

# RECLAMATION DISTRICT NO. 1614

## AGENDA FOR REGULAR BOARD OF TRUSTEES MEETING 2:00 P.M. DECEMBER 6, 2021

### AGENDA

1. Call to Order/Roll Call.
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.
3. Approval of Minutes of October 4, 2021, and November 1, 2021, meetings of the Board.
4. Presentation of Financial Status Report. Discussion and possible action.
  - a. Adopt Resolution 2021-10 Authorizing the Interfund Borrowing and Transfer of Funds from the Operation and Maintenance Fund of the District to the Wisconsin Pumping Station Fund of the District
5. Presentation of Engineer's Report. Discussion, direction, and possible action for following items:
  - a. Rock Slope Protection Project
    - i. City of Stockton Update
    - ii. Apartment Owners – Halo Managers Corporation Update
  - b. Wisconsin Pump Station Project
    - i. Discussion and possible action to approve Potential Change Order for Solenoid and Heater Circuit for New Pumps
  - c. Rock Slope Protection Projects
    - i. Approve contract to remove dying tree and place rock slope protection in the void created by its removal – 1764 South Tuxedo Ave., Stockton, CA 95204
    - ii. Adopt Resolution 2021-07 Accepting Easement Deed – American Legion Karl Ross Post
    - iii. Adopt Resolution 2021-08 Accepting Easement Deed – Amblers Club
    - iv. Adopt Resolution 2021-09 Accepting Easement Deed – Reggie Stone
6. Letter of Map Revision. Discussion and possible action regarding Letter of Map Revision.
7. Presentation of Superintendent's Report; request for direction.

*This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Rhonda Olmo at 209/948-8200 during regular business hours, at least forty-eight hours prior to the time of the meeting.*

*Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours. The agenda is also available on the Reclamation District website at: <http://www.rd1614.com/>*

8. Town Hall. Discussion and direction.
9. District Newsletter. Discussion and direction.
10. Report on Meetings Attended.
11. District Calendar.
  - a. Next Meeting is January 3
12. Items for future meetings.
13. Correspondence. Discussion and direction.
  - a. Correspondence from Trustee Gulli
14. Motion to Approve of Bills.
15. Employee Contract. Discussion and possible action regarding changes to Levee Superintendent contract
16. Professional Services Agreement. Approve professional services agreement with Ridgeline Engineering.
17. Encroachment Permit. Discussion and possible action to approve encroachment permit submitted by San Joaquin Area Flood Control Agency
18. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project
19. Closed Session.
  - a. CONFERENCE WITH LEGAL COUNSEL-ANTICIPATED LITIGATION  
Initiation of litigation pursuant to paragraph (4) of subdivision (d) of Section 54956.9: one case
20. Closed Session Report.
21. Adjournment.

*This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Rhonda Olmo at 209/948-8200 during regular business hours, at least forty-eight hours prior to the time of the meeting.*

*Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours. The agenda is also available on the Reclamation District website at: <http://www.rd1614.com/>*

**AGENDA PACKET  
RECLAMATION DISTRICT 1614  
DECEMBER 6, 2021**

<b><u>ITEM</u></b>	<b><u>COMMENTARY</u></b>
1.	Self-explanatory.
2.	Self-explanatory.
3.	Please see attached.
4.	Please see attached.
4.a.	Please see attached.
5.	Please see attached.
5.c.i.	Please see attached.
5.c.ii.	Please see attached.
5.c.iii.	Please see attached.
6.	Self-explanatory.
7.	Please see attached.
8.	Self-explanatory.
9.	Self-explanatory.
10.	Self-explanatory.
11.	Please see attached.
12.	Self-explanatory.
13.	Please see attached.
14.	Please see attached.
15.	Please see attached.
16.	Please see attached.
17.	Self-explanatory.
18.	Self-explanatory.
19.	Self-explanatory.
20.	Self-explanatory.
21.	Self-explanatory.

# ITEM 3

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1614  
HELD MONDAY, OCTOBER 4, 2021

The October Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, October 4, 2021, at the hour of 2:00 p.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman, Trustee Dominick Gulli, Attorney Andy Pinasco, Engineer Chris Neudeck, Superintendent Abel Palacio, Secretary Rhonda Olmo

Absent were: Trustee Christian Gaines

**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.*

None.

**Item 3. Approval of Minutes of the September 7, 2021, meeting minutes.**

After review, a typo was noticed on page three. The word CLOMAR should be shown as "CLOMR". Under Item 5 III A. Trustee Gulli would like the paragraph amended to read "Trustee Gulli stated that the 2011 CLOMR was just a letter from Kathy Schaefer, and in his opinion was not a CLOMR." Trustee Gulli also asked to have the sentence in the first paragraph under Item 12 related to SJAFCA's comments regarding Flood Insurance stricken.

Trustee Gulli made a motion to approve the September 7, 2021 meeting minutes as amended. President Kauffman seconded the motion.

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

**Item 4. Approval of Minutes of the September 21, 2021, meeting minutes.**

After review, a typo was noticed on page one. The word prosed should be shown as "proposed".

Trustee Gulli made a motion to approve the September 21, 2021 meeting minutes as amended. President Kauffman seconded the motion.

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

**Item 5. Presentation of Financial Status Report.**

District Secretary, Rhonda Olmo, provided a written and oral report. She noted this month's current report shows the District at 25% for the fiscal year. She reported on the bills received. She also mentioned that she has been working on the audit and will be sending everything over to the auditor's office soon.

After review,  
President Kauffman made a motion to approve the Financial Report as presented. Trustee Gulli seconded the motion.

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

**Item 6. Presentation of Engineer's Report. Discussion and possible action:**

- a. **Rock Slope Protection Project**
  - i. **City of Stockton Update**
  - ii. **Apartment Owners – Halo Managers Corporation Update**
- b. **Wisconsin Pump Station Project Update**
- c. **Rock Slope Protection Projects**

**FROM ENGINEER'S REPORT:**

**I. ROCK SLOPE PROTECTION PROJECT**

- A. KSN Inc. is coordinating with City of Stockton and the Apartment owners to seek the dedication and easement refinement.
  - 1. City of Stockton (COS) Update: The RD 1614/City of Stockton Easement package has been presented to the City of Stockton for review and Eric Alvarez is forwarding to Amanda Thomas, City of Stockton Real Property, for processing. Description package will next be reviewed by COS contracted surveyor.
  - 2. Apartment Owners – Halo Managers Corporation Update: Beverly J. Hancock with Halo Managers Corporation, signed the Levee Easement Package on August 3 and returned package to KSN for recordation. KSN will file record documents once we receive the same from the COS.

Mr. Neudeck reported that Eric Alvarez wants to look at the Easement package one more time. He wants to run it by their surveyor. Mr. Neudeck anticipates having this completed by next month.

**II. WISCONSIN PUMP STATION NO. 7**

- A. Contract Administration:
  - 1. Submittal review is ongoing (e.g., electrical).

2. Change Order 001 was executed for reinforcement of west wing of sump, change height of 4' tall chain link fence to 6', and delete riprap.

**B. Schedule:**

1. Construction activities completed to date include:
  - a) Clearing & grubbing.
  - b) Install temporary pump discharge piping.
  - c) Initial levee grading and fill import.
  - d) Placement of bedding stone for ArmorFlex.
  - e) Construct outfall structure.
  - f) Placement and grouting of ArmorFlex mats.
  - g) Install welded steel discharge piping.
2. Construction activities this week include:
  - a) Ongoing site electrical work.
  - b) Procurement of structural members.
3. Construction activities next week include:
  - a) Structural reinforcement of existing sump.
  - b) Structural reinforcement for new pumps.

**C. Miscellaneous Construction Issues:**

1. None.

EXHIBIT A: KSN Inc. Sample Photos from Daily Field Report.

Mr. Neudeck reviewed items A – C and said everything is moving along relatively well. He also reviewed the photos with the Board in Exhibit A. Discussion was held and questions were addressed.

**III. ROCK SLOPE PROTECTION PROJECTS**

- A. RD 1614 Board of Trustees decided to drop the easement requirement for RSP placement on the lots that we were having trouble with the two lots with the tree and the two lots on Canal Drive.
- B. KSN has contacted Gary Blanton and he has agreed for the District to access his property to remove the dying tree and place rock slope protection in the void created by its removal, it appears that there will be no need to encroach upon Henry and Carole Stratton's lot:
  1. Garret Blanton / 1764 South Tuxedo Ave, Stockton CA 95204 / APN # 123-204-110-000.
  2. Henry and Carole Stratton / 1742 South Tuxedo Ave, Stockton CA 95204 / APN # 123-204-100-000.
- C. KSN is continuing to work on getting the contact information for Carol And Solbjor who has an empty lot providing access to Solbjor's and Francisco's lot.
  3. Christina and Vitela Francisco / 2220 Canal Drive, Stockton CA 95204 / APN # 123-300-190-000.

