

MINUTES OF SPECIAL MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, September 12, 2023

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 9:03 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: Trustees: Rob Black and Jas Gill; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Neil Favor and Martin Berber; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian; RVWA: Chris Kraft; Landowner(s): Jamie Renwick and Ceci Giacoma; District Secretary: Cindy Hill

PUBLIC COMMENTS

Chris Kraft reported RVWA/SIKO have an upcoming Fall Clean-up scheduled for September 23. Co-sponsors are the Sac-San Joaquin Conservancy and Park Delta Bay LLC. They will be sharing in the cost for dumping and helping during the clean-up.

DISTRICT MANAGER'S REPORT

Morgan Johnson reported he has nothing to report.

ISLAND SECURITY

Neil reported they finished the installation of the 11 new Reolink security cameras. District staff all have mobile access to view live and recorded footage as needed. Due to Reolink Cloud not having automatic renewal, we opted for the cheaper yearly subscription instead of the monthly subscription. The cost for the Reolink Cloud is \$157.99/year; the cost for the T-Mobile data plan is \$186.61/month. Both these items are on Joel's credit card

APPROVAL OF MINUTES

The Board reviewed the minutes of the Special Meeting of August 25, 2023. Ceci Giacoma stated that Betz property item should be listed as grandson and not son. It was MSP (Jas

Gil/Rob Black) to approve the Special Meeting minutes of August 25, 2023 with one correction. This passed 2-0, 1 absent.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for September 12, 2023. The transfer of \$130,000 from the general fund is required to cover current month cash disbursements pending approval of \$111,852.73. Financial statements reflect an ending balance of \$57,121.22 after the before mentioned transactions are approved.

Notes:

- 9/02 EFT to PERS for \$3,953.95
- 9/25 Payroll E-check to Mark Icanberry: Gross \$700, Net \$640.15

Balance in general fund account \$298,979.57

Martin Berber reported Gornto invoice may not be accurate, it appears that they billed for an extra person and extra day – Neil was on site and only saw two people working – the invoice reflects 3 people. Also, he noted they possibly reported an extra day of work. Perla asked if she should respond to Kathy (Gornto’s office) with a copy to Martin. Martin said he will coordinate with Kathy. Perla recommends that we do not pay the Gornto invoice until we get the invoice verified. Joel said the dozer is being used on Whale’s Mouth and it will be rented for another month. David Julian asked for confirmation of project expiration dates on the SMFA by District. Jesse said he will confirm the expiration dates. Perla sent the financials to the Board prior to the meeting for their review. It was MSP (Jas Gill/Rob Black) to approve the September 12, 2023 accounts payable, transfers, and submitted invoices to DWR with the exception of the invoice by Gornto. This passed 2-0, 1 absent.

WHALES BELLY REASSESSMENT

Jesse Barton provided a breakdown of the options for the re-assessment of Whale’s Belly. Jesse said there are three decisions – the first is whether the District wants to reassess and assuming the answer is yes, how does the District want to reassess. Whales Belly improvements were on portions of the parcels. One option would be to reassess based on a percentage of the wetland on all parcels which will deliver an increase of \$174,298.77. The second option includes only parcels with >50% wetlands; this will deliver an increase of \$227,796.57. Jesse said the District has not performed a District-wide reassessment since 1998 due to Prop 218. He said we would need to hire an engineer to perform the District-wide assessment. The District does not have adequate funds to manage the needs of the District so the District needs to perform a District-wide reassessment or just a re-assessment of the Whale’s Belly parcels. Jas said he thinks that we should consider reassessing based on the land use. Morgan explained that Joel has been trying to take care of the District, however in the past the tenants took care of the interior of the island. This has changed because of land use – tenants are not taking care of the land like they did in the past. This has led to more work for Joel; he also does not have the equipment needed to manage the work. Rob said that we should look at this by

using the >50% wetland. David Julian reported he spoke with his office and the Real Estate division on how best to pay the re-assessments for these projects. He said they will have to request additional funds from the water contractors. He said they do recognize there is a need, however, they have to work on the mechanics. Martin said that other Districts that he is working with have determined that they are not being paid adequate assessments due to the age of the last assessment and costs of doing business. Jesse said it will cost the District approximately \$50,000 to prepare a District-wide reassessment consistent with Prop 218. David and Jas said since the majority of the island is state owned, and if we re-assess the entire island, they will need to have a deeper discussion. After discussion, both Rob and Jas agree on option 1 – the assessment should be based on % of wetland on all parcels (land use). We will leave this on the agenda for next month and recommended that we vote on prop 218. It was MSP (Jas Gill/Rob Black) to reassess the Whale’s Belly lands based on option 1 – the new assessment will be based on 50% of wetland on all parcels. This passed 2-0, 1 absent. Jesse will send a notice to Bryan Brock and Angelica.

ASSESSMENT CALL NO 27

Perla reported DWR is delinquent. They sent a letter stating the payment is in the process and asked the District not to assess a penalty. Jesse explained this has occurred in prior years and the District has allowed an additional 30 days. The Board agrees with not charging the penalty.

