

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1614  
HELD MONDAY, JUNE 1, 2020

The June Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, June 1, 2020, telephonically, at the hour of 2:00 p.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman, Trustee Ben Koch, Trustee Christian Gaines, Attorney Daniel J. Schroeder, Attorney Andy Pinasco, District Engineer Chris Neudeck, Superintendent Orlando Lobosco, Secretary Rhonda Olmo, Abel Palacio

ABSENT WERE: None

*A list of individuals in attendance is outlined in the meeting sign-in sheet, which is attached to these minutes. – No attendance sheet attached – meeting was held telephonically.*

**Item 1. Call to Order/Roll Call.** President Kauffman called the meeting to order at 2:00 p.m.

**Item 2. Public Comment.** *The public may comment on any matter within the District's jurisdiction that is not on the agenda. Matters on the agenda may be commented on by the public when the matter is taken up. All comments are limited to 5 minutes for general public comment and per agenda item in accordance with Resolution 2014-06.*

Mr. Dominick Gulli stated he forwarded his comments on SJAFAC's meeting last week to the Board. He stated the funding for the project was about \$20M short. Mr. Gulli said he also sent the Board a request for an update on the levee status. Mr. Gulli said the meeting he requested with Chris Elias will take place on June 3, 2020.

Mr. Chris Elias stated SJAFCA has had a couple of meetings with a construction management company and the contractor. Discussions were held about reviewing the project schedule. Mr. Elias stated he is currently still working with the preliminary schedule. A July start date is still scheduled. Mr. Elias addressed comments made by Mr. Gulli.

**Item 3. Approval of Minutes of the May 4, 2020 Board meeting.**

Trustee Koch made a motion to approve the May 4, 2020 minutes. Trustee Gaines seconds the motion.

Roll call vote:

Ayes:           Gaines, Koch, Kauffman  
Noes:           None  
Abstain:       None  
Absent:         None

**Item 4. Presentation of Financial Status Report. Discussion and Possible Action.**

**a. Adopt 2020-2021 Budget**

Attorney Schroeder stated the meeting to discuss the 2020-2021 budget will be held tomorrow. A draft budget will be presented at the July meeting.

**b. Approve 2020-2021 Audit and Special Districts Financial Transaction Report Contracts with Croce, Sanguinetti & Vander Veen.**

Attorney Schroeder reported. He stated that a public entity is required to have annual audits. Attorney Schroeder reviewed the Audit Contract and Special Districts Financial Transaction Report Contract from Croce, Sanguinetti & Vander Veen. He stated both contracts are a reread of the same contracts that the District has been approving annually. The difference in this year's contracts is the fee amount quoted for service. Last year's audit amount was not to exceed \$4,450. This year the fee has been increased to not to exceed \$4,650. Last year's Special Districts Financial Transaction Report was not to exceed \$350. This year the fee has been increased to not to exceed \$400. Discussion was held.

Trustee Koch made a motion to approve the 2020-2021 Audit and Special Districts Financial Transaction Report Contracts with Croce, Sanguinetti & Vander Veen and authorize the District President to execute the contracts. Trustee Gaines seconds the motions.

Ayes:           Gaines, Koch, Kauffman  
Noes:           None  
Abstain:       None  
Absent:         None

District Secretary, Rhonda Olmo, provided a written and oral report. She reviewed the monthly bills. She indicated that the District Superintendent's payroll was not reflected on this report as the report was circulated prior to payroll and it will be shown on next month's report. She reported where the District currently stands with their 5 Year Plan spending, and assessments received. After review,

Trustee Koch made a motion to approve the May 2020 Financial Report. Trustee Gaines seconds the motions.