4. Carol And Solbjor / 2204 Canal Drive, Stockton CA 95204 / APN # 1223-300-430-000.

President Kauffman said if Mr. Neudeck cannot locate Solbjor then to go ahead and proceed with the work.

- D. KSN is working with American Legion Karl Ross Post and Amblers Club in obtaining easement documentation in exchange of the District placing rock slop protection along their Smith Canal Frontage.

5. American Legion Karl Ross Post No. 16 / 2020 Plymouth Road Stockton CA, 95204 / APN # 123-040-350-000.
6. Amblers Club / 2000 Amblers Lane Stockton CA 95204 / APN # 121-100-060-000, Mailing Address: PO Box 174 Stockton CA 95201.

Mr. Neudeck reported both are excited to get their work done. They are also negotiating an agreement to offer an Easement. The Karl Ross Post Easement draft has been drawn it and they are going to sign. Mr. Neudeck is meeting with the Amblers Club tomorrow.

- E. KSN has acquired easement documentation from Reggie Stone in exchange of the District placing rock slope protection along their Smith Canal Frontage.

7. Reggie Stone / 2001 Mission Road Stockton CA 95201 / APN # 123-130-23

Mr. Neudeck reported that three out the six above will have agreements. Once he gets them all formed, he will put the matters out to bid and will bring the awards back to the Board for consideration and award.

#### **IV. LETTER OF MAP REVISION FOR WISCONSIN PUMP STATION**

- a. Review research being conducted to develop a complete understanding of the details of the 2011 and 2018 CLOMR issued to SJAFCA for the Smith Canal Gate. Wisconsin is a component of the interior drainage analysis conducted for the overall CLOMR submittals.

Mr. Neudeck was asked to undertake a submittal of a letter of map revision. He stated he wanted to do some research with regards to what that would entail knowing that we had a situation, where to his belief, that SJAFCA through RD 1614 and RD 828 had a 2011 and 2018 CLOMR. Mr. Neudeck shared an email from Mr. Brian Koper, from FEMA, addressed to Mr. Elias, dated September 30, 2021. The email reiterates that both CLOMR's are elements subject to one another. They are effectively two CLOMR's affecting the outcome of the Smith Canal remapping condition. Mr. Neudeck stated that at this stage (and as discussed with his conversation on 9/17/21 with FEMA) he can make a submittal under the letter of map revision for Wisconsin, but the Wisconsin is only one pump station of a very large interior drainage analysis. Mr. Neudeck said he would need to work with SJAFCA's Engineer (PBI) to recapture what was intended to be put in that section of the letter of map revision and submit it in advance. He does not suggest doing this because it is putting the District's Engineer in an effort where SJAFCA has already agreed to pay. Mr. Neudeck plans on providing the as built information, the certified pump test, and the pertinent information associated with the completion of Wisconsin, in January 2022, to SJAFCA and have them include that in the master interior drainage analysis. Discussion was held.

Trustee Gulli disagreed with the Engineers opinion and stated that it was not the intent to have the RD 1614 engineer working directly with SJAFCA's Engineer as SJAFCA created the Smith Canal Gate problem. Trustee Gulli stated that the 2011 CLOMR from Kathy Shaefer was according to FEMA staff "faux". He also reiterated his professional opinion that if the District were to submit the Wisconsin Pump Station information to FEMA the 2018 CLOMR, issued to the City of Stockton and San Joaquin County, indicates that the A flood zone would be revised to an X zone for the area north of the Smith Canal.

**Item 7. Letter of Map Revision. Discussion and Direction.** See above.

**Item 8. Local Reclamation District Committee. Discussion and Direction.** Tabled for November meeting.

**Item 9. Presentation of Superintendent's Report; request for direction.**

Abel Palacio presented his superintendent's report, and a copy is attached with the minutes. He will perform a levee inspection next week and report his findings at the November meeting. He reported that Holt Repair came out and did some preventative sump cleaning on five stations. In addition to his report, he reported that the District's trailer was involved in a minor accident and the frame is bent. There were no witnesses, and it is still drivable. Mr. Palacio will look into repairing it.

Mr. Palacio will be on vacation from November 9th – 22<sup>nd</sup>. Mr. Orlando Lobosco will be available during this time to fill in.

**Item 10. Newsletter. Discussion and Direction.** Tabled for November meeting. Attorney Pinasco will reach out to Kristen Dyke, from Port City Marketing, to see if she available to attend the November meeting.

**Item 11. Town Hall. Discussion and Direction.** Tabled for November meeting.

**Item 12. Discussion Regarding Lower San Joaquin River Feasibility Study.**

Trustee Gulli stated the Lower San Joaquin River Feasibility Study is the Delta Front and it doesn't remove any of the floodplain. He is hearing that the floodplain is from the Calaveras River, so he feels a Lower Calaveras River Feasibility Study is needed.

**Item 13. Smith Canal Gate Project – Encroachment Permit. Discussion and possible action.**

President Kauffman said he received a packet from SJAFCA that was thorough. He is suggesting that the District find someone (Ridgeline or Wagner & Bonsignore) to review the packet/operational manual and work with the District to come up with a list of conditions for the Encroachment Permit. Trustee Gulli will contact Ridgeline and President Kauffman will contact Wagner & Bonsignore. President Kauffman indicated he wants maintenance of the rip rap rock, the levee rock – 50 ft. on either side of the wall as a condition of approval. Mr. Elias stated SJAFCA has an extended permit through November 30, 2021. Attorney Pinasco will send the District's standard rock agreement to the Country Club and a letter to SJAFCA stating that any costs associated with the review will be reimbursed by SJAFCA.

After review, Trustee Gulli made a motion to enter into an agreement with Ridgeline or Wagner & Bonsignore and designate authority to President Kauffman to execute an agreement up to \$9,000. President Kauffman seconded the motion.

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

**Item 14. Discussion and Possible Action to Hire Consulting Engineer to Review Smith Canal Gate Project Encroachment Permit.** No report.

*Chris Neudeck left the meeting at 3:38 p.m.*

**Item 15. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.**

Mr. Chris Elias reported that the sheet pile is progressing well along the Dads Point area. Right now, they are at approximately 550 in terms of linear feet of piles drilled to elevation. The actual sediment sheet wall itself is going well. Currently, they have drilled up to about 19 cells. They have seven more to go. They are working on Cell M now. Some dredging activity is currently taking place between where the sheet pile wall is now, as it needs depth for the barge to operate (the area is shallow). Discussion was held.

**Item 16. Report on Meetings Attended.** None

**Item 17. District Calendar.**

- a. **Next Meeting is November 1, 2021**

**Item 18. Items for future meetings.** Smith Canal Gate Project – Encroachment Permit, Local Reclamation District Committee, Newsletter, and Town Hall.

**Item 19. Correspondence.** None.

**Item 20. Motion to Approve of Bills.**

After review,

Trustee Gulli made a motion to approve the September bills as presented. President Kauffman seconded the motion.

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

**Item 21. Adjournment.** President Kauffman made a motion to adjourn the meeting at 3:51 p.m. Trustee Gulli seconded the motion.

Draft Minutes of Reclamation District 1614  
October 4, 2021  
Page 7

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

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1614  
HELD MONDAY, NOVEMBER 1, 2021

The November Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, November 1, 2021, at the hour of 2:00 p.m.

Roll Call of Board Members and Staff:

President Kevin Kauffman, Trustee Christian Gaines, Trustee Dominick Gulli, Attorney Andy Pinasco, Engineer Chris Neudeck, 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.*

**Item 1. Call to Order/Roll Call.** President Kauffman called the meeting to order at 2:04 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. Paul Guerrero stated that he is on the Caltrans Advisory Council and Clean California has millions of dollars available in grants that the District may be interested in. He suggested the Trustee's look into it. A workshop is coming up in November to learn how to apply for the grants.

Trustee Gulli mentioned he attended a SJAFCA meeting (as a member of the public) regarding significant exposure to litigation. He did a Public Records Request to try to find out what is going on.

Ms. Kristen Dyke (Port City Marketing) introduced her new employee, Sarah Vigil, who will be assisting her with the District's Newsletter.

**Item 3. Approval of Minutes of October 4, 2021, meeting of the Board.** Tabled for December meeting.

**Item 4. Presentation of Financial Status Report.**

District Secretary, Rhonda Olmo, provided a written and oral report. She noted this month's current report shows the District at 33.3% for the fiscal year. She reported on the bills received. She also mentioned that she has been working with the Auditor at CSV regarding this year's audit. Attorney Pinasco stated he will bring a Resolution to the December meeting regarding the characterization of the funds that are going to be used to pay for Wisconsin.

