

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, February 9, 2021

306 Second Street  
Isleton, California

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In an effort to control the spread of the COVID-19 virus, California Governor Gavin Newsom issued Executive Order N-33-20 on March 19, 2020. Order N-33-20 obligates all residents in the State of California to stay home and heed the public health directives issued by the Department of Public Health. As a result, the District was unable to offer its meeting room to hold this regular meeting. Instead, the meeting was held entirely by telephone, consistent with Executive Order N-29-20, which waived certain provisions of the Brown Act. District directors and members of the public may participate in the meeting using the same telephone conference line listed below, as authorized by Executive Order N-29-20. Conference Line Number: 1-877-336-1829 Access Code: 3653607

## CALL MEETING TO ORDER

President/Trustee Juan Mercado called the meeting to order at 9:07 a.m. Jesse conducted the meeting. He stated 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: Juan Mercado and Rob Black; District's Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Neil Favor and Martin Berber; District Superintendent: Joel McElroy; Yolo County RCD: Amy Williams; Landowner(s): Ceci Giacomina and Raghu Malladi; District Secretary: Cindy Hill.

## PUBLIC COMMENTS

Ceci Giacomina stated they have a wet spot on their property. Martin inquired where the wet spot is located, she said it is not an area that has been looked at in the past – it is not a big spot; but has been on going and persistent. Martin stated he will come by and look at the spot. Juan Mercado stated that masks and social distancing requirements are enforced for all those attending the District meeting in person until the Governor's emergency order has been lifted.

## ISLAND SECURITY

Ceci reported stated there has been some random issues. Someone shooting guns and a car has been dismantled and left.

## APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of January 12, 2021. It was MSP (Juan Mercado/Rob Black) to approve the regular meeting minutes of January 12, 2021 as written. This passed 2-0, 1 absent.

## **ACCOUNTS PAYABLE AND RECEIVABLE**

The Board reviewed the accounts payable for February 9, 2021. Warrant number 4319 for \$125,000 is required to cover current month cash disbursements pending approval of \$107,356.34 plus 02/20/21 and 03/05/21 payroll checks and related liabilities. Financial statements reflect an ending balance of \$34,829.30 after current month cash disbursements. Perla reported:

- 02/08/21 PERS payment of \$2,928.98 was paid via EFT due to timing of due date.
- 02/09/21 Payroll check to Morgan Johnson: Gross \$350.00, Net \$318.33
- Balance of \$59,301.13 (\$285,000 - \$225,699) remaining from Caltrans Co-op funds held for shared costs relative to SH 10-2.2.
- Deposit \$1,000 Assessment payment (Lisa Betz/Patricia Noack) made on 01/14/21.
- Checks issued to Visa and Kludt after the completion of the financial statements due to timing.

Perla reported the District has not received reimbursements for invoices in the amount of \$21,699.40. Juan stated he will check with DWR as to the status. Perla stated Noack/Betz continue to pay as agree. Juan Mercado reviewed and signed off the invoices prior to the District meeting. It was MSP (Juan Mercado/Rob Black) to approve the February 9, 2021 accounts payable and receivable and transfer. This passed 2-0, 1 absent.

## **DISTRICT TREASURER – SELECTION OF A NEW DISTRICT TREASURER**

Jesse Barton provided an overview. The District has been incurring additional costs due to the way the county does business. Due to inefficiencies the District agrees that Perla would take the role of District Treasurer. This agenda item will be addressed in the March meeting as all three board members must consent to the transfer from Sacramento County to Perla as the new district treasurer.

## **DISTRICT WEBSITE**

Jesse Barton reported that the board adopted the annual exemption at the December meeting. Jesse and Cindy Hill attended the training provided by Streamline. Cindy Hill has agreed to develop the website. Raghu Malladi stated he has experience with website development. Juan reiterated that we will use Streamline as they are familiar with special districts requirements, but Cindy will make contact with Raghu if needed. Cindy provided notes from the training and her ideas as to what could be considered on the website – she stated that more direction should come from the District. This would include history of the District, maps, projects, and possibly upcoming events. Juan stated that the history and maps can be obtained through the 5-year plan.

