MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, AUGUST 3, 2020

The August Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, August 3, 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, Superintendent Abel Palacio, Secretary Rhonda Olmo

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 2:09 p.m. Roll call was taken.

**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 the Stockton Golf & Country Club did a good job clearing the levee. President Kauffman mentioned Mark Garibaldi's crew did the clearing. Mr. Gulli said there is a big erosion spot behind the 8th green. He said it would be a good idea to consider purchasing some riprap to place down in there.

Regarding the correspondence establishing a right of way for the District, Mr. Gulli said he sent some examples of how RD 828 and RD 2024 did it. He said RD 1614, after reviewing the Bylaws, has the right to amend rules and regulations. He requested that a report be made, in the future, on why it could/could not be done as to establishing a set right of way for levee purposes.

Mr. Dominick Gulli requested to have his May 27, 2020 letter that he sent to the Board of Directors regarding the status of the levee certification and its issues added to a future agenda for discussion.

**Item 3. Approval of Minutes of the regular meeting of July 1, 2020.** Tabled for the September meeting.

**Item 4. Presentation of Financial Status Report. Discussion and Possible Action.**
District Secretary, Rhonda Olmo, provided written and oral reports. She reported on the final June 2020 Financial Report for FY 2019/2020 and July 2020 Financial Report for FY 2020/2021. She will work with the County regarding the lack of assessments received for FY 2019/2020 and report next month. She mentioned that an invoice was received last minute from Alan Spragg & Associates ($210.00) and a warrant was cut. The invoice was not added to July's bills to be paid sheet. The invoice from Alan Spragg will be reflected on the September bills to be paid sheet indicating "previously paid." Mrs. Olmo reported she received a subvention check for FY2018/2019 in the amount of $125,567.00.

After review,

Trustee Koch made a motion to approve the final June 2020 Financial Report for FY 2019/2020 and July 2020 Financial Report for FY 2020/2021. Trustee Gaines seconded the motion.

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

**a. Approve Renewal of Liability Insurance.**

Attorney Andy Pinasco reported that the District's General Liability and Property Insurance renews in August each year. He reviewed the proposal received from broker Philadelphia Indemnity Insurance Company. The quoted price to renew for 2020/2021 is $12,402.00 (increase of $873.00 from last year.) This amount does not include Terrorism Insurance which is another $88.00. After discussion, it was decided to approve the Renewal of Liability Insurance policy with Terrorism Insurance included.

Trustee Koch made a motion to approve the Renewal of Liability Insurance policy including Terrorism Coverage. Trustee Gaines seconded the motion.

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

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

a. Wisconsin Pump Station Project
b. AB 360 Delta Levees Subvention Program
c. Delta Grant II – Proposed Storage Container and Supplies

**FROM ENGINEERS REPORT:**

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

**A.** We are still working through the permitting process for the Wisconsin Pump Station project. The public agencies are really struggling more than usual, especially with the COVID-19 pandemic. We have provided the below summary in order to illustrate the delays that this project has encountered through the permitting process for what should have been a fairly simple project. As bad as the agencies have been, PG&E has been worse. We submitted an application for service to PG&E in September 2018. We just received notification on 7/17/2020 that engineering is complete, and PG&E is looking for payment. **Construction of the project will not occur this year because of the missed opportunity to perform the work within the required environmental work windows.** At this point, we intend to construct the project in late summer/early fall of 2021. Below is a summary of our dealing with the agencies.

**B.** Civil:

Civil plans are substantially complete (90%). We are now awaiting further CVFPB/USACE comments.

**C.** Structural:
Structural plans are substantially complete (90%).

**D.** Electrical:
PG&E completed.

**E.** Environmental:
Done.

**F.** Permitting:

- CVFPB / USACE 408: We submitted an encroachment permit application to CVFPB on 2/28/2019. This permit triggers a USACE 408 review. To date, we are still awaiting USACE 408 approval. The latest update that we've received is that USACE 408 is expecting to render a decision by 8/26/2020. If that's the case, then our permit application will go before the CVFPB Board for approval at its 9/25/2020 meeting.

