

MINUTES OF SPECIAL MEETING

Reclamation District No. 341
Sherman Island

9:00 a.m.
Thursday, November 17, 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 9:03 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: Preston Good, Rob Black, and Mark Icanberry; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Martin Berber and Neil Favor; District Superintendent: Joel McElroy; DWR: David Julian; Landowner(s): Ceci Giacomina and Jamie Renwick; District Secretary: Cindy Hill

PUBLIC COMMENTS

Jamie Renwick reported the West Sherman Island Road is in bad condition. He said the potholes were filled too high. He asked if the District can request the County to repair the road. Joel agreed the road is very bad. Martin Berber said that he will look at the road and provide photos to the County.

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

ISLAND SECURITY

Neil Favor reported there are no updates at this time.

APPROVAL OF MINUTES

The Board reviewed minutes of the regular meeting of October 11, 2022. It was MSP (Mark Icanberry/Preston Good) to approve the regular meeting minutes of October 11, 2022 as written. This passed 3-0.

ACCOUNTS PAYABLE AND RECEIVABLE

Perla Tzintzun-Garibay reported the accounts payable for November 17, 2022. Transfer of \$1750,000 from the general fund is required to cover current month cash disbursements pending approval of \$144,428.29 plus 11/20/22 and 12/05/22 payroll checks and related liabilities. Financial statements reflect an ending balance of \$42,359.16 after the before mentioned transactions are approved.

Notes:

- 10/18 \$651.78 check 10611 to AT&T (security cameras, district cell phones)
- 10/18 \$7.99 check 10612 to PG&E
- 11/07 \$7,200 check 10613 to Delta Rentals
- 11/08 EFT PERS payment of \$3,640.16

General Fund:

Balance in general fund account \$352,637.32

Perla stated that the District received a refund from Frontier of \$104,404.07. This is related to the 10-2 project – the telecom pole relocation portion of the project. There was an agreement that if they did not spend all of the funds, they would refund the excess. Those funds will go back to the 10-2 account. Perla met with Preston Good prior to the meeting to review and approve the invoices. It was MSP (Rob Black/Mark Icanberry) to approve the November 17, 2022, accounts payable, receivables, and transfers. This passed 3-0.

ASSESSMENT CALL #26

Perla reported there is \$1,817.08 in outstanding assessments. Perla will provide the names to Jesse Barton. Jesse stated he will send notification to the delinquent landowners. He stated he sends two letters; one is certified and the other one is sent as priority with a tracking number.

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

Jesse Barton reported he and Perla are in the process of applying for coverage with SDRMA.

BOARD TO DISCUSS AND POSSIBLY APPROVE THE COMPENSATION FOR TRUSTEE DUTIES FOR MARK ICANBERRY

Jesse Barton provided the background for this agenda item. He stated that the District typically compensates non DWR Trustees (DWR employees are compensated by DWR for attending the meetings). The compensation amount is \$350.00. Preston and Rob agreed to compensate Mark Icanberry for this work. Perla stated this is a W-2 and not a 1099.

BOARD TO DISCUSS POSSIBLY HIRING A GENERAL MANAGER

Jesse Barton reported he and Preston posted the job for general manager on Indeed. It was posted in late October. He said they received a couple of applicants, however there was only one applicant with levee (with subsidence experience), management, and construction experience that applied for the position. Jesse stated that Morgan Johnson applied for the position and has the required experience. The Board will interview Morgan today in a closed session. Ceci Giacomina urged the Board to hire Morgan. She said that the District does not have any residents on the Board, and

Morgan would bring a lot of historical reference. Jesse stated that this will be done in a closed session meeting, however we will need to discuss salary in the open session. Jesse said once the interview is over, the Board will open the meeting back to an open session.

BOARD TO DISCUSS MODIFYING ONE OF ITS EMPLOYEES WORK SCHEDULES

Jesse Barton asked Joel how Brad is doing. Joel stated Brad's doctor is happy with his progress, however he will not release him for work at this time.

BOARD TO DISCUSS AND POSSIBLY AMEND THE REIMBURSEMENT AGREEMENT WITH DWR

Jesse Barton presented the 5th amendment to the Reimbursement Agreement. This amendment will add \$120,000 to the agreement. It will be a 3-year extension. Jesse distributed the agreement to the Board including updated rates. Perla stated this also includes landowner directed expenses. It was MSP (Rob Black/Preston Good) to approve the amendment to the Reimbursement Agreement. This passed 3-0.

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

Neil Favor reported by letter dated November 1, 2022, we requested a \$25,000 deposit and \$500 application fee from PG&E. PG&E has suggested they will be hand delivering the check to Perla's office. No action at this time.