After review,

Trustee Gaines made a motion to approve the Financial Report as presented. Trustee Gulli seconded the motion.

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

**Item 5. Adopt Resolution 2021-06 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2021-2022.**

Attorney Pinasco stated that this annual Resolution is required to participate in the Subventions Program. This year the Agreement does not require five different copies to be returned. Only one signature is required now to enter the program. Mr. Neudeck noted that there was no statement in the Agreement in the past about “no net term loss” and it just said, “no loss of habitat”. It was supposed to be on a “no net long term loss basis for habitat”. The Agreement had lacked that language. Mr. Neudeck spoke with the General Counsel for the Department of Water Resources and it was agreed the language was missing.

After review,

Trustee Gulli made a motion to Adopt Resolution 2021-06 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2021-2022 and to authorize President Kauffman to sign the Agreement. Trustee Gulli seconded the motion.

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

**Item 6. Presentation of Engineer’s Report. Discussion, direction, and possible action for the following items:**

- a.       **Rock Slope Protection Project**
  - i.      **City of Stockton Update**
  - ii.     **Apartment Owners – Halo Managers Corporation Update**
- b.       **Wisconsin Pump Station Project Update**
- c.       **Rock Slope Protection Projects**
- d.       **Wisconsin Pump Station Project Update**

**FROM ENGINEER’S REPORT:**

**I. ROCK SLOPE PROTECTION PROJECT**

- A. KSN Inc. is coordinating with City of Stockton and the Apartment owners to seek the dedication and easement refinement.
  - 1. City of Stockton (COS) Update: The RD 1614/City of Stockton Easement package has been presented to the City of Stockton for review and Eric Alvarez is forwarding to Amanda Thomas, City of Stockton Real Property, for processing. Public Works has approved the easement, Amanda Thomas is now processing the dedication.
  - 2. Apartment Owners – Halo Managers Corporation Update: Beverly J. Hancock with Halo Managers Corporation, signed the Levee Easement Package on August 3 and returned package to KSN for recordation. KSN will file record documents once we receive the same from the COS.

Mr. Chris Neudeck reported on the above stating that this finally got some movement. The Easement is now being processed for dedication. He mentioned this should be resolved by the December meeting and that KSN will get the documents recorded.

## II. WISCONSIN PUMP STATION NO. 7

### A. Schedule:

1. Construction activities completed to date include:
  - a) Clearing & grubbing.
  - b) Install existing pump discharge piping.
  - c) Initial levee grading and fill import.
  - d) Placement of bedding stone for ArmorFlex.
  - e) Construct outfall structure.
  - f) Placement and grouting of ArmorFlex mats.
  - g) Install welded steel discharge piping.
  - h) Complete Sump Reinforcement.
  - i) Preliminary Exterior Electrical trenching and conduit work.
  
2. Construction activities this week and next include:
  - a) Ongoing site electrical work including pouring Control Panel pad.
  - b) Complete the installation of structural steel supports for the new pumps.
  - c) Install 2 new pumps.
  - d) Complete installation discharge piping for new pumps.
  - e) Finalize levee grading and fill import.

***EXHIBIT A: KSN Inc. Sample Photos from Daily Field Report.***

***EXHIBIT B: Copy of Progress Payment No. 2 with Arnaudo Construction.***

Mr. Neudeck stated that this item is very near completion and things are wrapping up. He said the work is going to be substantially complete at the end of this week and the remainder work will end up being some fill work around the pipes and some work around the levee crown. The pumps will be installed this week. The big effort was reinforcing the sump. Mr. Neudeck reviewed the photos from the Daily Field Report (exhibit A) with the Trustees. Further discussion was held.

## III. ROCK SLOPE PROTECTION PROJECTS

- A. RD 1614 Board of Trustees decided to drop the easement requirement for RSP placement on the lots that we were having trouble with in particular the two lots with the tree and the two lots on Canal Drive.
  
- B. KSN has contacted Gary Blanton and he has agreed for the District to access his property to remove the dying tree and place rock slope protection in the void created by its removal, it appears that there will be no need to encroach upon Henry and Carole Stratton's lot:
  1. Garret Blanton / 1764 South Tuxedo Ave, Stockton CA 95204 / APN # 123-204-110-000. A site visit to this address to further assess the tree removal has been scheduled for Thursday Oct 28<sup>th</sup> at 10:00 AM. Mr. Blanton will be present to facilitate access to the property.
  2. Henry and Carole Stratton / 1742 South Tuxedo Ave, Stockton CA 95204 / APN # 123-204-100-000.

- C. KSN is continuing to work on getting the contact information for Carol And Solbjor who has an empty lot providing access to Solbjor's and Vitela's lot. We are proceeding with preparing plans and specifications for bid.
1. Christina and Vitela Francisco / 2220 Canal Drive, Stockton CA 95204 / APN # 123-300-190-000.
  2. Carol And Solbjor / 2204 Canal Drive, Stockton CA 95204 / APN # 1223-300-430-000.
- D. KSN is working with American Legion Karl Ross Post and Amblers Club in obtaining easement documentation in exchange of the District placing rock slop protection along their Smith Canal Frontage.
1. American Legion Karl Ross Post No. 16 / 2020 Plymouth Road Stockton CA, 95204 / APN # 123-040-350-000. A representative from the Karl Ross Post stated they would discuss whether or not they'd like to proceed with the easement deed documents at their next regular board meeting.
  2. Amblers Club / 2000 Amblers Lane Stockton CA 95204 / APN # 121-100-060-000, Mailing Address: PO Box 174 Stockton CA 95201. An easement deed packet was drawn up by BAS and hand delivered to the current president of the Amblers Club. He stated they would discuss the execution of the documents at their next regular board meeting.
- E. KSN has acquired easement documentation from Reggie Stone in exchange of the District placing rock slope protection along their Smith Canal Frontage.
3. Reggie Stone / 2001 Mission Road Stockton CA 95201 / APN # 123-130-23

Mr. Neudeck reported that the American Legion Karl Ross Post and Amblers Club will be meeting to discuss the easement deed package. If approved, Mr. Neudeck will put the project out to bid in December and bring it back before the Board by January for consideration. Regarding Blanton, there is some delay as he wants to be in attendance for the work. Mr. Neudeck may need to bring Blanton back as a separate contract under \$25K. Further discussion was held regarding the Amblers Club and if there is a need for creating an emergency ramp.

**Item 7. Letter of Map Revision. Discussion and Direction.** Tabled for next month.

**Item 8. Local Reclamation District Committee. Discussion and Direction.**

Trustee Gulli stated he is interested in establishing a Local Reclamation District Committee. The purpose of the committee would be to get a group of Trustee's from various Districts together because flood control is very complicated and by gathering it would help everyone better understand this issue. Trustee Gulli mentioned he is concerned about the Lower San Joaquin River Project, the Delta Front Project, SJAFCA, and the Corps of Engineers. He would like the group to include Trustees from the Brookside and Lincoln Village Districts. Discussion was held regarding the Technical Advisory Committee being reinitiated. President Kauffman told Trustee Gulli to give Matt Zidar a phone call.

**Item 9. Discussion regarding 10/23/21 storm event relative to 100-year flooding.**

Trustee Gulli wanted to know who determined that RD 1614 needed a new pump station at the Wisconsin Pump Station. As far as he could tell in 2009 and 2010 an interior drainage analysis to evaluate the basins (from Diverting Canal to Stockton Golf and Country Club) was done by SJAFCA and it was determined a new pump station was needed. Mr. Neudeck stated it is not only a combination of the evacuation ability of that pumping plant, but also the ability for the streets to store some. Under the 100-year rainfall event it does anticipate some flooding in the streets. Trustee Gulli stated the report done by SJAFCA stated the 100-year storm is 3.36 inches and we got 4.5 inches in 24 hours and we did fine. He feels this is a conveyance issue and the District is putting in these pumps, but they will never be able to feed enough water to them. Trustee Gulli stated all this problem was discovered by another agency other than RD 1614 and the District is fixing a problem that they did not identify. President Kauffman stated that usually it takes two one-inch storms to get any runoff at all, and when everything is saturated, and you get a five-inch run off event that it may look differently at Wisconsin.

**Item 10. Presentation of Superintendent's Report; request for direction.**

Abel Palacio presented his superintendent's report. He stated there was so much rain and it was overwhelming the pumps. He had some high-water alarms at several of the pump stations, but he mentioned the alarms are set conservatively. He monitored the pump stations – levees during the heavy rains, responded to alarms (mostly high-water alarms). All pumps ran well, the system was inundated due to high flows. Eventually, the rain slowed enough for the system to catch up. No failures and Wisconsin performed well.

