

MINUTES OF SPECIAL MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, DECEMBER 21, 2020

The December Special Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, December 21, 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 Dan Schroeder, Attorney Andy Pinasco, Superintendent Abel Palacio, Engineer Christopher Neudeck, Secretary Rhonda Olmo, and Associate Allison Finkes.

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. Roll call was taken.

Item 2. Oath of Office.

District Secretary, Rhonda Olmo, administered the Oath of Office to President Kauffman prior to this Board Meeting.

Item 3. 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.*

None.

2:04 p.m. – Attorney Schroeder reported the Board is going into Closed Session regarding Item 4 (a).

Item 4. Closed Session.

- a. CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION**
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: 1 potential case

Item 5. Closed Session Report. The Trustees have reconvened out of Closed Session at 2:23 p.m. regarding action item 4 (a). All Trustees were present during the entirety of the Closed Session. The District's Counsel has been authorized to submit a written Demand to the County Board of Supervisors demanding that they comply with their obligations under the Water Code, and to complete the appointment of Mr. Dominick Gulli to the position of Trustee.

Item 6. 2020 District General Election. Discussion and Possible Action Regarding Board of Supervisor Appointment of the Nominee for Trustee.

Attorney Schroeder presented. He stated last Tuesday the Board of Supervisor's did not take any action on appointing Mr. Dominick Gulli to the position of Trustee. The process that is typically followed is

when an election is going to occur, as it did this last fall, interested members of the public who are qualified can submit their Petitions for Nomination. This year the District had two positions of Trustees that were up for election. Mr. Gulli was the only person who submitted Nomination papers that were in compliance with the law. The law at that point says since you do not have more than the number of spots that are up for election that you have an uncontested election. The Water Code states you submit that person's name to the County Board of Supervisors who are then required to make the appointment. Mr. Schroeder stated the Board of Supervisors chose not to make the appointment, thus falling out of compliance with the Water Code. As reported out of Closed Session, the Board of Trustees has authorized legal counsel to send a Demand Letter to the Board of Supervisors indicating that they comply with their statutory obligations and complete the appointment of Mr. Gulli to the position that he is entitled to as a Trustee of Reclamation District 1614. The next Board of Supervisors Meeting is January 5, 2021 where action will be taken on this item. Discussion and comments were heard.

Item 7. Approval of Minutes.

- a. Approval of Minutes of the November 2, 2020, Board meeting.**
- b. Approval of Minutes of the November 16, 2020, Board meeting.**

After review,

Trustee Koch made a motion to approve the Minutes of the November 2, 2020 and November 16, 2020 meetings. Trustee Gaines seconded the motion.

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

Item 8. Presentation of Financial Status Report. Discussion and Possible Action.

District Secretary, Rhonda Olmo, provided a written and oral report. She noted this month's report shows the District at 41.66% for the fiscal year. She reviewed the monthly bills with the Trustees. She also reviewed the District's election expenses to date. She noted that the Superintendent's salary line item shows two months' worth, as last month's report it was not reflected. \$5,918.00 in interest, and \$33,484.00 Assessments were received. Mrs. Olmo reported that the District's auditor is nearing completion of the audit and should be wrapping up soon.

After review,

Trustee Koch made a motion to approve the Financial Report. Trustee Gaines seconded the motion.

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

Item 9. Presentation of Engineer's Report. Discussion, direction, and possible action:

- a. Rock Slope Protection Project Update

b. Wisconsin Pump Station Project Update

i. Discussion and Possible Action to Approve PG&E Gas and Electric Extension Agreement

FROM ENGINEERS REPORT:

I. ROCK SLOPE PROTECTION PROJECT

A. Review the commencement of the rock slope protection project between Levee Station 62+50 to 68+00.

Mr. Chris Neudeck reported the work has begun and says he has received great cooperation from the City of Stockton's Public Works Department and the City of Stockton's Police Department. The City of Stockton was out there this morning relocating the homeless out of the site. Mr. Neudeck says he is currently in the process of sloping and getting the waterside slope prepared for the acceptance of the rock slope protection for the slope. This work will take place between now and the end of the year. Mr. Neudeck stated he was pleased the work was able to get started as soon as it did. He mentioned that Tracy Graves was also an extraordinary asset in coordinating the relocation of the homeless and getting the area prepared and cleaned up.

II. WISCONSIN PUMP STATION NO. 7

A. Electrical:

PG&E provided us a draft of their customer payment coupon. Review the documentation KSN Inc.'s recommendation with the Board of Trustees and seek consensus as to which option to select.

EXHIBIT A: Email correspondence with Thomas Samaniego of PG&E regarding customer payment coupon process.

EXHIBIT B: PG&E Customer Coupon Payment Information and summary.

EXHIBIT C: PG&E's line diagram for the new service to the Wisconsin Pump Station.