Ayes:           Gaines, Koch, Kauffman  
Noes:           None  
Abstain:       None  
Absent:         None

**Item 5. Presentation of Engineer's Report.** Discussion and possible action:

- a. **Permit Applications** – None.
- b. **Wisconsin Pump Station Project – General Project Update** – See below.
- c. **Approval of USACE Section 1156 funding agreement** – See below
- d. **Approval of Incidental Take Minimization Measures from SJCOG for Wisconsin Pump Station Project** – See below

**FROM ENGINEERS REPORT:**

**I.       WISCONSIN PUMP STATION NO. 7**

- A. Civil:  
Civil plans are substantially complete (90%). We are now awaiting further CVFPB/USACE comments.
- B. Structural:

Structural plans are substantially complete (90%).

C. Electrical:

PG&E is in the design phase.

D. Environmental:

Done

E. Permitting:

CVFPB permit application review is still underway by USACE. We have been told by USACE that it expects to be complete with its review in June. USACE is also expressing likely budgets constraints going into the 4<sup>th</sup> quarter (July 1) of its fiscal year. If for some reason USACE is not finished with the review of our permit application by the end of June, it will likely not have any available funds come July 1 to finish its review. With that being said, we recommend that the RD 1614 Board enters into a Section 1156 agreement with USACE which allows RD 1614 to provide its own funds (in this case \$6,000) to continue the USACE review, if necessary.

CDFW (1602): We forwarded our final 1602 responses to CDFW on 3/4/2020 and included the Incidental Take Minimization Measures (ITMMs) that were provided by SJCOG. We received the updated draft 1602 from CDFW on 5/19/20. They incorporated all of our comments except with one condition pertaining to pre-construction Swainson's hawk surveys. The updated draft language for this particular condition does not coincide with the SJCOG HCP. We intend to provide CDFW with a fully-executed copy of the Incidental Take Minimization Measures (ITMMs) that were issued to us by SJCOG in order to bolster our argument and finalize this 1602 permit. We recommend that the RD 1614 Board signs the ITMMs.

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RWQCB (401) permit is completed.

USACE (404) permit is being processed. Informal consultations are complete with USFWS and NMFS. CVFPB/408 has to be complete before 404 is finalized.

Mr. Neudeck reported. He stated he has been in a holding pattern for a couple of months waiting for the final permit to be received by the Corps of Engineers. He reviewed the CVFPB/408 budget shortfall. Mr. Neudeck reported that PG&E remains in the design phase. President Kauffman stated this project needs to stay on track so the work can be completed this fall.

- F. Seek Board of Trustees Authorization to execute an 1156 Funding Agreement with the USACE and the District to expend the previously approved amount of \$6,000 to finalize the review of the District's plans due to shortfall of Federal Funding. (**Exhibit A: 1156 Funding Agreement with the USACE and the District related to the \$6,000 Federal Budget shortfall. - Included in Engineer's Report Packet.**)

Mr. Neudeck reported. As this was discussed at the last meeting, Mr. Neudeck said this is the final formulization of the Agreement and will bolster the District's Agreement with Fish & Wildlife. The balance of the work is in a holding pattern and he is waiting to get the finalization from the Corps of Engineers, at which time receiving a permit. He stated the \$6,000 is a nominal amount to get the District



over the finish line. He said he should receive an accounting from USACE, and this is not reimbursable. Any money that is not used will be returned. Mr. Neudeck recommended executing the 1156 Funding Agreement Contract. Mr. Gulli stated he thought this Agreement was for a 404 permit. Discussion was held.

Trustee Koch made a motion to approve and execute the 1156 Funding Agreement with the USACE. Trustee Gaines seconds the motions.

Ayes:           Gaines, Koch, Kauffman  
Noes:           None  
Abstain:       None  
Absent:         None

- G. Seek Board of Trustee Authorization to execute San Joaquin Council of Governments (SJCOG) – San Joaquin County Multi Species Habitat Conservation & Open Space Plan (SJMSCP) Agreement for Wisconsin Avenue Pump Station Project SJMSCP Incidental Take Minimization Measures (APN: 109-110-22). (**Exhibit B: SJCOG SJMSC Agreement- Included in Engineer’s Report Packet.**)

Mr. Neudeck reported as this item was discussed last month that this is where he is formalizing the District’s San Joaquin County COG Agreement. No public comment was heard.