Mr. Palacio reported he received a phone call from the San Joaquin County maintenance personnel that sewage entered the pump station wet well at Kirk Street and he responded. The station was isolated, so it did not discharge into the river, and it was pumped out before resuming normal operations. Trustee Gulli thanked Mr. Palacio for all his work.

**Item 11. Town Hall. Discussion and Direction.**

Attorney Pinasco stated that each year the District tries to hold a Town Hall meeting. The meetings are typically held in the evenings at the Amblers Club. He stated he and Rhonda Olmo will reach out to the Amblers Club and bring available dates for the Trustee's to consider holding another Town Hall for the first part of 2022.

**Item 12. District Newsletter. Discussion and Direction.**

Discussion was held with Kristen Dyke and Sarah Vigil as to what should be included in the District's next Newsletter. Items of consideration are:

Suggestions:

Smith Canal Gate Project

Wisconsin Pump

Rock Slope Protection

Water hyacinth

Who the Trustees are – list of official phone numbers

Who collects and conveys

Trustee Gulli suggested the Newsletter be published early next year and for it to include the announcement of the Town Hall Meeting. President Kauffman asked for a draft Newsletter to be presented at the December meeting. President Kauffman also stated it would be nice to have the Newsletter published around the same time SJAFCA publishes theirs to complement each other.

**Item 13. Report on Meetings Attended.**

Attorney Pinasco stated he and Trustee Gulli attended the Annual Flood Update Meeting. It was a meeting that was coordinated by the Department of Water Resources and the San Joaquin Office of Emergency Services about the different emergency services responsive to flood control and introducing all the different agencies to keep everyone aware of who's who. They also gave an update as to what they believe the Winter Season will look like. Trustee Gulli said the one thing he took away from the meeting was that you must follow protocol by going to the County first then to the DWR.

**Item 14. District Calendar.**

- a. **Next Meeting is December 6, 2021**

**Item 15. Items for future meetings.**

- Resolution regarding characterization of funds for Wisconsin
- Encroachment Permit – O&M Plan submittal with Encroachment Permit and condition of approval to place and maintain rock on either side of the structure. President Kauffman stated he plans on speaking with Jordan Baldwin to find out why it costs so much to review everything that has already been done. He wants to know if Mr. Baldwin is reviewing or redesigning. Trustee Gulli wants someone to review the design (seepage calculation, determination of cutoff wall, address rock, etc.) and compare the scope of work. Trustee Gulli wants the whole Board to make the decision based on each person's scope and the price.

**Item 16. Correspondence.** Included in Agenda Packet.

**Item 17. Motion to Approve of Bills.**

After review,

Trustee Gulli made a motion to approve the October bills as presented. Trustee Gaines seconded the motion.

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

*Chris Neudeck left the meeting at 3:55 p.m.*

**Item 18. Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.**

Mr. Chris Elias reported that there are 26 cellular walls for two parts from the Coffey Dam South to Dad's Point, and of those 19 have been installed. SJAFCA is looking to ensure that they get them to an elevation of minus 70. He stated as far as the Coffey Dam is concerned that dredging has begun and upon

its completion then they will begin the foundation for the gate work. With respect to Dads Point, it is approximately 1600 linear ft. of sheet pile and so far, SJAFCA has reached about 1400 ft. so they have about 200 more ft. to go to complete that segment. Overall, the project is 42/44% complete.

Mr. Guerrero had a concern about the time the pile driver begins in the morning. Mr. Elias stated that they follow the work time that is consistent with the permit that was given to SJAFCA.

President Kauffman asked Mr. Elias if he has written to the Country Club yet as to when the onsite work will commence. Mr. Elias said he gave direction last week to his construction team to begin the conversation.

Mr. Gurneel Boparai and Mr. Steven Severs (from Assembly member Carlos Villapudua's office) were present and wanted to see if there has been any experience with substances especially with peat soil type, and how it has impacted any repairs and maintenance of the levees. Trustee Gulli stated the peat deposits are mostly in the Central Delta (Brookside). He said the levee on the Smith Canal has been around for quite some time and has experienced most of the settlement that would take place. Trustee Gulli said that the District has not really experienced too much settlement. President Kauffman stated you also get consolidation when you dewater. Mr. Boparai said he is impressed with the work the District does and they want to help in any area they can to support. President Kauffman said one area of help would be with the Central Valley Flood Control Association ensuring that the State Legislatures are giving the Districts what they need to assure they continue to get the reimbursements for the levee work that is being done for the State and updating of laws. Attorney Pinasco said it would be a good opportunity for the District to correspond with Mr. Villapudua's office regarding the issues with Caltrans and the levees underneath I5. Further discussion with held as to who has jurisdiction.

Mr. Elias thanked Mr. Boparai and Mr. Severs and asked that they pass on his gratitude to Assembly member Villapudua.

**Item 19. Closed Session.** *4:18 p.m. – Attorney Pinasco reported the Board is going into Closed Session regarding Items 19 (a) and (b).*

- a. PUBLIC EMPLOYEE PERFORMANCE EVALUATION  
Title: District Superintendent
- b. CONFERENCE WITH LABOR NEGOTIATORS  
Unrepresented employee: District Superintendent

**Item 20. Closed Session Report.**

The Board reconvened from Closed Session at 4:30 p.m. All Trustees were present during the entirety of the Closed Session. There was no reportable action regarding item 19 (a) and (b).

**Item 21. Employee Contract. Discussion and possible action regarding changes to Levee Superintendent contract.** Tabled for December meeting.

**Item 22. Adjournment.** Trustee Gaines made a motion to adjourn the meeting at 4:36 p.m. Trustee Gulli seconded the motion.

Draft Minutes of Reclamation District 1614  
November 1, 2021  
Page 8

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 NO. 1614

Meeting Sign-In Sheet

Monday, November 1, 2021

SIGNING OF THIS SHEET IS VOLUNTARY AND IS NOT REQUIRED TO ATTEND THIS MEETING.  
THIS SIGN IN SHEET WILL BE ATTACHED TO THE MINUTES OF THE BOARD MEETING

	First Name	Last Name
1	Paul	Bucher
2	Jaran	Volk
3	Kristen	Dyke
4	Steven Siever	Siever
5	Gurneel Boparai gurneel.boparai@asm.ca.gov	
6		
7		
8		
9		
10		
11		
12		
13		
14		
15		
16		
17		
18		

Reclamation District 1614  
October 2021 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6004		
			\$100.00			
Christian Gaines		\$50.00		6005		
Special Meeting 9/21/21		\$50.00				
			\$100.00			
Dominick Gulli		\$50.00		6006		
			\$50.00			
Rhonda Olmo		\$1,300.00		6007		
			\$1,300.00			
Neumiller & Beardslee	321338	\$5,690.09		6008		
			\$5,690.09			
Kjeldsen, Sinnock, & Neudeck	31449	\$1,900.15		6009		
	31450	\$438.75				
	31451	\$60.00				
	31452	\$7,301.50				
	31453	\$73.50				
	31454	\$416.25				
	31455	\$570.00				
			\$10,760.15			
Delk Pest Control	126326	\$220.00		6010		
			\$220.00			
Arnaudo Construction, Inc.		\$265,365.37		6011		
Progress Payment Estimate No. 2			\$265,365.37			

Reclamation District 1614  
October 2021 Bills

C & R Fence Contractors Inc.	18275	\$8,991.00		6012	
			\$8,991.00		
DMV Renewal		\$20.00		6013	
			\$20.00		
Holt Repair & Mfg., Inc.	12849	\$880.00		6014	
			\$880.00		
BPM	36284691	\$703.25			
			\$703.25		
Abel Palacio -October Payroll		\$1,524.46			Direct Deposit
			\$1,524.46		
Oriando Lobosco - October Payroll		\$246.11			Direct Deposit
			\$246.11		
Jose Alvarado		\$182.30			2542
10/1/21 - 10/12/21 Payroll			\$182.30		
Christian Garcia		\$145.84			2543
10/1/21 - 10/12/21 Payroll			\$145.84		
State of California Payroll Taxes - October		\$53.30			online
			\$53.30		
Federal Government Payroll Taxes - October		\$524.36			online
			\$524.36		
Sprint		\$100.97			online
			\$100.97		
Comcast		\$121.85			online
			\$121.85		
PG&E		\$707.03			online
			\$707.03		

WARRANT TOTAL: \$294,179.86  
CHECKING TOTAL: \$3,606.22  
TOTAL BILLS PAID \$297,786.08

# ITEM 4

**RECLAMATION DISTRICT 1614**  
**FINANCIAL REPORT MEETING DECEMBER 2021 MEETING**  
**% OF FISCAL YEAR ELAPSED THROUGH END OF NOVEMBER - 41.66%**

