

MINUTES OF REGULAR MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Tuesday, March 8, 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 Morgan Johnson called the meeting to order at 9:05 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; Landowner(s): Ceci Giacomina; District Secretary: Cindy Hill

PUBLIC COMMENTS

Juan Mercado, DWR, received a letter from DWR regarding a Flood Maintenance Assistance program (FMAP). The District may be eligible for funds under this program. Jesse Barton stated the District is not eligible because we participate in Subventions. Jesse will take a look at the letter, but he said that he believes that we are either eligible for this program or the subventions program but not both.

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

ISLAND SECURITY

Ceci Giacomina reported there was a stolen truck. She said the Polly Klaas Foundation was out searching for the body of a missing girl. Ceci said that Caltrans will resume their traffic control meetings on March 28, 2022. Martin reported that on March 2, 2022, Wagner Bonsignore met with Sacramento County DOT and Caltrans regarding the October 10 letter to Caltrans in which the District requested an emergency response plan for Hwy 160. Caltrans informed them they do have a regional emergency response plan; however, they have provided the District an abridged

version specific for Sherman Island. Martin distributed a letter from Cal Dept of Transportation Island Emergency Response plan. Morgan said it seems like this will only take effect if the breach occurs on HWY 160. He stated that the letter stipulates stations; he is concerned that if it breaches in another location we would not be covered. Martin said it states post mile 0 to post mile 7; which would cover any failure within those posts. He said that everything would go through OES – they are the central agency that coordinates between Sacramento County and Caltrans on emergency issues. He said this is in draft form and said that we can include a comment that this would cover any failure on Sherman Island. Juan Mercado mentioned fires as well as any other major issue such as wrecks, hazmat situations, etc. Jesse said any time they close HWY 160 this should come into play. Neil reported Oakley PD contacted the RD for footage that was used in the search for the missing girl. They expressed their gratitude for the footage.

BOARD TO DISCUSS AND POSSIBLY APPROVE ADDIING AN ADDITIONAL SUBSCRIPTION FOR WAGNER BONSIGNORE TO HAVE ACCESS TO DISTRICT CAMERAS

Jesse Barton provided background to this request. The current Arlo subscription allows for the RD to have access to the account and only one person can log in at a time. To better maintain the cameras or in the instance that there is an emergency having a second subscription/access to the cameras would be helpful. The cost is \$18.93 per month or \$227.16 per year. This was MSP (Morgan Johnson/Rob Black) to approve Wagner Bonsignore having a second subscription to the District cameras. This passed 3-0.

APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of February 8, 2022. It was MSP (Morgan Johnson/Rob Black) to approve the regular meeting minutes of February 8, 2022, as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

The Board reviewed the accounts payable for March 8, 2022. Transfer of \$75,000 from the general fund is required to cover current month cash disbursements pending approval of \$55,839.01.46 plus 03/20/22 and 04/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$41,790.81 after the before mentioned transactions are approved.

Notes:

- 02/10 deposit A\$561.80 – Alco Iron & Metal (rebate)
- 03/08 PERS payment of \$2,778.06 was paid via EFT due to timing of due date.
- 03/08 Payroll check to Morgan Johnson: Gross \$350, Net \$319.03.
- 03/08 Steward Industrial Supply payment of \$321.72 was paid with check 10442, due to timing of due date.

General Fund:

Balance in general fund account \$321,254.98

Perla reported Gornto will be reclassified from G&A to DWR Trust. District staff is beginning to submit mileage – this should be submitted to the SMFA as the shared employee is using his personal vehicle. This cost will be shared with Twitchell. 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 March 8, 2022, accounts payable, receivables and transfers. This passed 3-0.

ASSESSMENT #25

Perla reported the outstanding balance is \$5917.92. Jesse Barton stated he spoke with Jaime regarding the delinquent assessment. Jaime asked for an extension of 60 days to make payment as he is selling a piece of property. He stated that he does not have any intent to sell the property on Sherman Island. Jesse said he is staying in contact with him but shared there is an option of placing a lien on the property, but Jesse pointed out that typically all assessments are paid. The Board agreed to allow an extension of 60 days. Ceci shared that many people on the island experienced significant losses last year due to the drought.

BOARD TO DISCUSS AND POSSIBLY APPROVE A SUBLEASE AND A WAIVER OF CONFLICT OF INTEREST FOR JESSE BARTON AS HE IS REPRESENTING EGBERT TRACT RD 536, RD 341, AND RD 1601.