Mr. Chris Neudeck reviewed the three exhibits. He said this is the process whereby PG&E is having to expend a sum of money without anticipated reimbursement in the near future. PG&E does not know and is estimating the return of payment on the new pumps would be to reimburse them for their additional expense in increasing the transformers. PG&E put together an Agreement (Customer Payment Coupon) which gives two options to pay for the additional cost of incurred in the upgrade of the transformers. Mr. Neudeck said the reason the transformers must be replaced is because two new pumps are being installed and increasing the load. The difference is the flow is not being increased. The generalized flow to this pumping plant will remain somewhat static over time unless a hundred-year rainfall event occurs. Therefore, the District is not going to see the increase in load to the transformers so the increase fee on the bills would not be satisfying PG&E from the standpoint of paying back their services in replacing those transformers. This leaves two options: 1) pay outright the \$34,000 cost, and over the next 10 years or so, you go through a reimbursement program. If usage is increased over the next 10 years reimbursement could be sought for that fee. If you don't intend on increasing the usage, the load just needs to be available in the event of a high flood/rainfall event. 2) Pay 50% upfront non-refundable.

Beyond that then the usage is not monitored against the overall cost. The baseline cost still needs to be maintained which is approximately \$2,300 a year. If we fall below that then we must make up the deficiency, if we go above then we get 50% in a refund amount. Mr. Pinasco said there is a reimbursement on the 50% upfront that is available. Mr. Pinasco said for option one the full reimbursable amount is the amount that the entire project would cost. Further discussion was held.

Mr. Neudeck and Attorney Pinasco recommended option two for the District.

After review,

President Kauffman directed the District Engineer to follow through with his recommendation as recommended. Mr. Neudeck will bring back the final Agreement to the Board at the January/February Board Meeting.

Item 10. Weed Control. Discussion and Possible Action to Approve the 2021 Dickinson's Weed Spraying Contract.

Rhonda Olmo reported the annual contract from Dickinson's Weed Spraying Company is up for renewal. This is the District's annual contract with the company to maintain the regrowth of weeds at the District's pump stations. The renewal cost is \$3,350.00 which is the same fee the District paid last year.

After review,

Trustee Koch made a motion to approve the Contract from Dickinson's Weed Spraying Company. Trustee Gaines seconded the motion.

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

Item 11. Superintendent Report; request for direction.

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

- Regarding the RTU failure at Plymouth and River road pump station previously reported on, Mr. Palacio installed and tested the replacement radio portion of the RTU. He reported the unit is working fine. The radio is an upgrade to the older 2G network radio used by cellular companies. He reported he has since had four other RTU radio failures. He has been in discussion with the RACO alarm company. Discussion was held as to possible reasons for these failures. He has ordered a replacement of the two RTU's that were tested at RACO alarms and will order another two. President Kauffman authorized Mr. Palacio to get a purchase order for the cost to replace the remaining RTU's.
- A failed air compressor was discovered at Hogue pump station. The spare compressor was used and a new one was purchased to replace the spare one. Mr. Palacio tested the system and reported it is working fine.
- Mr. Palacio installed a safety beacon, and a reverse camera on the truck.

- Mr. Palacio hired a contractor to trim a large tree at Franklin Pump Station, which he felt was in danger of losing a large limb during high winds that would block the entry into the station.

Item 12. Superintendent Waterside Inspection Report. Request for direction.

Mr. Abel Palacio reported. He stated there was no significant erosion or rodent holes to report. As previously reported, there is a big tree with a hollowed-out trunk near the water line that he is going to speak with the homeowner about to inspect from the levee side of the property.

Item 13. Newsletter. Discussion and possible action.

Attorney Pinasco asked that the Trustee's review and comment on the draft Newsletter that was circulated. The comments will then be sent to Port City Marketing and a representative will be invited to the next Board meeting to discuss the new draft.

Item. 14. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.

No report.

Item. 15. Report on Re-Numbering of Approved District Resolutions to Correct Numbering Sequence.

Attorney Pinasco reported there are two Resolution 2020-04's. Correction will be made to get the Resolution numbering sequence in order.

Item 16. Report on Meetings Attended. None.

Item 17. District Calendar.

- a. Next Regular Meeting Date is January 4, 2021.

Item 18. Items for future meetings. District Newsletter. Ben Koch resigned as Board Member effective today. A Special Meeting will be held on December 23, 2020, at 4:00 p.m., to discuss the Board Vacancy and the approval of the six RTU's discussed in the Superintendent Report.

Item 19. Correspondence. None

Item 20. Motion to Approve of Bills.

After review, Trustee Koch made a motion to approve the bills for the month of November 2020. Trustee Gaines seconded the motion.

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

3:21 p.m. – Attorney Schroeder reported the Board is going into Closed Session regarding Item 21 (a).

Item 21. Closed Session.

a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**

Title: Levee Superintendent

Item 22. Closed Session Report. The Trustees have reconvened out of Closed Session at 3:36 p.m. regarding action item 21 (a). All Trustees were present during the entirety of the Closed Session. There is no reportable action.

Item 23. Adjournment. The meeting adjourned at 3:37 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