RULES AND REGULATIONS FOR ACCESS TO DISTRICT FACILITIES

Jesse Barton presented the Rules and Regulations. He said the District has not updated the Rules and Regulations in 10 years. He said the main change is in section 2 sub paragraphs E, F, & G and in definitions regarding access to the irrigation and drainage canals. The intake portion was removed from item G. Martin said it is included under J. Rob asked what Mayberry Slough is used for. Morgan said it is used for irrigation. Jesse said there is a big change in the setbacks. The ditch will be 10 feet on both sides. The drainage canals will be at 30 feet on both sides and the irrigation canals will be 50 feet. Joel said along the sections when we put the discharge pipes in, they purposely put in 40 feet and a fence was supposed to be placed. Neil said that east of the crossroads has the 40 feet precedent (this was not done). Jas asked how often we maintain these canals. Joel said there is not a schedule. It is dependent upon invasive species. He said in the past the landowners or tenants would maintain their ditches, but that is not the case anymore due to use. Morgan said that there are otter, nutria, and other species that are creating issues. Jesse said if the District realizes they need more space they will have to try to make if work or notify the landowners. Jas said proposes 30 feet on both the drainage and irrigation sides. Morgan said we need the extra 10 feet due to slopes. He said the irrigation canals can fall off 20 feet. Morgan said there are portions of the canals that have not been maintained due to inability to access. Joel said that the increased access area many possibly decrease the cost of maintenance due to efficiencies. Jesse will address minor comments. The Rules and Regulations will be listed on the website and will be sent out with the next assessment. It was MSP (Jas Gil/Rob Black) to approve as proposed. This passed 2-0, 1 absent.

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

Neil Favor reported PG&E has been informed that DWR approved their EP for the work. Once PG&E receives the executed permit, they will update the District with a construction start date. They will be on site during the work. The District will need to purchase 100 LF of 24-inch HDPE pipe to bridge PG&E's easement. Morgan recommended purchasing 200 feet. It was MSP (Rob Black/Jas Gill) to approve the purchase of 200 ft 24-inch HDPE. This passed 2-0, 1 absent. It will be billed against SMFA.

HIGHWAY 160 TURNOUT BARRIERS

Jesse provided a licensing agreement for Mr. Upham to sign which will allow the District to place K-rails on his property. The District will need to indemnify Mr. Upham. Martin said he needs to connect with Mr. Upham on the status. This will not be recorded but it included verbiage that if the property is sold Mr. Upham will need to disclose. It was MSP (Rob Black/Jas Gill) to approve the licensing agreement to place the K-rails on Mr. Upham's property for a nominal fee. This passed 2-0, 1 absent.

SHERMAN LAKE ROCK SLOPE PROTECTION

Martin reported an Invitation to Bid was posted on September 5th for 2 barges of RSP. This will be 15 - 100-foot sections. The job walk is scheduled for Wednesday, September 20th at 10:00 a.m. with the Bid Opening on Friday, September 29th 10:00 a.m. Bids will be presented to the Board at the October 10th meeting.

PUMP NO. 1 PIPE REPLACEMENT

Martin reported the minor alteration request was submitted to the Central Valley Flood Protection Board on August 25. No response has been received to date.

PUMP NO 3 – REHABILITATION

Martin said there is no update this month.

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.

- a. **Repair of perimeter berm leakage at Whale’s Mouth through the construction of a bentonite cutoff wall.** Neil said there is nothing to report at this time.
- b. **Moving a drainage ditch adjacent to the Sherman Island Cross Road, the repair on replacement of several risers within Whale’s Belly, the repair of several siphons and the need for a topographic survey of the Whale’s Mouth and Whale’s Belly Projects.** Martin reported they pushed the remediation to next year. David said he would like to see the ditch enlarged due to possible heavy rains

this winter. David confirmed they will not be filling it with water. Martin asked if we are going to have Gornto do this work under the warranty. Jesse said we should try to work this out with Gornto to cover the warranty. Jesse said he would like a distinction because we have a contract on Whale's Mouth. The culverts should be done separately on Whale's Mouth and Whale's Belly so that Gornto can cover the warranty work on previous work.

- c. **The salinity plan – will coordinate wetland operations with the District operations.** David said there are no updates at this time.
- d. **The Board will consider requiring the project proponent to consult with and receive approval from the District Engineer before undertaking maintenance associated with this project.** The District Engineers will provide added supervision on work. Invoices should be submitted and reviewed by Wagner Bonsignore.

PROJECT FUNDING AGREEMENT SH 17-1.1 SP - PHASE 1 OF SAN JOAQUIN SETBACK LEVEE/HABITAT BENCH MULTI-BENEFIT PROJECT (STATIONS 175-199)

Neil Favor reported they received legal descriptions and plats for the PG&E overhead utility easements. They are coordinating with DWR and PG&E to confirm the legal descriptions are acceptable. SWCA environmental consultants will conduct their last pre-project survey on September 18 in order to complete all the Scope of Work, environmental documents, and permits for the project.

ENGINEERS REPORT

Martin reported on FY 2022-23 Final Claim. He said the total expenses are: \$276,070.74, with estimated reimbursement: \$192,428.06. The final claim will be submitted after today's meeting. Neil reported the District was contacted by the Sacramento County Environmental Management Department on September 9 regarding a new well at 18650 Sherman Island East Levee Road. After inspection, the well is within the Districts levee easement. They will collaborate with the landowner and driller to relocate the new well.

SUPERINTENDENT REPORT

Joel McElroy reported they have been using the dozer on Whale's Mouth perimeter ditch. They have been cleaning out the Horseshoe Siphon. Joel said the center pipe has issues; the valves on the pipes may have an air leak, but he thinks the main issue as the screen. Neil could not find any survey data on the pond.

CLOSED SESSION – Conference with Legal Counsel – Anticipated Litigation Significant exposure to litigation pursuant to paragraph (2) of subdivision (d) of Section 54956.9. One case. Recess at 10:50/Reconvene Closed Session 11:00

No reportable action.

There being no further business to come before the Board, the public meeting was adjourned at 11:23 A.M.

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The presiding Trustee of the September 12, 2023, meeting hereby certifies that the above minutes were approved as read.