Jesse Barton provided an overview of the request by RD 536 to share office space and stated he needs a waiver of conflict of interest for his work as he represents all parties. Jesse has the sublease and waiver and asked the Board if they have any questions. There were no questions. It was MSP (Morgan Johnson and Rob Black) to approve the sublease and conflict of interest waiver. This passed 3-0

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

Jesse Barton shared a screen shot of California's current drought status compared to other years. He reported we are currently below average even with the large amount of rain that we received in December. He stated all indications point to this year being a dry year and the salinity will rise in the Delta. Joel McElroy said Bryan's staff have been routinely checking it. He thinks it is affecting the bamboo. Morgan said if there is a concern, they may be able to move less saline water and prevent salt from affecting the habitat.

BOARD TO DISCUSS THE POSSIBLE HIRING OF GENERAL MANAGER

Jesse Barton reported that he has had several conversations with Kacy Kimball at DWR. She wanted to understand the mechanics around hiring a general manager. DWR is the largest landowner out here. Jesse stated this will affect the assessments. She is looking into it from a DWR perspective. This will remain on the agenda.

BIRD'S LANDING PROJECT

Martin Berber reported there is no update at this time. They expect an updated schedule from PG&E at the end of this month. Morgan asked if piles were driven. Martin confirmed they were.

BOARD TO DISCUSS AND POSSIBLE APPROVE THE SACRAMENTO COUNTY LOCAL HAZARD MITIGATION PLAN UPDATE

Jesse Barton stated he has worked with Patrick Ervin on this plan. There was a historical reference to RD 50, he asked for this line to be removed. This is just an update to the mitigation plan that was approved 5 years ago. Morgan asked the benefit the plan is to the District. Jesse stated it makes money available in case of a flood – it is required for pre and post FEMA funds. Morgan said he

thought at one time we were not eligible as the area around the lake was not high enough and we were not in substantial compliance. Martin said he thinks there may be 2 different mitigation plans because we currently meet eligibility. Rob Black said it is a good idea and made a comment back to Patrick. Preston stated it is a good idea and has no comments. It was MSP (Morgan Johnson/Preston Good) to approve the Sacramento County Local Hazard Mitigation Plan. This passed 3-0.

ENCROACHMENT PERMIT NO 2021-1 (OUTRIGGER MARINA DOCK DEMOLITION)

Joel McElroy reported the areas is cleaned up to his satisfaction; they ran a magnet in the area. He will not remove any more dock until he builds a two berth dock. It will be a year out for this to happen. Morgan reconfirmed the area is clean and the encroachment permit has expired. The remaining funds should be refunded.

ENCROACHMENT PERMIT NO 2021-3 (ADGATE ADDITION)

Martin Berber reported the District received Steve Adgate's \$5,000 deposit. Mr. Adgate plans to have more information on his home addition, including a proposed footing design to the Board at the April meeting.

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

Neil Favor reported on February 25, PG&E submitted an Encroachment Permit Application to: Set-up scaffolding around the gas transmission pipelines crossing Mayberry Slough in order to re-coat the spans and comply with CPUC (California Public Utilities Commission) and access the area using the levee road at the North end of the spans.

Neil provided an overview - PG&E crews set up scaffolding back in late September of 2021 to begin recoating the pipelines. Work was delayed in January due to sinkholes found on the levee. After appropriate repairs were made by District staff, work commenced in February. The District did not originally request an EP from PG&E because there was no excavation work involved in the maintenance. We decided it was necessary to retroactively require an EP to monitor and document the remainder of work being performed due to the complexity of the repairs. The engineering staff has spent time primarily coordinating with PG&E reps to meet on-site, acquire as-built plans, and easement documentation. The District requires a \$500 application fee for processing; Neil asked if the Board would like to request an additional deposit to monitor work being performed. On March 3, they received a Non-Disclosure Agreement from PG&E to disclose as-built plans, easement documentation, general operations of the pipelines (including how long the pipeline has been in operation, pipe diameters, and operating pipe pressure), and any studies completed on the spans over Mayberry Slough. Jesse stated the NDA is required as Neil will be reviewing sensitive infrastructure documentation. He reviewed the NDA and noted, "Paragraph 9 that requires the District to destroy everything upon termination of the agreement." Jesse stated that he does not see any issue and sees the privacy issue around the as-built plans. Neil said that we are asking for historical information and any studies completed on the span. Morgan asked about the sinkholes; he asked about the differential settlement and the casings. He said there was a welded ring around the pipe. Neil said that they have not determined if there was a drop in the levee or if the issue is the welded ring – the information requested will provide a background. Neil said there have been some sink holes on the south side over the pipeline. The plan is to have them repair the sink holes as part of the project. They appear to be small. Initially Wagner Bonsignore suggested a permit fee of \$25,000 after discussion, it was recommended to

