, 2022, meeting hereby certifies that the above minutes were approved as read.