

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, February 8, 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: Juan Mercado and Kacy Kimball; Rio Vista Windsurf Association: Don Ross; Landowner(s): Ceci Giacoma and Raghu Malladi.

## **PUBLIC COMMENTS**

Don Ross stated he sent a launch site location map to Neil Favor for Bird's Landing. He is unable to stay for the meeting; they are working on a date for the spring clean-up. Juan Mercado inquired if he needs to notify the Board during the public comment section on any items that he would like to comment on. Jesse said that he does not need to notify the Board prior to the agenda item during public comments.

## **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

## **ISLAND SECURITY**

Ceci Giacoma reported they will not be having the safety meeting until the Sacramento Public Health allows for in person meetings. She said there was search for a body of a missing girl. They have not located her. There is an RV parked on Horseshoe Bend. Neil Favor received notification from the Oakley Police Department regarding a missing girl. They came to his office to review our security footage. Neil gave the police access to assist in their investigation. Wagner and Bonsignore is requesting access to the security cameras; this will cost an additional monthly

subscription of \$18.93 per month. Jesse said this needs to be placed on the agenda for the March meeting. Juan asked how the sheriff knew to get in touch with him. Neil said that the Detective got in touch with Joel. Joel contacted Jesse. Jesse referred it to Wagner Bonsignore. Joel stated that he forwarded all information to Jesse and notified the Board members.

### **APPROVAL OF MINUTES**

The Board reviewed minutes of the special meeting of January 18, 2022. It was MSP (Morgan Johnson/Rob Black) to approve the special meeting minutes of January 18, 2022, as written. This passed 3-0.

### **ACCOUNTS PAYABLE AND RECEIVABLE**

Perla and the Board reviewed the accounts payable for February 8, 2022. Transfer of \$205,000 from the general fund is required to cover current month cash disbursements pending approval of \$188,531.46 plus 02/20/22 and 03/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$49,970.44 after the before mentioned transactions are approved.

#### **Notes:**

- 01/26 deposit \$1,155.74 – RD 1601 shared habitat mgmt. reimbursement.
- 02/08 PERS payment of \$2,778.06 was paid via EFT due to timing of due date.
- 02/08 Payroll check to Morgan Johnson: Gross \$350, Net \$319.03.

#### **General Fund:**

Balance in general fund account \$387,371.56

Perla reported the district purchased a used weed eater from one of the District employees, this was paid for by the SMFA project. Annual membership dues to CA Association of Mutual Insurance in the amount of \$100.00 was paid. She stated that the PG&E costs for all pumps was \$20,208.44 this month. The dozer equipment rental amount of \$5,928.50 should be the final charge. Travelers Insurance was paid in the amount of \$2,083. Preston Good inquired as to how many hours Cindy Hill worked last month. Perla stated she worked 26 hours on the computer and 20 hours on for other work – which represents phone calls, travel, filing, and any other district work. Perla met with Morgan Johnson prior to the District meeting to review and approve the invoices.

It was MSP (Morgan Johnson/Preston Good) to approve the February 8, 2022, accounts payable, receivables and transfers. This passed 3-0.

### **ASSESSMENT #25**

Perla reported the same two landowners are delinquent from last month. One is Betz, they are in a payment repayment plan and are paying as agreed; the other is Riggio. Outstanding assessments owed by Riggio's are \$2,894.76 plus interest for a total outstanding of \$3,227. Jesse stated at last month's Board meeting, he was asked to contact Riggio regarding his assessment. Jaime stated that payment would be received within the next 60 days. Jesse recommended that the Board waits to proceed with further action until the next District meeting. Preston asked when he spoke with Jaime. Jesse confirmed it would be close to 60 days at the next District meeting.

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

Perla reported she met with RD 1601 regarding acquiring internet services for the District's shared office space. The RD341 Board agreed at the January meeting to approve internet services pending confirmation that RD 1601 will pay the monthly service fee. The District will split the cost of the device; installation of the Cradle Point IBR device has a one-time cost of \$302.99. RD 1601 agreed to cover the monthly service cost of \$40. Perla spoke with AT&T. They are in the process of acquiring the device. There is a back log due to supplies for the SIM cards. AT&T told Perla that it will be 30-90 days to get the service set up due to the inability to provide the device at this time.

**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 provided an overview of the request by RD 536 to share office space. Jesse explained RD 536 will not have a meeting space due to changes in their structure. They meet on the first Wednesday of each month, so there should not be an issue with office use. Jesse stated last month Morgan had concerns about putting RD 536 on the lease. He said that our lease has a clause stating we cannot sublease without permission. Jesse contacted the landlord. He said he was ok with allowing District 341 and 1601 to sublease to RD 536. RD 536 has agreed to pay 1/3 of the costs associated with the office space. Jesse included all costs in the sublease. He stated he sent the Board members the sublease for review and asked if there are any questions. Preston Good inquired if everyone will be paying 1/3 of the utilities and if that includes internet services. Jesse stated that he attached a breakdown of the costs. RD 536 will pay 1/3 of all costs based on a spreadsheet that Perla prepared. Morgan asked if RD 536 will pay any additional costs to cover misc. fees. Perla stated she included an additional 10%. Juan Mercado inquired what hour of the day did RD 536 meet. Jesse stated their meeting time starts at 10:00 AM. Jesse stated he will have keys made and will give them to RD 536 if this is approved. It was MSP (Morgan Johnson/Rob Black) to approve sharing office space with Egbert Tract RD 536. This passed 3-0.