Trustee Koch made a motion to approve and execute the San Joaquin Council of Governments (SJCOG) – San Joaquin County Multi Species Habitat Conservation & Open Space Plan (SJMSCP) Agreement for Wisconsin Avenue Pump Station Project SJMSCP Incidental Take Minimization Measures. Trustee Gaines seconds the motions.

Ayes:           Koch, Gaines, Kauffman  
Noes:           None  
Abstain:       None  
Absent:         None

## **II.     AB 360 DELTA LEVEES SUBVENTION PROGRAM**

- A. Review typical policy for fallen trees in Smith Canal. The Board of Trustees historically have required the landowner from, which the tree has fallen, to take the responsibility to remove the tree. Unfortunately, this is an enormous task given the nature of it sitting in the canal. Review with Trustees the issues surrounding these events with the potential for levee impacts etc.

This item will be on the July Agenda for discussion and direction.

**III. DELTA GRANT II – PROPOSED STORAGE CONTAINER AND SUPPLYS**

- A. Review status of Proposed Storage Container and supplies cost delivery to the District. Delivery of New Container expected in 3 to 5 weeks, so mid to late June.

Mr. Neudeck reported. He reported there was a slight mix-up with the container supplier. Due to COVID-19 and the number of containers coming into the United States less containers are being delivered from China and prices are being raised. Mr. Neudeck stated he found a new supplier thus causing a 3 to 5-week delay. Once the container is received, Mr. Lobosco will work on ordering and filling it with supplies.

**Item 6. Presentation of Superintendent’s Report; request for direction.**

Mr. Orlando Lobosco reported. He reported he has a crane ready from Holt Repair to offload the container once received. Stations are up to date and he has no issues with the pump stations. Mr. Lobosco reviewed his levee inspection report with the Board that he performed. Fish and Wildlife is still unable to come out and inspect with Mr. Lobosco due to COVID-19. Mr. Lobosco reported on the homeless encampments primarily on the south bank. President Kauffman recommended Trustee’s Gaines and Koch contact the Sheriff to see if this situation can be addressed.

**Item 7. Adopt Resolution 2020-01 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2020-2021.**

Attorney Schroder reported that this is a yearly Resolution. He stated this is identical to last years except for the changes of the date. As reported every year, Attorney Schroeder stated that technically there is no requirement to file a Notice of Exemption. He has a practice of recommending to all of his Reclamation District’s and municipal clients to file one as it starts the statute of limitations for anyone who wants to challenge the District’s routine maintenance. Attorney Schroeder recommended adopting Resolution 2020-01 thus directing the District Engineer to make the filing. No questions were heard.

Trustee Koch made a motion to Adopt Resolution 2020-01 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2020-2021. Trustee Gaines seconds the motions.

Ayes: Koch, Gaines, Kauffman  
Noes: None  
Abstain: None  
Absent: None

*In order to avoid any potential conflict of interest with his contract with SJAFCA, Mr. Neudeck left the meeting at 2:50 p.m.*

**Item 8. Report and Direction regarding third party review of information received by the District related to the San Joaquin Area Flood Control Agency’s Smith Canal Gate Structure Project.**

President Kauffman reported that an agreement was signed with Mr. Bill Croyle. Mr. Croyle is almost completed with his review. President Kauffman does not have a recommendation currently. He provided Mr. Gulli's latest comments to Mr. Croyle for his review as well. Once President Kauffman receives Mr. Croyle's draft report he will share it with Attorney Schroeder and then get back to Mr. Croyle so he can finalize his report. Mr. Gulli stated he has not been contacted by Mr. Croyle for an interview.