- CFW LSAA: We submitted an LSAA application to CDFW on 1/14/2019. After several iterations, we received a final revision of the permit on 7/8/2020, and we signed and returned the permit the next day. We are still awaiting a fully executed copy of the permit.

- RWQCB 401: We submitted a 401 application to RWQCB on 1/14/2019. We received our 401 certification on 5/30/2019.

- USACE 404: We submitted a Nationwide Permit Pre-Construction Notification to USACE 404 on 1/14/2019. We're supposed to get approval simultaneously with USACE 408.

Mr. Chris Neudeck reported. Regarding the Wisconsin Pumping Plant, he said he has been struggling trying to get the final permit from the US Army Corp of Engineers, coupled with them not being able to work because they are out of budget, excuses associated with working from home, and PG&E services not being fulfilled. Mr. Neudeck said construction will not occur this year because he is not going to be able to work within the work windows required by the environmental permit. He hopes to get the permit within 60/90 days and bid the project this winter for a spring 2021 start. Mr. Gulli stated he feels it is a mistake to let SJAFCA prepare the letter of map revision for the Wisconsin Pump Station. Mr. Gulli said he agrees this can wait to be built next year, but bidding should be soon. Discussion was held.

## II. AB 360 DELTA LEVEES SUBVENTION PROGRAM

**A.** Review the District's Draft Final Claim for Fiscal Year 2019/20.

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|---|---|
| TOTAL FINAL CLAIM | $33,435.76 |
| LESS DISTRICT SHARE ($2,500/mile @ 2.8 miles) | $7,000.00 |
| TOTAL ELIGIBLE | $26,435.76 |
| | |
| **MAX REIMBURSEMENT = 75% OF ELIGIBLE** | **$19,826.82** |

Mr. Chris Neudeck reported. He reviewed the above draft final claim for FY 2019/2020 which is substantially less than in past years. He said he did not undertake any riprap work this past year. He mentioned there is a potential rodent den on one lot that he and Mr. Palacio would like to take care of. No questions were heard.

**B.** Review proposed policy for fallen trees in Smith Canal. No report.

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

A. Review status of Storage Container and Abel's efforts to fill the container with Flood Fight Supplies.

Mr. Chris Neudeck reported that the storage container was purchased and placed. He said Mr. Palacio is working progressively with his staff to fill the container with the flood fight supplies needed. Any invoices paid for supplies/materials will be turned over for reimbursement to the Dept. of Water Resources.

**Item 6. Adopt Resolution 2020-04 Establishing Fallen Tree Removal Policy.** Tabled for the September meeting.

**Item 7. Presentation of Superintendent's Report; request for direction.**

Mr. Abel Palacio provided an oral and written report. In summary he reported:

1. Nuisance alarms – he said it is a nuisance for him because he must respond to each alarm. He will purchase sensor diffusers and continue to "tweak" the alarm system to minimize the false alarms.
2. Buildup of debris in stations – he will continue to monitor and seek assistance from Holt Repair. He feels the sumps meet the definition of "confined spaces" and discussed the potential liability of someone getting hurt. He plans on developing a "confined spaces procedure" for the District. Mr. Palacio stated he may need to purchase a small portable gas monitoring equipment to be used by personnel prior to entering the sumps. President Kauffman said the District should have a "Confined Space Procedure" in place that follows the state's guidelines and directed Mr. Palacio to prepare one.
3. Level Control System – Mr. Palacio would like to purchase 1 submersible transmitter (approx. $500) and test it out for a few months to see if it works. Discussion was held. President Kauffman directed Mr. Palacio to purchase 1 submersible transmitter (supported by Mr. Neudeck.)