Budget Item	Budget Amount	Expended MTD	Expended YTD	% YTD
<b>GENERAL FUND</b>				
<b>Administrative</b>				
G1 Annual Audit	\$ 6,000.00	\$0.00	\$0.00	0.00%
G2 Public Communication & Noticing	5,000.00	\$0.00	0.00	0.00%
G3 Election Expense	0.00	\$0.00	0.00	0.00%
G4 Superintendent	50,000.00	\$2,427.62	13,543.51	27.09%
G4a Secretary	14,000.00	\$1,050.00	6,425.00	45.89%
G5 Workers' Compensation	6,000.00	\$0.00	848.50	14.14%
G6 Trustee Fees	4,000.00	\$200.00	1,250.00	31.25%
G7 County Assessment Administration	7,500.00	\$0.00	0.00	0.00%
G7A General Assessment Administration (Engineers)	3,500.00	\$120.00	3,995.01	114.14%
G8 Office Supplies	700.00	\$179.88	558.88	79.84%
G9 Communication (phones, radios, etc.)	4,000.00	\$222.81	1,153.62	28.84%
G12 Education/Memberships	2,550.00	\$0.00	2,224.00	87.22%
G13 Non Management Staff	7,500.00	<u>\$0.00</u>	<u>0.00</u>	<u>0.00%</u>
<b>TOTAL</b>	<u>\$110,750.00</u>	<u>\$4,200.31</u>	<u>\$29,998.52</u>	<u>27.09%</u>
<b>Consultants</b>				
G14 General Engineering	\$ 30,000.00	\$1,482.63	\$10,174.37	33.91%
G15 General Legal	30,000.00	<u>\$1,851.68</u>	<u>20,604.19</u>	<u>68.68%</u>
<b>TOTAL</b>	<u>\$ 60,000.00</u>	<u>\$3,334.31</u>	<u>\$30,778.56</u>	<u>51.30%</u>
<b>Property &amp; Equipment</b>				
G16 Operation & Maintenance	\$ 3,000.00	\$0.00	\$157.60	5.25%
G16A District Vehicle Expenses	4,000.00	\$100.00	388.00	9.70%
G17 Acquisitions	0.00	\$0.00	0.00	0.00%
G18 Flood Fight Supplies	0.00	<u>\$0.00</u>	<u>0.00</u>	<u>0.00%</u>
<b>TOTAL</b>	<u>\$ 7,000.00</u>	<u>\$100.00</u>	<u>\$545.60</u>	<u>7.79%</u>
<b>Other</b>				
G19 Insurance	\$ 15,000.00	<u>\$0.00</u>	<u>\$13,988.76</u>	<u>93.26%</u>
<b>TOTAL</b>	<u>\$ 15,000.00</u>	<u>\$0.00</u>	<u>\$13,988.76</u>	<u>93.26%</u>
<b>TOTAL GENERAL FUND</b>	<u>\$ 192,750.00</u>	<u>\$ 7,634.62</u>	<u>\$ 75,311.44</u>	
<b>RECURRING EXPENSES</b>				
<b>Levee</b>				
R1 General Maintenance	\$ 15,000.00	\$195.00	5,980.25	39.87%
R1A Engineering - General	25,000.00	\$1,021.25	6,468.16	25.87%
R1C Riprap and Levee Repair	250,000.00	\$642.50	10,563.54	4.23%
R1D DWR 5 Year Plan	15,000.00	<u>\$0.00</u>	<u>0.00</u>	<u>0.00%</u>
<b>TOTAL</b>	<u>\$ 305,000.00</u>	<u>\$1,858.75</u>	<u>\$23,011.95</u>	<u>7.64%</u>
<b>Drainage</b>				
R2 Electricity	\$ 15,000.00	\$2,058.54	\$4,566.31	30.44%
R3 Sump Cleaning	50,000.00	\$117.84	997.84	2.00%
R4 Plant O&M	75,000.00	\$1,825.58	24,275.84	32.37%
R4A Pest Control	3,000.00	\$220.00	1,100.00	36.67%
R5 Wisconsin Pump Station Design	0.00	\$292.50	\$3,821.10	0.00%
R6 Capital Improvement Project	1,500,000.00	<u>\$13,782.50</u>	<u>558,202.87</u>	<u>37.21%</u>
<b>TOTAL</b>	<u>\$ 1,643,000.00</u>	<u>\$18,296.96</u>	<u>\$592,963.96</u>	<u>36.09%</u>
<b>TOTAL RECURRING EXPENSES</b>	<u>\$ 1,948,000.00</u>	<u>\$ 20,155.71</u>	<u>\$ 615,975.91</u>	
<b>TOTAL EXPENSE BUDGET</b>	<u>\$ 2,140,750.00</u>	<u>\$ 27,790.33</u>	<u>\$ 691,287.35</u>	

**INCOME**

**Anticipated**

Assessment - Existing	\$ 433,300.00	\$0.00	\$16,846.00	3.89%
Assessment - Wisconsin	97,090.00	\$0.00	(\$185.78)	-0.19%
Interest	5,000.00	\$2,626.00	\$5,542.00	110.84%
Property Tax	150,000.00	\$0.00	\$2,704.32	1.80%
Subvention Reimbursement (2019/2020)	125,000.00	\$0.00	\$16,881.00	13.50%
2019-2020 DWR 5-Year Plan	15,000.00	\$0.00	\$0.00	0.00%
Delta Grant II - Flood Fight Supplies	14,500.00	\$0.00	\$0.00	0.00%
<b>TOTAL</b>	<b>\$ 839,890.00</b>	<b>\$2,626.00</b>	<b>\$41,787.54</b>	<b>4.98%</b>

**TOTAL NET INCOME (LOSS)**

**\$ (1,300,860.00)**

O&M Fund Balance (as of 11/30/2021)  
Wisconsin Fund Balance (as of 11/30/2021)  
Proposed Expenses  
**TOTAL CASH**

**1,855,933.16**  
**668,687.40**  
**27,790.33**  
**\$ 2,496,830.23**

Checking Account Balance (as of 11/30/2021)  
**TOTAL CASH ON HAND**

**22,299.54**  
**\$ 2,519,129.77**

# ITEM 4.a

**RESOLUTION NO. 2021-10**

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT 1614 (THE “DISTRICT”) AUTHORIZING THE INTERFUND BORROWING AND TRANSFER OF FUNDS FROM THE OPERATION AND MAINTENANCE FUND OF THE DISTRICT TO THE WISCONSIN PUMPING STATION FUND OF THE DISTRICT**

**WHEREAS**, Reclamation District No. 1614 (the “**District**”) is a reclamation district duly organized and validly existing under and by virtue of the Constitution and laws of the State of California; and

**WHEREAS**, the District successfully levied an assessment upon parcels within the District’s boundaries that will receive a special benefit from the rehabilitation of the Wisconsin Pumping Station for the purpose of completing the rehabilitation of Wisconsin Pumping Station project (the “**Project**”); and

**WHEREAS**, at its April 5, 2021 regular meeting, the District unanimously awarded and contracted with Arnaudo Construction to complete the Project; and

**WHEREAS**, the District requires a short term transfer of funds its Operation and Maintenance Fund to its Wisconsin Pumping Station to make advance payments for Project expenses, with such funds to be reimbursed to the District when the Project is completed from assessment funds collected for the Wisconsin Pumping Station (the “**Inter-Fund Transfer Transaction**”); and

**WHEREAS**, the District has duly considered the Inter-Fund Transfer Transaction, and wishes at this time to approve said transaction in the public interests of the District.

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

**Section 1.** Approval of the Inter-Fund Transfer Transaction. The findings set forth in the recitals hereof are true and correct. The District hereby approves the Inter-Fund Transfer Transaction, and any additional documentation deemed necessary or advisable by the District Board of Trustees, or their authorized representative (collectively, the “**Authorized Officers**”), upon consultation with District Counsel for the purposes hereinbefore described.

**Section 2.** Transfer of Funds. The District hereby authorizes the transfer of funds from the District’s Operation and Maintenance Fund to the District’s Wisconsin Pumping Station Fund in amounts to be determined by the District Board of Trustees for the purposes hereinbefore described.

**Section 3.** Official Action. The officers and staff of the District are hereby authorized and directed, for and in the name and on behalf of the District, to do any and all things and take any and all actions, which they, or any of them, may deem necessary or advisable in order to consummate the Inter-Fund Transfer Transaction.