Jesse stated that since he is representing all three Districts, he will need to have a waiver of conflict of interest signed by all the Districts. This will be presented at the March meeting.

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

Jesse Barton provided the background to this item. With Juan Mercado's retiring from the Board, this left a situation where the landowners may not have a contact person with the District for issues. Wagner Bonsignore recommended Neil Favor would be the point of contact with the landowners. Joel is also doing additional work. Jesse stated this has been left on the agenda to ensure that the District has adequate staffing. Preston asked Neil if he had any comments regarding how things have been going. Neil stated that he has been trying to get out to have a greater presence on the island. Neil stated he is still trying to get familiar with the additional needs of the island. He has not had a lot of interaction with landowners this past month but has been going out with Joel and Brad to understand the needs of the island. He said at this point he has not had any issues that he has not been able to deal with. Kacy said that Juan Mercado had been wearing multiple hats at the Department of Water Resources and she wants to make sure that the District needs are filled as he had a big role with the District. She said he is still managing the real estate for DWR. She asked Juan to comment. Juan said he thinks that hiring a general manager is needed. This person would

bridge the work of DWR with the District staff. Juan gave examples of issues that would be handled by this person. They would deal with any COVID related issues as well as windsurf concerns, dealing with legal issues with pot growers, etc. A general manager would ensure that DWR interests would be managed including managing the relationship with the engineering firm. He stated that this role would also work on agriculture or habitat enhancement projects. Kacy said that the RD seems to be trying to find ways to bridge the gap with others taking on additional roles, but she said she would prefer the District hire a general manager. Ceci stated she sees this role as important and crucial to the success of the District as Juan played a pivotal role. She stated the District needs a person to manage safety concerns. Preston stated he is in favor of hiring a general manager. Rob asked Jesse to remind the Board what it would take to implement this role. Jesse said it would take several meetings to implement the decision to hire and complete the process. The first thing he would need to do is amend the current District employee manual to include a part time general manager position. Then we would need to advertise for the position. He stated that when this was previously discussed that Morgan expressed an interest in the position. If Morgan opted to apply for the role, he would need to resign from the board due to conflict of interest laws. He could not be involved in any contract development including the formation of the contract or creating the position. Jesse stated that the Board would have to find a 3<sup>rd</sup> trustee. Once the District decided to hire, they would need to formally vote. The hiring process would include posting and interviewing of all applicants. Rob asked if Morgan's resignation would have to be done at a District meeting. Jesse said, no that it could be done via a written resignation with an effective resignation date. At that point Jesse would post the Trustee vacancy position. This needs to be posted for 15 days. The Board would select someone to fill the vacancy. Jesse said that if both Preston and Rob want to hire a general manager that is all that is needed as two people would be the majority. Morgan will need to decide if he wants to apply for the position. Preston asked if the District could begin working on this before a decision is made by Morgan. Jesse said that he can do a little background work and consider how to update the manual. Rob is not opposed to hiring a general manager.

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

Martin Berber reported on this project. Control points were measured on January 28, 2022; elevation differences were negligible. Inclinometers will be read this week. PG&E is currently working on the concrete pile caps. An updated schedule from PG&E on tower demolition should be received by the end of March. They met with Don Ross regarding the existing access sites along the Sacramento River levee. These sites will be protected during our placement of riprap. Don Ross said thank you for considering the launch sites as part of the project. Perla inquired if PG&E has stated when they are going to pay the additional \$25,000 invoice for the encroachment permit. Martin said that invoice is for another tower - it would not be under this item. He said that agenda item was removed, and a credit memo should be created for that item. Martin said they will request the remaining deposit from PG&E on this project once we receive an updated schedule from PG&E.

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

Jesse stated a letter was sent on January 18, 2022, to Raghu Malladi regarding the removal of the debris from the levee by February 1, 2022, at the direction of the Board. Jesse checked with Joel on the 2<sup>nd</sup> of February to see if the work was completed. Joel stated that Mr. Malladi had been actively working on the levee up to that point, however, the work is not completed. He said the bins appear to be full, but there has not been any additional work done. Raghu stated he had a

team to complete this work, but the team was not able to get it done. He said they are onsite today working on it, and he believes that he will need an additional week to complete. Morgan stated that if it is not done in a week, we will take care of it and send him the bill. Preston and Rob agreed.

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

Martin Berber reported Steve Adgate informed them that he is ready to proceed with his home addition and will provide the \$5,000 deposit. Steve has paid the \$500 permit fee. This was mailed to Perla. They have not yet seen the final plans.

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

Neil Favor reported they are waiting on a response from the US Army Corps of Engineers on mitigation obligations for the emergency repair. They have had issues with changes of staffing of project managers.