## **ENCROACHMENT PERMIT N0. 2021-1 – PERMIT FOR REMOVAL AND DEMOLITION OF THE DOCK AT THE OUTRIGGER MARINA**

Martin Berber reported the initial plan was to remove the docks with barges however recent windstorms have destroyed the docks. The docks will be removed via the levee crest with a long reach excavator. The EP also includes installation of a temporary gangway to a boat dock at Sta. 78+00. The boat dock was damaged during the high winds. We are requiring a \$5,000 deposit for periodic inspections and contractor coordination. The work will begin within the next few weeks. Galindo will be the contractor. It was MSP (Juan Mercado/Rob Black) to approve an encroachment permit for the demolition of the docks at the Outrigger Marina. This passed 2-0, 1 absent.

## **OUTRIGGER MARINA DRAINAGE**

Neil Favor reported on January 20th, Gornto Ditching de-watered the Outrigger Ditch. This allowed him to inspect the levee toe drain system. The pipe network and sizes were documented for design and construction. The downstream drainage system is partially responsible for the backup of water through the levee toe drain network: at Sta. 86+00 there is an overgrown ditch restricting the drainage of one levee toe drain outfall. Further downstream, there is a beaver dam that restricts the drainage of four (4) upstream line ditches, including the Outrigger Ditch. The beaver dam has been removed more than once, but the beaver repairs the dam overnight. The interior line ditches cross through a property owners' parcel to eventually meet the District's maintained drainage canal. They are currently weighing options for maintenance solutions. Joel McElroy stated that all ditches adopted by the District have been cleaned. Joel brought up cleaning the ditch to the tenants; the tenant is not supportive of digging a crossing to clear those ditches. Juan inquired as to what is meant by overgrown ditch. Martin stated it is overgrown with vegetation. Neil stated he spoke with Bruce Gornto. Bruce said he uses a double pipe on the wetland projects – this has helped to curtail the beavers. The recommendation is to clear the northern ditch, if we cannot do this with District equipment, we will ask Carter to perform the work. Rob Black asked if there is a trapper to catch the beaver. Neil stated they have not seen the beaver, the beaver is working at night. Jesse inquired if Joel is aware of a trapper that can be used locally. Joel stated he has a permit to trap and get rid of the beaver, but he said this is on private land and someone would have to be on site at night to catch the beaver.

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

Martin Berber stated there are no updates at this time.

## **PROJECT FUNDING AGREEMENT SH 10-2.7 – (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 we submitted a Caltrans Encroachment Permit Application by email on January 12, 2021. Our original permit expired on October 31, 2014. By letter dated February 2, 2021, Caltrans provided comments on our Encroachment Permit Application. Due to the age of our 2012 CEQA document, they are requesting that the district conduct Native American consultation using the current list provided by the Native American Heritage Commission (NAHC). We have engaged our cultural resources consultant to complete the task. Caltrans is also requesting that the District incorporate traffic control devices into the Project design. At a minimum, our Contractor will have to provide "Road Work Ahead" signs. On January 13, 2021, Martin Zaragoza signed his easement documents and received his payment of \$20,000. By letter dated January 20, 2021, Martin provided Angelica Aguilar, Chief of the DWR Real Estate Branch, the original powerline easement that was granted to Great Western Power Company of California from Charles Upham on April 27, 1927; Great Western was acquired by PG&E in 1930. PG&E informed us that they will only accept an easement from DWR since PG&E currently holds an easement. Kacy Kimball previously said that DWR preferred to grant authorization to PG&E through a Right of Entry agreement. By email dated January 29, 2021, Kacy Kimball said that DWR is willing to grant a Right of Entry document to PG&E to authorize the powerline relocation while they work through the easement conveyance. Kacy