4. Large tree from neighbor's yard fell into District property – Mr. Palacio reported that a neighbor east of Franklin Pump Station called him on 7-19-20 to report his tree had splintered off and fell across the fence and into the pump station. A 6-foot section of the fence broke. No damage to the levee or pump station occurred. Mr. Palacio stated 80% of the debris has been cleaned up at the neighbor's expense and a temporary fence has been erected.
5. Levee Inspection – Mr. Palacio has gone out at low tide recently. Same items were noted during the inspection and Mr. Palacio mentioned the large rodent hole. He did go to the residence where the rodent hole was spotted and introduced himself. Discussion was held.
6. Flood Fighting Supplies – He is working on placing/purchasing supplies. He will also be purchasing shelving.
7. District Computer and Printer – The computer turned over to Mr. Palacio from the District's previous Superintendent is old and not working properly. Mr. Palacio would like to purchase a new computer (laptop). President Kauffman suggested Mr. Palacio rely on Mr. Chris Neudeck's office (IT department) for suggestions as to which laptop to purchase. Attorney Pinasco will work with Mr. Palacio regarding the disposal of current computer.
8. Graffiti – Extensive graffiti damage at River Drive and Plymouth Road. Mr. Palacio hired a contractor to clean it up. Mr. Neudeck said he uses NIX (mini color sensor scanner) that costs around $80. The scanner will give a code for the color of paint you want to your smartphone.

***In order to avoid any potential conflict of interest with his contract with SJAFCA, Mr. Neudeck left the meeting at 2:58 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 stated he still has not been able to reach Mr. Bill Croyle. He will continue to pursue this and report back next month.

**Item 9. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.**

Mr. Chris Elias reported on the status of the Smith Canal Gate Construction Project. He said the project/construction is proceeding well. In water work began on July 18, 2020. Weekly meetings are being held with the construction and CM teams. The environmental surveys were completed and checked out ok. The order for materials continues to go well. The coffer dam is halfway completed and is looking to be complete over the next two weeks. Looking ahead, the coffer dam installation continues and SJAFCA will be looking to install the temporary closure pile. Mr. Elias said he is pleased to report that the residents that have come by have expressed gratitude that the project is underway. Further discussion was held regarding the noise level of the project. Mr. Elias will let the team know about the noise level expressed by residents and will report back next month. Comments were heard regarding the noise threshold and the DWR not paying into the project yet.

**Item 10. Report on Meetings Attended.** None.

**Item 11. District Calendar.**

**a. Select November 4, 2020, as District General Election Date**

Attorney Andy Pinasco reported. He stated two Trustee terms are expiring this November (President Kauffman and Trustee Koch). The voters elected in 2016 to hold an all mailed ballot election. Attorney Pinasco is recommending an all mailed ballot election be held again, if needed, this year. He stated the District needs to choose an election date and it cannot be the same date as a General Election Date (November 3, 2020). The District has traditionally held their elections the day after the General Election and Attorney Pinasco is recommending the same (November 4, 2020).

After review:

Trustee Koch made a motion to accept staff's recommendation that November 4, 2020 be identified as the District's General Election date. Trustee Gaines seconded the motion.

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

**b. Discussion and Possible Action Regarding Candidate Statement Costs**

Attorney Pinasco said when the District opens the Nomination period (August 21, 2020 – September 11, 2020 no later than 5:00 p.m.) that the candidates will have the opportunity to provide a candidate statement. He said this is beneficial in a mailed ballot election as it provides information about the candidates; i.e., name, age, occupation, and qualifications for office. The cost of the candidate statement is nominal. Discussion was held.

After review:

Trustee Koch made a motion to include candidate statements, with the nomination application, at no charge to the candidate. Trustee Gaines seconded the motion.

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

**c. Next Meeting** - Next meeting will be held telephonically on September 7, 2020.

**Item 12. Items for Future Meetings.** May 27, 2020 letter from Dominick Gulli.

**Item 13. Correspondence.** Included in Agenda packet.

**Item 14. Motion to Approve Bills.**

Trustee Koch made a motion to approve the bills for the month of July 2020 with the warrants to be signed by Trustee Koch and Attorney Schroeder. Trustee Gaines seconded the motion.

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

**Item 14. Adjournment**. Trustee Koch made a motion to adjourn the meeting at 3:19 p.m. Trustee Gaines seconded the motion.

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

Rhonda L. Olmo
District Secretary