

# MINUTES OF REGULAR MEETING

Reclamation District No. 341  
Sherman Island

9:00 a.m.  
Tuesday, October 10, 2023

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 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, Mark Icanberry, and Jas Gill; District Attorney: Jesse Barton; Accountant: Perla Tzintzun-Garibay; Engineer: Bob Wagner and Martin Berber; District Manager: Morgan Johnson; District Superintendent: Joel McElroy; DWR: David Julian; Yolo Country RCD: Amy Williams; RVWA: Don Ross; Landowner(s): Jamie Renwick and Ceci Giacoma; District Secretary: Cindy Hill

## PUBLIC COMMENTS

Ceci Giacoma asked about the Trustee position held by Mark Icanberry; she asked if that seat will be open as Mark was elected to cover the existing Trustee period (for a year). Jesse said that the notice of election has already been published and only the incumbents submitted the necessary nomination papers. Don Ross reported the clean-up was successful. He said several fishermen came out as well as windsurfers. The Delta Conservancy also brought in people to help.

## DISTRICT MANAGER'S REPORT

Morgan Johnson reported that the District has material piled up near Jaimes lease. He said this material can be used for District purposes, but it needs to be grubbed and maintained. He recommends the District get a dozer and level it for use. Joel said there are several piles of dirt. Morgan said the material is useless right now because of the vegetation. Richard Silva contacted him and asked about the goats. David Julian said that Vincent Wong asked for grazers to be put out there. Morgan said we have three older tractors that should be replaced with newer ones. He said there is a program with Air Resources. He said there could be rebates with the Air Resources Board through the purchase of new tractors. Morgan said that Bob asked him to get a price on a transfer switch to hook up the generator – both the switch and hooking up the switch will probably cost \$12,000 each. The

irrigation canal crossing needs a recirculation pump somewhere between Whales Belly and Whales Mouth. He said several siphons are not running properly. Morgan advised there is a new aquatic species coming into Mayberry Slough. Jesse asked which item could he move forward that is under \$10,000. Jesse said that Morgan could begin working on the dirt piles and have the area grazed. Jesse advised Morgan to collaborate with the engineers on the other items. Bob Wagner said they will prioritize them and obtain costs. Morgan said he would like to start with the drainage.

### **APPROVAL OF MINUTES**

The Board reviewed the minutes of the Regular Meeting of September 12, 2023. It was MSP (Mark Icanberry/Jas Gil) to approve the Regular Meeting minutes of September 12, 2023 as presented. This passed 3-0.

### **ACCOUNTS PAYABLE AND RECEIVABLE**

Perla Tzintzun-Garibay reported the accounts payable for October 10, 2023. The transfer of \$170,000 from the general fund is required to cover current month cash disbursements pending approval of \$140,510.16. Financial statements reflect an ending balance of \$56,894.13 after the before mentioned transactions are approved.

#### **Notes:**

- 9/16 Check 10847 to AT&T Mobility for \$698.79, due to timing of due date
- 9/19 Check 10848 to PG&E for \$136.96, due to timing of due date
- 9/22 ACH payment to Kludt Oil for \$3,181.72
- 10/05 EFT to PERS for \$3,953.95
- 10/11 Check 10870 to Gallery & Barton for \$5,343.77

Balance in general fund account \$728,317.15

Perla said the Upham payment was included. She said there is an invoice for Gornto that the District approved, however there is one outstanding Gornto invoice that is still being reviewed by the District. The retention release letter is prepared for Rob's signature for SH 10-2.12. Perla sent the financials to the Board prior to the meeting for their review. It was MSP (Rob Black/Mark Icanberry) to approve the October 10, 2023 accounts payable, transfers, submitted invoices and retention release letter. This passed 3-0.

### **ASSESSMENT CALL NO 27**

Perla reported DWR paid their assessment. Perla provided Jesse with a list of delinquent landowners. Two of the delinquent assessments were paid in the past by escrow companies (Etherton and McCaslin). Perla said that these companies are no longer doing this business as the contract has been cancelled. Perla will reach out to the landowners for direct payment for both those assessments. It was MSP (Jas Gil/Rob Black) for Perla to send the first past due notice with the exception of Etherton and McCaslin. This passed 3-0.