stated that DWR is willing to grant the easement, but granting the easement will take too much time so DWR is offering the Right of Entry as a temporary fix to allow the project to be constructed. The Right of Entry document can be granted quickly and allow the project to be constructed this year. Assuming PG&E accepts the Right of Entry, then DWR would work on granting a permanent easement to PG&E to replace the Right of Entry. By letter dated January 25, 2021, we requested additional funds in the amount of \$800,000. Construction costs have risen approximately 27% since 2010. Also, our contractor will have to grub the project site again since everything that was grubbed in 2009, under SH-08-2.0, grew back. On February 5, 2021, easement documents were sent to all 5 trustees of the Upham property for signature. By letter dated February 3, 2021, CDFW approved retention release for SH-08-2.0. We still need to receive approval from DWR on the Completion Report, submitted by letter dated December 9, 2020, before retention is released. Jesse Barton stated there are additional signatures required on the Upham property due to additional owners. He said that DWR has refused to grant a new easement, however, they are willing to grant PG&E a license. Jesse recommended that the District stay involved with the negotiations between PG&E and DWR. He said he would be surprised if PG&E accepts the Right of Entry without an easement. If they do not accept the Right of Entry, we will need to extend the agreement with DWR for one more year. DWR requires a phase 1 on this property before they will issue an easement. Juan asked if there is any feedback on the \$800,000 additional funds. Martin said there is a possibility of funds through a stimulus from the governor. Juan stated we need approvals in writing from DWR. Juan asked if PG&E would quitclaim their existing easement for a new easement. Jesse and Martin did not know the answer. Martin stated he would check. Martin stated that the property cannot be driven across due to overgrown vegetation. Juan does not believe this is overly complicated – the value of the DWR easement is approximately \$65. Once the access is resolved, they believe that they can start this work in May. The length of time that it will take to perform the work is 60 days. The property needs to be cleared and grubbed. Juan stated we need to notify PG&E to determine if they will accept the Right of Entry and see if they are willing to accept it in the short term with the understanding that an easement would be forthcoming. This email to PG&E should also be sent to the project people with DWR. Jesse should be included on all correspondence. Construction of the project this year is dependent on PG&E's acceptance.

**PROJECT FUNDING AGREEMENT SH 12-1.2 – SCOUR POND HABITAT ENHANCEMENT PROJECT – AN AGREEMENT THAT WOULD FILL THE EXISTING SCOUR POND AND CREATE NEW WETLAND HABITAT.**

There are no updates at this time.

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

There is 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 we are still waiting on comments from DWR on the Draft Scope of Work which was submitted on October 9, 2020. Frontier Communications have begun work on their design. They have been in contact with S. Case re: his request to bury his service line from

PG&E. S. Case requested a trench from the last PG&E power pole to his service pole if his existing service panel could stay intact. After consulting the Sacramento County Residential Building Inspector, we were informed any modifications to the existing panel would require a retrofit to bring the panel up to code; this would involve a building permit and raising the panel above flood elevation. We are planning to have PG&E bring power to the top of his service pole as originally planned.

**PROJECT FUNDING AGREEMENT SH-18-1.0-SP – AGREEMENT WITH THE DEPARTMENT OF WATER RESOURCES TO FUND THE PREPARATION OF THE FIVE-YEAR PLAN.**

There are no updates at this time.

**SUPERINTENDENT REPORT**

Joel reported due to the north windstorms, three loads of rock were placed at multiple locations. He said there was not anything critical. He stated they are working on dismantling the beaver lodge. They removed fencing for DWR. Removed the discharge pipe on Parcel 2A, they did not put pipe back. The levee with the counterbalance is leaking. There is water standing on top of the fill. Joel stated he has been speaking with several auto dealers regarding bids for new trucks. Juan gave thanks to Joel and his staff for going out during the heavy winds and putting in the extra effort to take care of the District. Goats are back on the island. Joel told Ceci to contact him anytime she has a wet area on the property, they will come out to look at the area and bring some sand.

**REPORT ON THE SALE OF DISTRICT PROPERTY 9APN 158-010-036 AND -047)**

Jesse Barton stated the District entered into escrow to sell the District property for \$160,000. This will require a resolution. It was MSP (Juan Mercado/Rob Black) to sell the property to Cashmere Luke in the amount of \$160,000. Juan stated there is an extension of time that needs to be signed by the District. Perla stated she will scan the documentation to Jesse. This passed 2-0, 1 absent.

**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 9, 2021, meeting hereby certifies that the above minutes were approved as read.**