**Section 4.** Effective Date. This Resolution shall take effect immediately upon adoption.

PASSED AND ADOPTED this 6th day of December 2021, by the following vote of the Board of Trustees, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1614,  
a political subdivision of the  
State of California

By: \_\_\_\_\_  
KEVIN KAUFFMAN, President

ATTEST:

\_\_\_\_\_  
RHONDA L. OLMO, Secretary

**CERTIFICATION**

I, RHONDA L. OLMO, Secretary of Reclamation District No. 1614, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 1614, duly passed and adopted at a continued regular meeting of the Board of Trustees thereof held on the 6th day of December, 2021.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Secretary  
Reclamation District No. 1614

# ITEM 5

Kevin Kauffman, President  
Christian Gaines, Trustee  
Dominick Gulli, Trustee

**RECLAMATION DISTRICT NO. 1614  
SMITH TRACT**

Andrew J. Pinasco, Counsel  
Rhonda L. Olmo, Secretary  
Christopher H. Neudeck, Engineer  
Abel Palacio, Superintendent

**BOARD OF TRUSTEES MEETING  
MONDAY, DECEMBER 6, 2021  
2:00 PM  
ENGINEER'S REPORT**

**I. ROCK SLOPE PROTECTION PROJECT**

A. KSN Inc. is coordinating with City of Stockton and the Apartment owners to seek the dedication and easement refinement.

1. **City of Stockton (COS) Update:** The RD 1614/City of Stockton Easement package has been presented to the City of Stockton for review **and Eric Alvarez is forwarding to Amanda Thomas**, City of Stockton Real Property, **for processing. Public Works has approved the easement, Amanda Thomas is now processing the dedication.**
2. **Apartment Owners- Halo Managers Corporation Update:** Beverly J. Hancock with Halo Managers Corporation, signed the Levee Easement Package on August 3 and returned package to KSN for recordation. KSN will file record documents once we receive the same from the COS.

**II. WISCONSIN PUMP STATION NO. 7**

A. Contract Administration:

1. Board to consider Change Order for additional wiring and connections for heaters and solenoids at new pumps.

B. Schedule:

1. Construction activities completed to date include:
  - a) Clearing & grubbing
  - b) Install temporary pump discharge piping
  - c) Initial levee grading and fill import
  - d) Placement of bedding stone for ArmorFlex
  - e) Construct outfall structure
  - f) Placement and grouting of ArmorFlex mats
  - g) Install welded steel discharge piping
  - h) Structural reinforcement of existing sump including change order work to reinforce west wing

- C. Site electrical work
  - 1. Construction of electrical concrete pad
    - a) Structural reinforcement for new pumps
    - b) Installation of new pumps and remaining pipe
    - c) Construction of concrete pump supports
    - d) Completion of levee fill
    - e) All-weather road at levee crown
  
- D. Expected construction activities in December:
  - 1. Install railing at outfall structure
  - 2. Install chain link fencing
  - 3. Install pipe supports and check valves
  - 4. Delivery of electrical panels
  
- E. Miscellaneous Construction Issues:
  - 1. None.

***EXHIBIT A: Potential Change Order (PCO) for Solenoid and Heater Circuit wiring for new pumps.***

***EXHIBIT B: KSN Inc. Sample Photos from Daily Field Report.***

### **III. ROCK SLOPE PROTECTION PROJECTS**

- A. RD 1614 Board of Trustees decided to drop the easement requirement for RSP placement on the lots that we were having trouble with in particular the two lots with the tree and the two lots on Canal Drive.
  
- B. KSN has contacted Gary Blanton and he has agreed for the District to access his property to remove the dying tree and place rock slope protection in the void created by its removal, it appears that there will be no need to encroach upon Henry and Carole Stratton's lot:
  - 1. Garrett Blanton / 1764 South Tuxedo Ave, Stockton CA 95204 / APN # 123-204-110-000. **A site visit to this address to further assess the tree removal has been conducted with ASTA Construction. Seek authorization of the Board of Trustees to perform repairs in accordance with ASTA Construction's 11/11/21 proposal.**  
***EXHIBIT C: Copy of ASTA Construction 11/11/21 Proposal***
  
  - 2. Henry and Carole Stratton / 1742 South Tuxedo Ave, Stockton CA 95204/ APN # 123-204-100-000.

- C. KSN is continuing to work on getting the contact information for Carol-Ann Solbjor who has an empty lot providing access to Solbjor's and Vitela's lot. **We are proceeding with preparing plans and specifications for bid.**
1. Christina and Francisco Vitela / 2220 Canal Drive, Stockton CA 95204/ APN # 123-300-190-000.
  2. Carol And Solbjor / 2204 Canal Drive, Stockton CA 95204 / APN # 123-300-430-000.
- D. KSN is working with American Legion Karl Ross Post and Amblers Club in obtaining easement documentation in exchange of the District placing rock slope protection along their Smith Canal Frontage.
1. American Legion Karl Ross Post No. 16 / 2020 Plymouth Road Stockton CA, 95204 / APN # 123-040-350-000. **An easement deed packet was drawn up by KSN and hand delivered to the current president of the Amblers Club. They signed the easement deed on 12/2/21**
  2. Amblers Club / 2000 Amblers Lane Stockton CA 95204 / APN # 121-100-060-000, Mailing Address: PO Box 174 Stockton CA 95201. **An easement deed packet was drawn up by KSN and hand delivered to the current president of the Amblers Club. Amblers Club has signed the easement deed.**
- E. KSN has acquired easement documentation from Reggie Stone in exchange of the District placing rock slope protection along their Smith Canal Frontage
1. Reggie Stone / 2001 Mission Road Stockton CA 95201 APN# 123-130-23

# Exhibit A

---



Stephen K. Sinnock, P.E.  
Christopher H. Neudeck, P.E.  
Neal T. Colwell, P.E.  
Barry O'Regan, P.E.

0806-0410  
11-300-070

November 29, 2021

ADVANCE EMAIL

Andrew J. Pinasco, Esq.  
Reclamation District No. 1614 – Smith Tract  
Neumiller & Beardslee  
3122 West March Lane Suite 100  
P.O. Box 20  
Stockton, CA 95201-3020  
[apinasco@neumiller.com](mailto:apinasco@neumiller.com)

Re: Reclamation District No. 1614 - Smith Tract  
Wisconsin Pump Station Upgrade  
Change Order Recommendation

Dear Andy,

As the Engineer for the referenced project, Kjeldsen, Sinnock & Neudeck, Inc. (KSN) hereby makes the recommendation that Potential Change Order items of work as described below be incorporated into a Change Order. A summary of the Potential Change Orders (PCOs) is shown below in Table 1.

Table 1 - Summary of Recommended Potential Change Orders

Potential Change Order ID	Subject	Amount
004	Solenoid and Heater Circuit for New Pumps	\$2,642.70
<b>Total:</b>		<b>\$2,642.70</b>

A further explanation of each of the Potential Change Orders indicated above is provided below.

**PCO 004 – Solenoid and Heater Circuit for New Pumps**

This PCO originated as a result of the response to RFI 005. With this RFI, the Contractor indicated that the two new pumps for the project had been delivered. The pump manufacturer had provided heaters to minimize condensation and solenoids to be able to inject oil to the bearings. The need for these additional items is typically determined by the manufacturer and can vary amongst manufacturers. The overall design of the controls for the project includes provisions to account for these items in the event that they are provided by the manufacturer. However, the wiring and connections for said items were not originally shown on the conduit cable schedule in the Contract Documents due to the uncertainties. The Contractor requested clarification related to the connections for these circuits. In response to RFI 005, direction was provided as to the requirements for the additional wiring and connections.

Pricing related to the additional work was provided by the Contractor on November 22, 2021, in the amount of \$2,642.70. KSN has reviewed the information provided by the Contractor and agrees that the additional circuits are in fact a change in scope of work. KSN has reviewed the provided pricing and believes that it is reasonable. Therefore, KSN recommends that PCO 004 in the amount of \$2,642.70 be incorporated into a Change Order.



References:

- RFI 005 – Pump Heater and Solenoid Circuit (Exhibit 004-01)
- Arnaudo Construction Proposal dated November 22, 2021 (Exhibit 004-02)

Summary

In summary, KSN is recommending that the Board of Trustees authorizes KSN to prepare a Change Order that incorporates all of the PCO items of work as described above. Please feel free to contact Chris Neudeck or myself with any questions. Thank you.

Sincerely,  
KJELDEN, SINNECK & NEUDECK, INC.

A handwritten signature in blue ink, appearing to read 'Erik Almaas', is written over a horizontal line. The signature is fluid and cursive.