### **WHALES BELLY REASSESSMENT**

Jesse stated last month the Board agreed to reassess the Whale's Belly project which will bring in approximately \$174,000 additional per year (to begin next year). The Board also discussed how the current engineering report is aged. He said that he would typically recommend the Board to reassess the whole island. Jesse said that the habitat projects on this island have helped to provide additional funding, but that this has been a temporary fix. Jesse kept this on the agenda as the Board suggested they may want to talk about this at the October meeting. He said if the District would like to hire an engineering firm for a possible prop 218 election it would cost the District around \$50,000. Perla said if the Board goes through the prop 218 process, the District will also be able to incorporate a CPI increase – which will last 5 years. Jesse said the District would probably lose the PG&E assessment if we do a prop 218. Perla said the utility easements pay \$140,000 a year (PG&E and Lodi Gas). Martin said the breakdown of acreage ownership is approximately 9,000 for DWR and 1,000 for residents and utilities. DWR vote will be the largest voter as it is based on \$1.00 of assessed value. Jesse said it is difficult to say what a new assessment will be (per landowner) without an engineer's report. The District could pay for the report and decide to not reassess. Jesse said we need to look at the budget to determine needs. Mark asked if there is a way to do a short-term assessment. Jesse said no. Mark asked for a pie chart showing a breakdown of land ownership. Perla will send Jesse a copy of the assessment roll. His office will work on this – he will remove the utilities and will aim at generating \$1,000,000 to be presented at the November meeting.

#### **ANNUAL INDEPENDENT AUDIT**

Perla presented the engagement letter from Croce, Sanguinetti & Vander Veen, Inc for the annual independent audit and Special Districts financial report for the year end June 30, 2023. She recommends that the District engage with Croce, Sanguinetti & Vander Veen, Inc as they have done a good job in the past – there is a slight increase in cost which is consistent with the volumes of transactions and projects that the District manages. It was MSP (Jas Gil/Rob Black) to approve signing the engagement letter with Croce, Sanguinetti & Vander Veen, Inc. This passed 3-0.

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

Martin Berber reported due to DWR not providing an Encroachment Permit on time, PG&E has delayed this work to next year. 200 LF of 24-inch HDPE pipe has been ordered and expensed to SMFA per Board Direction.

#### **PERMIT NO. 2023-02 (DOCK REMOVAL, STA 21+00)**

Martin Berber reported On September 25, Karl deSpreiter submitted an Encroachment Permit Application to place a crane on the Sherman Island East Levee Road for approximately four (4) hours to remove four sections of dock from Threemile Slough. Martin asked the Board to review the Encroachment Permit and added two (2) special conditions:

- Traffic control is the sole responsibility of the Permittees.
- Upon completion of work, the work area must be restored to pre-project conditions, as approved by the District Engineer.

There will not be a fee or recording for this EP. Jesse said that he would like a hard date of completion included in the conditions. Ceci said she thinks this will be a benefit to the District. It was MSP (Jas Gil/Mark Icanberry) to approve the Encroachment Permit to Karl deSpreiter. This passed 3-0.

### **HIGHWAY 160 TURNOUT BARRIERS**

Martin Berber reported the License Agreement with Upham was executed on September 22, 2023. Delivery and installation of the K-rails is scheduled for Tuesday, October 17th.

### **SHERMAN LAKE ROCK SLOPE PROTECTION**

Martin reported that the bid opening was on Friday, September 29th. The bid came in at 10% higher than the estimate. Dutra was the lone bidder at \$438,000.00. Mobilization and Demobilization is \$38,000.00. Class V RSP - \$100.00/TN x 4,000 TN = \$400,000.00. A Notice of Award has been prepared for the Board's consideration. The District is aware that this is a big job; they will need a barge and Dutra is the only operation with a barge and a quarry at this time. The only other option is to use a truck – but there is a risk in losing the rock in the water. It was MSP (Rob Black/Jas Gil) to award the bid to Dutra in the amount of \$438,000. This passed 3-0.

### **PUMP NO. 1 DISCHARGE PIPE REPLACEMENT**

Martin reported we are waiting for correspondence from Central Valley Flood Protection Board approving modification of the existing facility. Paul Graham is doing the welding.

### **PUMP NO 3 – REHABILITATION**

Martin reported Morgan is engaging an electrician to install a switch. This is needed to hook up the generator for this upcoming flood season. Jesse asked for direction from the Board to rehab the hole on pump 3. Morgan said there are two things – the transfer switch and the hole. Morgan and Joel will put together specs – they will send to Martin for review as soon as possible. It was MSP (Rob Black/Jas Gill) to solicit three bids to rehab pump 3 - bids not to exceed \$60,000. If the responsive and responsible low bidder is under \$60,000, the bid can be awarded in efforts to complete the work as soon as possible. This is needed to get the pump ready for the upcoming flood season. This passed 3-0.