ENCROACHMENT PERMIT NO 2022-5 (WHALES BELLY SIPHON REPAIR, STA 402+00)

Neil Favor reported on October 17, Gornto Ditching began work under the subject repair. Gornto Ditching replaced approximately 40 feet of 10-inch steel pipe with 12-inch steel pipe through the levee crest and landside embankment. The new pipe was set to cross the levee crest approximately 1.2 feet above Base Flood Elevation. The salvaged AB Road base was placed on a local levee access ramp for District use. The repair was completed on Friday, November 4th, with the painting of fog lines on the County Road. During construction, Gornto Ditching fulfilled all Special Conditions of the Encroachment Permit. Neil stated unless there are any questions, we can close out this Encroachment Permit and take it off the Agenda. David Julian stated the work was done according to requirements.

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

Martin Berber reported by email dated November 14, 2022, Caltrans informed us that the Encroachment Permit is with management for review.

HIGHWAY 160 TURNOUT BARRIERS

Martin Berber reported there are no updates this month. He said the surveyors did locate some of the original monuments; we are waiting for a report. He said they are looking at using K-rails for barriers. The cement barrier could present a liability for the District as they are too close to the highway. Although the cement barriers are inexpensive, Jesse has reservations of using the cement barrier for safety reasons.

OUTRIGGER MARINA DRAINAGE

Neil Favor provided photos and reported the District was contacted prior to the October 11 Board meeting regarding cleaning the levee toe ditch from Sta. 66+00 to 76+00. After the October Board meeting, they inspected the subject ditch and noticed District infrastructure had

been damaged. He said the standpipe cleanout had been knocked over and there were visible alterations to ditch (i.e., debris had been pushed in the ditch). On October 13, District staff exposed the damaged infrastructure with a backhoe and found:

- Intake screen for Ditch could not be located
- The standpipe had been disconnected from the drainage network and was allowing unfiltered debris into the District drainage system.

It was determined the District needed additional resources to repair the system. On October 17, Neil met Asta construction on-site to investigate the site and get a cost estimate for the repair. Asta Construction estimated the repair to be approximately \$7,000. Neil gave Asta approval for the work, and they mobilized on October 19th to complete the work; mobilization costs were minimal since they were already on the island performing additional work under SH-10-2.0. Asta proceeded to dewater the subject portion of the ditch, excavate material around the standpipe to assess damage and re-connect pipe to the drainage network. They discovered a 12" Ø perforated HDPE pipe had been completely disconnected from the drainage network allowing un-screened debris directly into the drainage system and the intake screen had been deformed and was allowing un-screened debris into the drainage system. Neil requested Asta to mobilize a vacuum truck to suck all sand, river rock vegetation and miscellaneous debris from the drainage system after construction. Asta completed the repair for \$7,025.90; the invoice was expensed to Subventions. The ditch is adjacent to the Betz property. Mark asked if we know who damaged the drain. Neil said we do not know who did the damage. Rob Black asked if this was in relation to Raghu's drainage design. Neil said that it was found as part of the previously requested work efforts. Jesse said that it seems like this was a negligent act, as it would take a big effort to damage the pipe. Joel said that Raghu's previous employee left on bad terms. Preston asked why the District is paying for the repair when we will not be maintaining it. Neil said that we will maintain this, it is our responsibility to make sure it is running properly. Joel confirmed in the future the District will maintain this ditch if directed, however, historically the District did not maintain this ditch. He said he was unaware of the ditch. Jesse asked if the ditch is included in the drainage plan. Neil said it is on the draft drainage plan. The plan will be presented at the December meeting. This will be placed on the December agenda and the District will possibly adopt the ditch. Neil said there will be ongoing efforts to revise the plans. Joel said he has a map of the adopted ditches and is working with Neil. Preston asked for the drainage plan to be sent to the Board in advance of the meeting. David Julian said there are a lot of ditches around the Whales project. He asked if those are incorporated into the plan. Neil said he has begun to add them. He will meet with David to ensure those ditches are captured on the plan. Joel said the fields are wet and pump #5 should be used to drain. He said DWR planted wheat.

**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**

Martin Berber reported on October 17 and 18, Asta repaired the erosion from the Highway down drains, installed 6" rock at each down drain discharge to dissipate energy, and placed aggregate road base at Ryan Katsuki's driveway. The rains on November 1 eroded the embankment at the Highway down drains again, however the erosion was minimal compared to the rains on September 19th. Asta installed additional erosion control devices at each of the down drains on

November 3rd and now the erosion is under control. Once enough grass germinates on the embankment, Martin will be able to close out the District's stormwater permit. By email dated October 24, 2022, Martin received the fully executed Amendment No. 10; by letter dated October 24, 2022, Martin's office requested an advance in the amount of \$796,500. On November 10, Caltrans patched the asphalt cracking at Sta. 930+00. Caltrans representatives informed us that the patching was a temporary fix until a project can be produced. Martin also informed Caltrans of a down drain within our Project area that needs to be repaired by them. Martin is still waiting for CDFW's approval of Project completion which needs to be incorporated into the Project Completion Report; work is ongoing on the Project Completion Report. By check dated October 18, 2022, Frontier refunded \$100,404.07 to the Project. With the PFA expiring on December 31, 2022, Martin's office will be requesting an extension of time to June 30, 2023. Martin said this will be amendment number 11. Martin stated there is one final Asta invoice which will be submitted next month. Perla said there is roughly \$400,000 in the general funds and checking. Mark asked if the general fund is reimbursed by DWR. Perla this particular cost can be reimbursed through subventions. She said typically the cost will not be submitted until fall of 2023 and the reimbursement will not be paid until 2024.