#### **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 still on schedule to complete powerline relocation work on Friday, February 11. We are waiting on a schedule from Frontier for pole removal; their telecom line has already been relocated.

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

No update at this time.

#### **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 DWR and CDFW on January 14, 2022. We are waiting for responses from both agencies.
- The County Board of Supervisors meeting is now March 22, 2022. At this time the Cost Share Agreement for \$200,000 will be presented to the County Board for execution.
- On January 21, 2022, we sent a letter to the DWR Real Estate Branch re: the need for a PG&E easement on their property.
  - DWR is not opposed to powerline relocation on their property but would like to move the new alignment closer to the easterly property boundary to accommodate future projects on the parcel.
  - A concern with the alignment location DWR prefers is accessibility to the poles for access and maintenance.
  - If we choose to proceed with the alignment along the easterly property boundary, it will require the District to build a maintenance road (with Project funding) for PG&E.
  - As part of the Fish Release Sites Project on the Sacramento River, the District constructed a new levee maintenance road for PG&E.

- We are working with DWR and PG&E to agree on a final alignment.

Morgan Johnson asked if there is an increased cost to the project for the maintenance road for PG&E. Neil said that he thinks the cost will be minor, they do not see this as increasing the costs of the project.

### **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.

### **ENGINEERS REPORT**

Neil Favor reported:

- PG&E Mayberry Crossing
  - After the January Board meeting, Wagner & Bonsignore was advised to inspect a sinkhole on the Mayberry Slough levee related to the PG&E gas pipeline.
  - On January 27, I met a PG&E representative Aaron Birch at the gas pipeline crossing to inspect the sinkholes. We proceeded to find 3 sinkhole areas over the gas pipeline.
  - We are going to work with PG&E to make a repair at the site.
- Boat found on the Levee along the San Joaquin River, contacted U.S. Coast Guard on February 7 about removing to boat from the waterside levee. We will keep the Board updated.
- We will have a bid for the Subsidence Repair Project, Sta 416+00 – 418+50, for next month's Board meeting.

Morgan asked if we issued an encroachment permit on Mayberry Slough. Neil said he will have to check but does not think that an encroachment permit was acquired. This work consists of painting on the current gas line. He said that he recently sent an encroachment permit application to PGE regarding work that they want to do on the toe. He said the projects are not related. Morgan asked if a permit is required. Jesse said that any time that there is a modification an encroachment permit should be required. Jesse said we have only been actively asking for permits over the past 10 years, and this project was done prior to that. Morgan said that we should look into making them acquire a permit, as there has been issues with these pipes in the past. Martin said we did request an easement request for the pipeline. They have not received this information. He said that once we receive this, we will pursue an encroachment permit. Morgan is concerned with the differential in settlement near the pipeline. Neil said that PG&E is aware that there has been settlement issues and they are working on a non-disclosure document to share with the District. Neil will follow up with the PG&E rep for a timeline. Morgan asked Neil to stay in contact with Jesse if this appears to be a long-drawn-out process.

Neil said he added this agenda item to discuss items that may not be included regular agenda items. Jesse said that in the past he removed this agenda item because if action is needed it cannot be included in the Engineers report.

Joel said that the District did make two repairs east of the pipeline. One appears to have been caused by rodents and the other was due to PG&E equipment. They cored the holes and filled

the areas with soil fill and capped it with 6” minus. The levee at Mayberry Slough is in bad shape. Rob asked about the rodent activity. Joel said they are not certain – it looks like rodent caused the issue and the other area is where PG&E has been working. Rob asked what type of process PG&E would follow for this type of repair. Neil said it would be similar to what Joel is describing. They would core the area out and compact the soil to grade. He said when he was out there – the sink holes over the pipeline were minor, about 8” in diameter. Neil said this is why they have asked for the as-built data – once this is received, they can review it to make sure appropriate repairs are made. Morgan said that in the past when the water went towards to pipeline it would disappear. He reiterated there has been piping issues in the past. Juan said that he understands that PG&E thinks that the RD is going to be responsible for taking care of the holes. Morgan stated that we need to determine if there is an easement. If so, they should be responsible for the work done. Neil said that if the RD fixed the holes, they would send an invoice for time and repairs to PG&E. Juan said that we need to make sure that PG&E is aware of the District’s expectations. Neil will contact PG&E. Morgan said that Jesse may need to be involved in this process. Morgan believes that we need to have an encroachment permit for this work.

#### **SUPERINTENDENT REPORT**

Joel McElroy reported a tree fell by the McCormack barn near the San Joaquin. He said several of the cotton wood trees are dying off but believes that a beaver may have helped this one fall. He said he is adding material to the area. They have been mowing the slopes. He has not heard back from Robert on the goats. They placed riprap on the Sacramento side near the houses due to erosion and parking issues. They found another sink hole on 3-Mile Slough and cored it, placed material, and layered with riprap.

Juan asked if the Board may want to consider putting drought status as an agenda item due to the current situation in California.

**There being no further business to come before the Board, the public meeting was adjourned at 10:40 A.M.**

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**The presiding Trustee of the February 8, 2022, meeting hereby certifies that the above minutes were approved as read.**