Erik Almaas, PE

cc: Daniel J Schroeder, Esq. (w/encl)  
Kevin Kaufmann, President (w/encl)  
Christian Gaines, Trustees (w/encl)  
Dominic Gulli, Trustee (w/encl)  
Rhonda Olmo, Secretary (w/encl)



# RFI Transmittal

PROJECT: Smith - Wisconsin Pump Station Upgrade 0806-0410      DATE SENT: 11/17/2021

SUBJECT: RFI-3-PUMP- HEATER SOLENOID      RFI ID: 005

TYPE: RFI      TRANSMITTAL ID: 00077

ACTION: Answered      VIA: Email

## FROM:

NAME	COMPANY	EMAIL	PHONE
Javier Fernandez	Control Point Engineering	javier.fernandez@controlpointeng.com	

## TO:

NAME	COMPANY	EMAIL	PHONE
Erik Almaas	KSN, Inc.	ealmaas@ksninc.com	209 946-0268
cmccorstin@dlpayne.com		cmccorstin@dlpayne.com	

REMARKS: Wire and connect the motor heaters as indicated on VFD wiring schematic.

The solenoid in the schematic was intended for seal water. If we wire the solenoid as shown in the schematic, the solenoid will be maintained in the open-position when the pump is called to operate and close when the pump is called to stop. You mentioned that the pump manufacturer noted the solenoid should only open to drop a few drops of oil. Can you confirm that the solenoid is to be maintained in the open position while the pump is running?

A separate conduit will not be required for the heater/solenoid. Pull 4#14AWG conductors thru conduit P713A and P714A for the motor heater and solenoid.

## DESCRIPTION OF CONTENTS:

QTY	DATED	TITLE	NUMBER	SCALE	SIZE
1	11/9/2021	RFI-3_PUMP HEATER AND SOLENOID_11-9-21.pdf			

## COPIES:

Garrett Arnaudo (Arnaudo Construction)

**RFI Transmittal**

DATE: 11/17/2021  
ID: 00077

David Payne  
khopkins@dlpayne.com

(D.L. Payne, Inc.)

Industrial Power &  
Controls



1040 E. Turner Rd. Suite A  
Lodi, CA 95240  
(209) 367-4858  
fax (209) 367-3867

**D.L. Payne, Inc.**

State License #689035

**REQUEST FOR INFORMATION**

Title: **PUMP HEATER AND SOLENOID CONDUIT**

Date: 11/9/2021	Job Number: 6267	RFI Number: 3
-----------------	------------------	---------------

To: ERIK E. ALMAAS	From: CASEY MCCORSTIN
JAVIER FERNANDEZ	

**Request:**  
 THE PUMPS HAVE ARRIVED AND ARE EQUIPPED WITH HEATER WIRING AND ALSO A RESERVOIR FOR OIL AND A SOLENOID.  
 THESE ITEMS ARE NOT SHOWN ON THE CONDUIT CABLE SCHEDULE.  
 WILL THESE NEED TO BE CONNECTED?  
 WILL A SEPARATE CONDUIT BE REQUIRED TO EACH OF THE PUMPS FOR THESE CIRCUITS?  
 CAN THE CIRCUITS BE RAN IN THE SAME CONDUIT AS THE VFD CABLE GOING TO THE MOTOR?  
 ON DRAWING E-003 SHOWS A SEAL WATER CONNECTION TO A SOLENOID "IF SUPPLIED"...IS THIS CONTROL LOGIC CONDUCTIVE TO THE OILER RESERVOIR SOLENOID?  
 Attach additional page if more space is required.

**Response:**

**24 Hour Turn Around is Expected For Response**

Requested By: CASEY MCCORSTIN	Responded By:
Date: 11/9/2021	Date:



## PROPOSED CHANGE ORDER NO. 004

<b>SUBJECT:</b> Solenoid and Heater Circuit Addition	<b>DATE:</b> 11/22/21
<b>PROJECT:</b> Wisconsin Pump Station	<b>JOB NO:</b> 21008
<b>TO:</b> Reclamation District 1614 711 North Pershing Ave Stockton, CA 95203	<b>FROM:</b> Garrett Arnaudo
	<b>ATTN:</b> Erik Almaas

### DESCRIPTION

Addition of a Solenoid and Heater circuit for the new pumps installed.