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.

David Julian reported he needs to speak with Bryan Brock about the reimbursement rate for the use of Tim Nix' vehicle. He said he will send an update to Jesse. Neil will provide a Caltrans schedule of rates to David. Perla said we need to be sure the rates are not reflected in the SMFA agreement. If that is the case an amendment may be required. CDFW has been trapping Nutria in the Whales Mouth. They have trapped 8 including 2 pregnant females. Tim is working on the Whales Belly risers. They were installed to be beaver proof; however, they have been proven to be difficult to maintain. David notified the DWR safety office. The risk is that he can fall in and drown. David stated there are 20 risers. Joel said that these risers can also squish the person. In addition, the area is a good habitat for black widows; there is concern for poisoning. Jesse asked if there is a need to hire another employee as they have added 1000 acres plus Tim is covering 2 islands. David confirmed that they have advised Tim that he cannot do this work on his own and has to use safety equipment provided by DWR. Joel said Tim has been working with Bruce to devise a plan. Jesse will send a formal letter to Tim with a copy to Joel that he cannot perform this work alone and is required to use the safety equipment.

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 there are no updates at this time. He said they are resubmitting the scope of work issues with the environmental aspects of the design. They are collaborating with the environmental consultant as well as working with PG&E to redesign the proposed power pole alignment.

ENGINEERS REPORT

Neil Favor reported provided photos of the cattle on the levee on 17124 Sherman Island East Levee Road. The District does not have an email address for Mr. Campos; therefore, they sent a hard copy.

- Rey Campos has been placing fill material and running cattle on the levee.
- By letter dated November 14, 2022, we informed Mr. Campos that he was in violation of the District's Rules and Regulations.
- We also requested Mr. Campos to contact the District to address the encroachments.

Joel stated he called Mr. Campos and explained that he cannot run his cattle on the levee. Joel said Mr. Campos screened his property from the public view. Preston asked if we have anything in place to charge/fine if people do not follow the rules. Perla said we have a fee schedule that should possibly include a fee for not following the District rules. This will be placed on the December agenda.

Drain System Standpipe

- On Wednesday, November 2, Wagner Bonsignore was contacted by Joel re: a damaged concrete manhole at approximate levee Sta. 485+00 that PG&E hit.
- Concrete manhole has minor damage to the manhole structure and was offset from its original position.
- We advised Joel to reset the manhole and patch the repair accordingly

SUPERINTENDENT REPORT

Joel McElroy reported there is a flood fight class on December 6. Ed had surgery on 10/28 and is working limited duties – he should be back to full duty December 9. Tim is on vacation and will be back on Monday. Joel said we lost another sign – someone backed over it. He will re-post the sign. Joel said that it appears someone was locked into the gated area on the old Highway. He said they used a power tool and cut their way out. Joel repaired the gate. They have been mowing and cleaning ditches. He said they worked on the 160 project.

Ceci asked if Juan's replacement will be attending District meetings. Ceci stated that she has notice that they have had cattle getting out and she wants a phone number to contact them regarding issues. Jesse agreed to provide the DWR contact information to Ceci.

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

CLOSED SESSION

Public Employee Appointment.

The Board conducted an interview in a closed session with Morgan Johnson. There was no reportable action.

OPEN SESSION

CALL MEETING TO ORDER

Trustee Rob Black called the meeting to order at 1:07 p.m. Jesse Barton conducted the meeting. He called roll call. Present: Trustee: Preston Good, Rob Black, and Mark Icanberry; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; District Secretary: Cindy Hill; Landowner: Ceci Giacoma

Jesse Barton advised the attendees that the Board conducted a closed session interview. He stated the District will need to sort out healthcare coverage prior to offering Morgan the role as General Manager. He said if the District can sort out healthcare coverage the District will offer an annual salary of \$65,000. The requirements would be 2-3 days per week. Morgan would choose which days. The Board will accelerate benefits, thereby eliminating the waiting period. The acceleration would be based on prior service years. Morgan stated that the benefits and job duties are acceptable, however he has to make sure that his medical benefits are not at risk. Jesse said that we can make an offer contingent upon acceptable medical health care requirements, however he prefers to not make an offer until the outstanding issues are resolved. Ceci thinks that the Morgan is smart to make sure the new employment does not put his healthcare insurance at risk.

There being no further business to come before the Board, the public meeting was adjourned at 1:14 P.M.

The presiding Trustee of the November 17, 2022, meeting hereby certifies that the above minutes were approved as read.