**Item 9. Report on Meetings Attended.** None.

**Item 10. District Calendar.** Next meeting will telephonically be held on July 6, 2020.

**Item 11. Items for Future Meetings.** District insurance renewal, assessment certification, draft budget, and review policy for fallen trees in Smith Canal

**Item 12. Correspondence.** None.

**Item 13. Motion to Approve Bills.**

Trustee Koch made a motion to approve the bills for the month of May 2020 with the warrants to be signed by President Kauffman and Attorney Schroeder. Trustee Gaines seconds the motion.

Ayes: Koch, Gaines, Kauffman  
Noes: None  
Abstain: None  
Absent: None

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*3:04 p.m. – Attorney Schroeder reported the Board is going into Closed Session regarding Item 14 (a) and (b). Attorney Pinasco explained how Closed Session will be held telephonically.*

**Item 14. Closed Session**

**a. PUBLIC EMPLOYEE APPOINTMENT**

**Title: Levee Superintendent**

**b. CONFERENCE WITH LABOR NEGOTIATORS**

**Agency designated representatives: Kevin Kauffman, Daniel J. Schroeder**

**Unrepresented employee: Levee Superintendent**

**Item 15. Report out of Closed Session.** The Trustees have reconvened out of Closed Session at 3:34 p.m. regarding action item 14 (a) and (b). All the Trustees were present during the entirety of the Closed Session. There is no reportable action other than what is reported under item 16.

**Item 16. Employee Agreement. Discussion and possible action regarding Levee Superintendent Employment Agreement.**

President Kauffman reported the Board interviewed Abel Palacio for the position of Levee Superintendent. An offer of employment was extended to Mr. Palacio and he has accepted the position effective June 1, 2020. Attorney Schroeder stated there was a unanimous vote in Closed Session on the salary offer of \$30/hr. for the first sixty days, \$40/hr. thereafter for nine months, with the parties agreeing to enter negotiations after that period.

Trustee Koch made a motion to approve the Contract language that exists for the current Levee Superintendent (Orlando Lobosco) to include the salary changes identified. Trustee Gaines seconds the motion.

Ayes: Koch, Gaines, Kauffman  
Noes: None  
Abstain: None  
Absent: None

**Item 17. Adjournment.** The meeting concluded at 3:40 p.m.

Secretary: The agenda for this meeting was posted at 3121 West March Lane, Suite 100, Stockton, California at least 72 hours preceding the meeting.

Respectfully submitted,



Rhonda L. Olmo  
District Secretary



Reclamation District 1614

June, 2020 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		5847		
			<b>\$100.00</b>			
Ben Koch		\$50.00		5848		
			<b>\$50.00</b>			
Christian Gaines		\$50.00		5849		
			<b>\$50.00</b>			
Rhonda Olmo		\$987.50		5850		
			<b>\$987.50</b>			
Neumiller & Beardslee	309389	\$4,108.50		5851		
			<b>\$4,108.50</b>			
BPM	36226623	\$260.00		5852		
			<b>\$260.00</b>			
Delk Pest Control	79983	\$220.00		5853		
			<b>\$220.00</b>			
Orlando Lobosco - May Payroll		\$1,966.39				
Orlando Lobosco - June Payroll		\$1,621.76				
			<b>\$3,588.15</b>			
Abel Palacio - June Payroll		\$553.64				
			<b>\$553.64</b>			
State of California Payroll Taxes - June		\$24.95			online	
			<b>\$24.95</b>			
Federal Government Payroll Taxes - June		\$430.79			online	
			<b>\$430.79</b>			



Reclamation District 1614

June, 2020 Bills

Sprint		\$133.68		online	
			<b>\$133.68</b>		
Comcast		\$119.87		online	
			<b>\$119.87</b>		
Visa		\$134.34		online	
			<b>\$134.34</b>		
PG&E		\$767.37		online	
			<b>\$767.37</b>		
State Fund		\$757.00			
			<b>\$757.00</b>		

**WARRANT TOTAL:**

**\$5,776.00**

**CHECKING TOTAL:**

**\$6,509.79**

**TOTAL BILLS PAID**

**\$12,285.79**