adjust the permit cost to \$5,000 plus the non-refundable fee for administrative costs. Rob and Preston both agreed the \$5,000 fee is appropriate. Joel McElroy said they recently made some repairs in the area. Juan asked if we could close off the water to Mayberry. Joel said that we could; it appears that he is flushing Mayberry and Parcel 11. Martin asked if the Board would like an agenda item on Mayberry Slough. Morgan said it would be a good idea. Juan Mercado agreed it is a good idea and recommends we reach out to Bryan as this project protects DWR interests. It was MSP (Morgan Johnson/Rob Black) to approve the execution of an NDA. This passed 3-0

FY 2022-23 SUBVENTIONS PROGRAM APPLICATION

Martin Berber reported applications for Fiscal Year 2022-23 are due on April 1. Martin said with Board approval they are planning to submit an application for \$600,000 by the deadline. The Board approved submitting the application.

SUBSIDENCE REPAIR, STA 416+00-418+50

Neil Favor reported they had two prospective bidders show up to the job-walk, Ford Construction and Asta Construction.

- Bid Schedule A - Consists of repairs on a 250-foot section of levee that supports Sherman Island East Levee Road. The work consists of the removal and off-haul of existing asphalted concrete road surfacing, stockpiling the aggregate base, repairing the sub-grade, and construct a 3:1 slope to support the embankment, and replace existing aggregate base.
- Bid Schedule B - Consists of the placement of new asphalted concrete and striping the road.

The lone bidder for Bid Schedule A & B was **Asta**, at a cost of **\$141,013.00**. At this time, the County has indicated that they will not provide funding or crews to repave the County Road. Neil asked if the Board would like to proceed with the bid for schedule A or bid for schedule A & B. Neil said he sent pictures to Lupe of our plan set with the details of the work and material specifications. The county said they did not have funding available now for this work – they did do some temporary cold patching. Preston asked if the county made a decision to not reimburse for the road. Neil said yes and said the road materials will cost \$37,390. This portion is not eligible for subventions. Schedule A is eligible for subventions. This work will cost the district approximately \$60,000. Wagner Bonsignore recommends combining A & B. This is 250 feet of road, and the crack is approximately 160 feet. Ceci asked if the county is legally responsible for the roads. Neil said they are blaming the District as our levee broke the road. Preston asked if our engineers concurred that the levee caused the issue. Neil confirmed they do believe this is due to the District levee. It was MSP (Morgan Johnson/Preston Good) to approve the combined bid of A & B. This passed 3-0.

SPRING 2021 LEVEE INSPECTION REPORT

Martin Berber provided a history of the Spring 2021 levee inspection. Unacceptable items in DWR's levee inspection report include the following:

- Unpermitted fence and building from Sta. 2+00 – 4+00
- Willows on the landside levee slope at Sta. 1025+00

- Overgrown trees at Sta. 1010+50
- Corroded siphon at Sta. 938+50
- Arundo on the landside levee slope from Sta. 879+00 – 881+00 (removed last summer during HWY 160 Vegetation Management)
- Fig trees on the landside levee slope at Sta. 867+00
- Overgrown vegetation from Sta. 788+00 – 789+00

The report also includes all the erosion sites along HWY 160 that have been documented by the US Army Corps of Engineers. Some areas are private land, but we are being dinged for it by DWR. Morgan said that there are two lanes of road and there is a project levee under the road. Morgan asked if we could argue that portion. Martin said that we could. Joel said the area reflected on page 8 of 53 is an abandoned pipe. The majority of the items are a result of overgrown vegetation. Some of this work is included in our 5-year plan. Morgan asked Joel to look into the pipe and see if it is grouted. Neil and Martin said they will check the pipe at low tide. Martin will review the PMP report. Joel said the next inspection is 03/23 at 10: AM. Rob Black asked for a copy of the report.