### **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.**

Amy Williams reported treating invasive species. They are establishing planting. Planting and irrigating at the Whales Belly site. She will check with David Julian regarding grazing.

- a. **Repair of perimeter berm leakage at Whale's Mouth through the construction of a bentonite cutoff wall.** David Julian reported on the initial 100 ft coring and

bentonite placement. He said that it wasn't as effective as they hoped. It was installed from the top of the berm. He said there are two thoughts – one would be going closer to the ditch and installing the bentonite wall or with the amount of leaks that are occurring with consideration of pumping costs he said that they could install a recirculation pump. He said he wants to be sure that the money is spent in the best possible way. Morgan pointed out we are using a lot of carbon to manage these siphons – this should be considered as this is a carbon sequestration project. Morgan was in favor of a recirculation pump. The bentonite wall is not deep enough, and the water is going under the wall. Morgan said there are two kinds of seepage – one is deep and the other is going around the berm. David has begun drafting procedures and an operating plan. He said they need to flush the salinity as much as they can until November and then they will shut down the siphons. The issue with siphon 1 is there are animals getting sucked into the siphon. Siphon 4 – combination issue as it needs to be blown out and cleaned. Siphon 3 continues to run. There are invoice issues; Martin said they will require more documentation from Kathy and Bruce as to the work done.

- 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 surveyed the flow lines of the new Pump No. 3 canal. He said Gornto realigned the No. 3 Canal which crosses Calpine's 6-inch gas line. As part of the Project, two 24-inch culverts were supposed to be installed below the gas line. They discovered that one 24-inch culvert was installed above the gas line (instead of two below it). By having the culvert above the gas line, we lose approximately 2 feet of head. On October 2, they met with Gornto Ditching and Calpine to discuss plans for the No. 3 Canal Remediation. Calpine representatives were agreeable to the plan we prepared, however they wanted to get sign off from their engineering department first. Martin began coordination with DWR Real Estate Branch for the removal of a cattle fence along the canal that needs to occur before work can begin. Due to environmental concerns brought up by DWR, all remediation work has been delayed to next year. David Julian said that he intends to work on this during the winter and be ready for spring to begin work. Martin said that Bruce is supposed to make the repairs on work that was completed incorrectly last year. Martin said he spoke with David about buying a generator for Twitchell and Sherman Island under the SMFA. Morgan said what happens if the electricity goes out at the same spot. David said they will continue to examine this and determine whether the best option is renting or purchasing. Jesse said that if they purchase the generator, and intend to use it on both islands, they would have to work out storage. Jesse is very concerned with maintenance and theft. Jesse said they should look into renting one on standby – they pay a premium price, but it would be available when needed.
- c. **An operational plan that will coordinate wetland operations with District Operations.**

Martin Berber reported that a riser was installed in the pump 3 canal. There should not be one there. The riser caused water to back up and cattle have caused erosion. Martin provided photos. This is DWR parcel number 2004-2-WDWM. Martin said a water source needs to be determined as they cannot continue using the riser. Martin will communicate with Vincent Wong.

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

Martin Berber reported last month, they sent legal descriptions for the PG&E easements to PG&E and DWR to review. Currently, the District is waiting on updates from both parties. They are updating the Scope of Work text and plans to address all comments from DWR and CDFW. Planning to submit an updated Scope of Work in the next month.

**ENGINEERS REPORT**

Martin reported they have requested as-built drawings from Central Valley Flood Protection Board from when the Horseshoe Bend siphons were last replaced. They have also provided us drawings from when the fish screens were installed. Joel and Neil will be attending the San Joaquin County pre-season flood meeting on October 11 in Stockton. Martin said they would like to have a new District map completed for the meeting room.

**SUPERINTENDENT REPORT**

Joel McElroy asked if W&B needs parking permits – Martin said they have them. He said there are two areas that need rock. Martin told him to order the rock and retain the stockpiles. They have been mowing and spraying. Joel said the disc is working, but the little tractor is too small. He said when Tim gets caught up, they will use that tractor. Delta Rentals cleaned a portion of the perimeter ditch. He said there was a riser in the ditch – under vegetation. The area is clean; any water that gets into that pond should now drain out. Morgan said there are areas that are trapping water. David said that he will go out and look at the area.

**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**

The Board came out of closed session at 11:17 am and there was no reportable action.

**There being no further business to come before the Board, the public meeting was adjourned at 11:18 A.M.**

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**The presiding Trustee of the October 10, 2023, meeting hereby certifies that the above minutes were approved as read.**