SACRAMENTO RIVER ARUNDO REMOVAL AND RIPRAP PLACEMENT

Martin Berber reported several sections of the Sacramento River levee have overgrown Arundo don ax (giant reed) that impair inspection of the levee waterside slope. Some of these locations are documented in the DWR Levee Inspection Report. Our Routine Maintenance Agreement with CDFW allows the use of soil sterilant to control giant reed. Additionally, the RMA allows the District to place approximately 2,600 LF of riprap slope protection per fiscal year. We are proposing to assemble plans and specifications for the grubbing of giant reed, applying soil sterilant, and placement of 24-inch riprap slope protection. Joel said if we can get to the area, we can remove the Arundo to the roots. Morgan recommended grubbing, placing the sterilant, and rocking the area. Martin said they will provide a proposal at the April meeting for all the Arundo sites.

FLOOD SYSTEM REPAIR PROJECT AND EMERGENCY REPAIR

Neil Favor reported they have been unable to meet with the US Army Corps of Engineers regarding the mitigation obligations for the emergency repair due to scheduling on their side.

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 utility relocation is officially complete. PG&E completed their work on February 17, 2022. Frontier removed the remaining poles on February 21. Additionally, PG&E repaired the gate that was damaged at the grain bins. We will be resubmitting our Caltrans Encroachment Permit application this week in anticipation of going to bid in April. In anticipation of construction, we will be submitting an advance request to DWR for \$720,000. PG&E fixed the gate; however, another gate was hit – this is Upham's gate. Martin will speak with Upham regarding the damaged gate. This will go to bid, and they will submit for approval at the April meeting.

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:

- The County Board of Supervisors meeting is on March 22, 2022. At this time, the Cost Share Agreement for \$200,000 will be presented to the Board for execution.
- We received comments from DWR Real Estate Branch re: the preferred powerline relocation alignment on their property. DWR REB requested an updated letter with the new alignment, easement financial structure and commitment to write the legal description.
- They are still waiting for a response from DWR re: the updated Scope of Work sent on January 14, 2022; CDFW provided additional comments by email dated March 7, 2022. The comments are directed to more specific avoidance and mitigation measures during construction and a more detailed Planting Plan.

Morgan Johnson asked Neil to attend the supervisors meeting. Juan said if it is a stand-alone issue, we should have someone there to represent the District. Juan asked when construction will begin. Neil said the first thing is to remove the power poles from the levee and acquire the easements. Martin said we can get started with PG&E before we acquire the easements. Martin stated that landside design is complete. The District will need to purchase easements from Douglas Chance, Steve Case, and the Riverhouse Trust (the Whites). We have not ordered an appraisal yet. Jesse said the White’s area is small and it may be better to pay them as the cost of the appraisal may be higher than the value of the easement.

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 minor action on this item. DWR requested project costs. They are waiting on the approval of the Final Five-Year Plan.

DRAINAGE PLAN

Neil Favor reported the 5 pumps stations (6 total pumps) were last tested in September of 2017. Prior to that, there were tested in 2014 and 2008. Pump testing will provide the District with information re: pump efficiency, total amount of energy (kWh) being used, estimated cost per year and estimated acre-feet pumped per year. Upon completion of testing, we will receive a diagnostic report for each pump with recommendations to improve overall plant efficiencies. At this time, they are requesting the Boards approval to pay \$1,650 (\$275/pump) to have all six pumps tested by Power Services, Inc. It was MSP (Robert Black/Morgan Johnson) to approve the testing of all six pumps. This passed 3-0.

ENGINEERS REPORT

Neil Favor reported there are no updates as all action items are listed under their own agenda item.

SUPERINTENDENT REPORT

Joel McElroy reported Ed will be gone from March 16-24. Joel will take a few days off from the 25th-28th. Joel said pump #1 pipe replacement is not critical, however, it should be done before winter. He said that the cost with delivery is \$28,858.56. He said that he can hold the cost but may not be able to get the pipe. Joel said with the cost of gas, the price of delivery may go up. Joel is concerned with increased costs. It was MSP (Morgan Johnson/Preston Good) to approve \$31,000 of pipe purchase. This passed 3-0.

Joel stated they are completing ongoing maintenance. Brad is mowing and Ed is working on the Sacramento River. We should have a clean levee inspection based on the work being performed.

There being no further business to come before the Board, the public meeting was adjourned at 11:17 A.M.

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