ITEM	DESCRIPTION	QTY	UM	UNIT	TOTAL
001	DL Payne	1	LS	\$2,298.00	\$2,298.00
002	Mark-Up	15	%	\$2,298.00	\$344.70

<b>TOTAL AMOUNT</b>	<b>\$2,642.70</b>
---------------------	-------------------

### APPROVAL

**BY:** \_\_\_\_\_

**BY:** \_\_\_\_\_  
Garrett Arnaudo

**DATE:** \_\_\_\_\_

**DATE:** \_\_\_\_\_

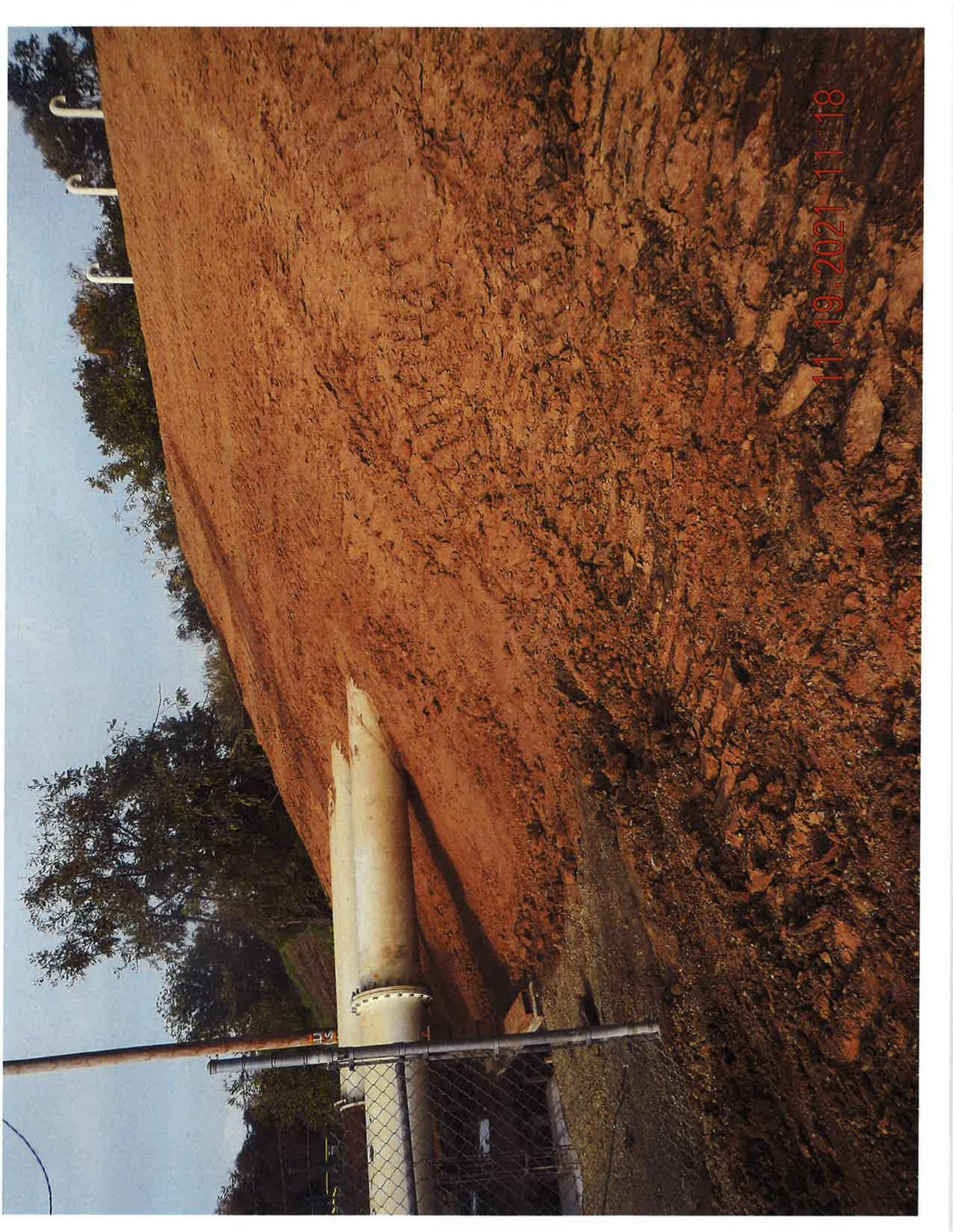


# Exhibit B

---



11.19.2021 11:16



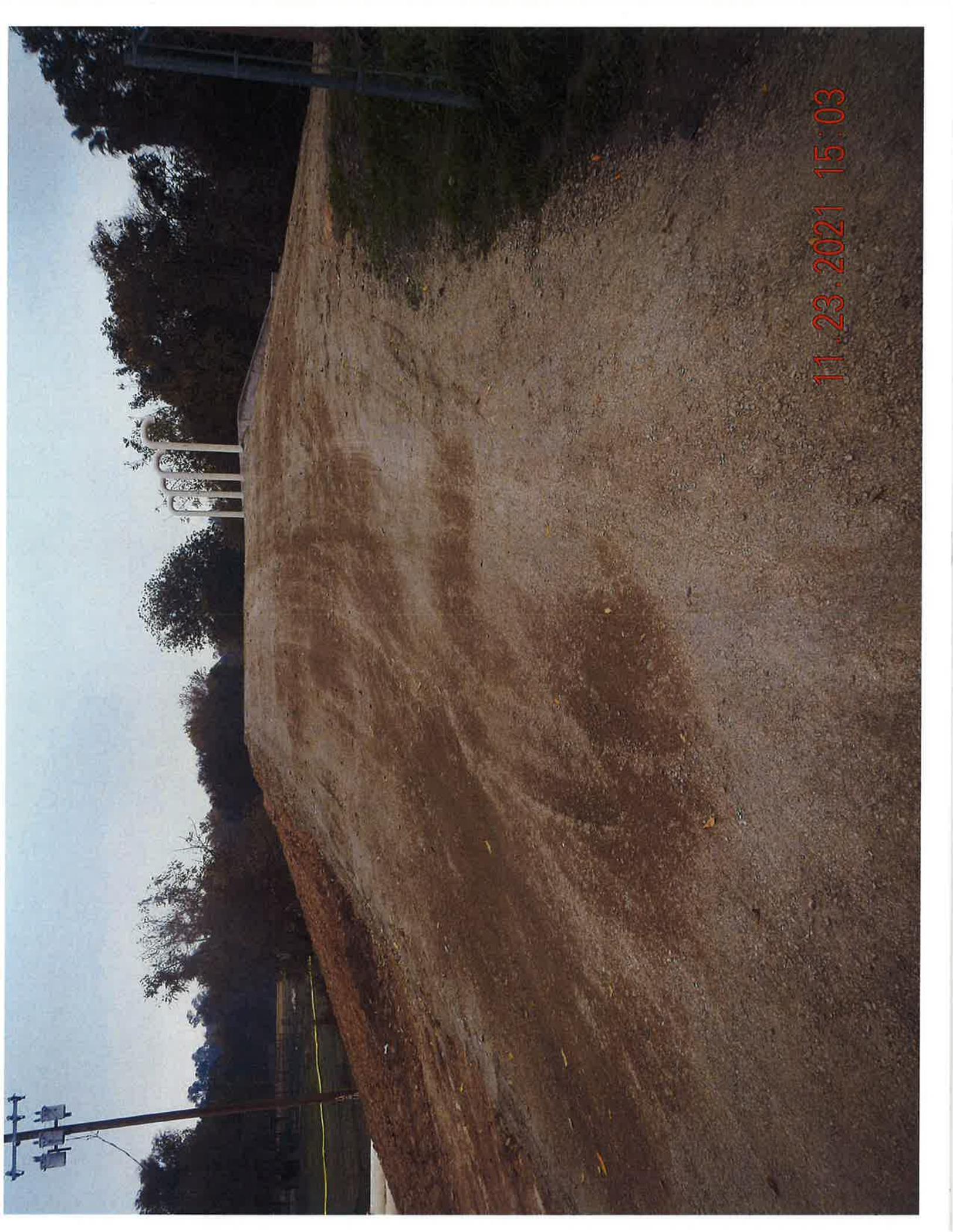
11-19-2021 11:18



11/19/2021 11:18



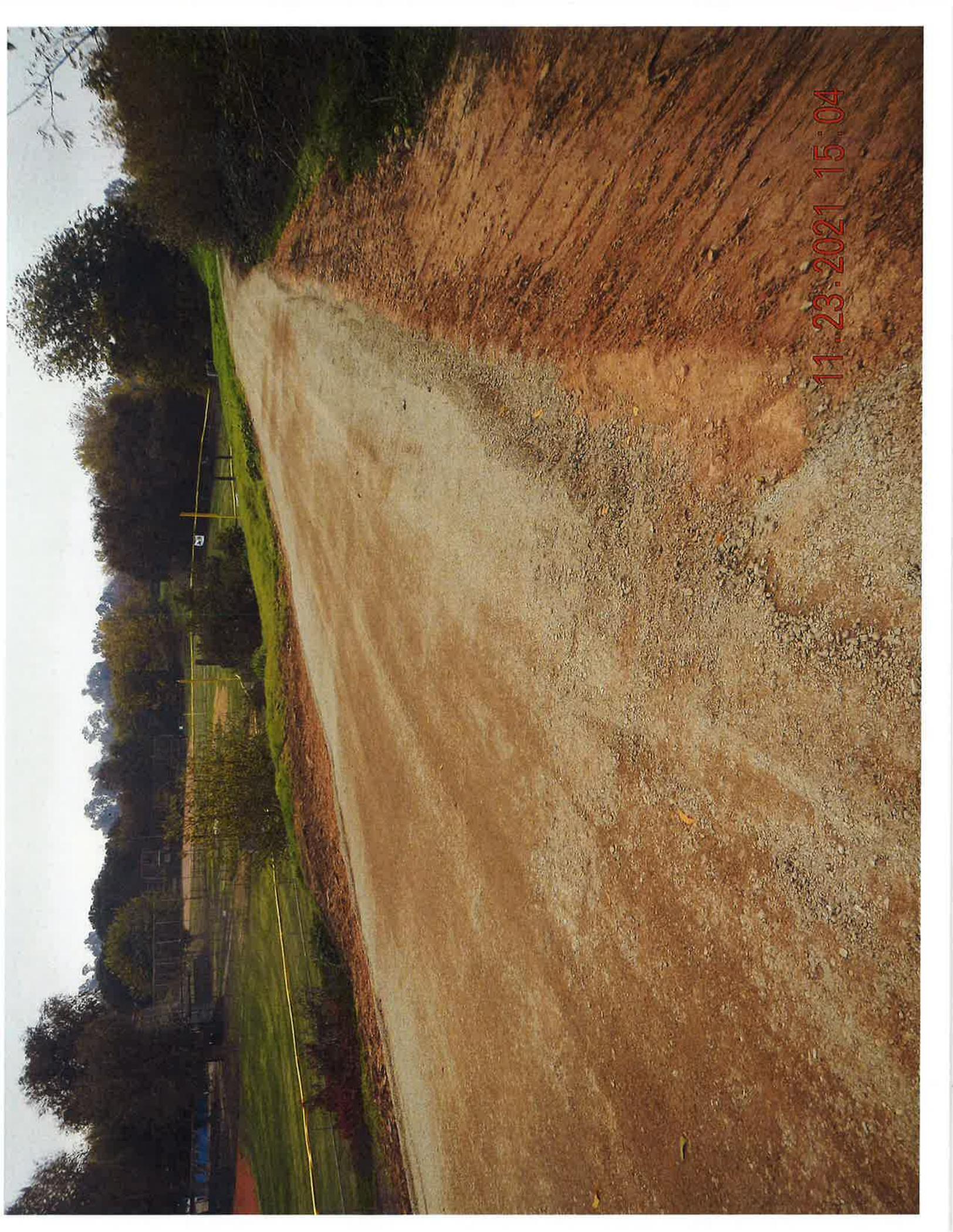
11.19.2021 11:19



11.23.2021 15:03



11.23.2021 15:04



11.23.2021 15:04



11.23.2021 15:05



11:03 2021 14:20



11.03.2021 14:21



11.11.2021 15:21



11.15.2021 15:43



11.29.2021 13:56

Handwritten text and a symbol on the pipe, possibly indicating a diameter or specific marking.



11.29.2021 13:57



12.01.2021 15:56



12-01-2021 15:57



12.01.2021 16:00

# Exhibit C

---

# ASTA CONSTRUCTION

1090 St. Francis Way  
P.O. Box 758  
Rio Vista, CA 94571-0758  
(707) 374-6472 Telephone  
(707) 374-6888 Fax  
California State License No. 247178

<b>To:</b> Kjeldsen, Sinnock & Neudeck	<b>Contact:</b> Jack Wilbur
<b>Address:</b> P.O. Box 844 Stockton, CA	<b>Phone:</b> 209.946.0268 <b>Fax:</b> 209.946.0296
<b>Project Name:</b> RD 1614 - Smith Tract (Site Improvements)	<b>Bid Number:</b> Jwilbur@ksninc.com
<b>Project Location:</b> 1764 S. Tuxedo Avenue, Stockton, CA	<b>Bid Date:</b> 11/11/2021

Item #	Item Description	Estimated Quantity	Unit	Unit Price	Total Price
01	Mobilization	1.00	LS	\$1,523.00	\$1,523.00
02	Clear & Grub (Trim - Ex. Trees/Remove & Replace Fencing)	1.00	LS	\$5,500.00	\$5,500.00
03	Demo/Offhaul - Ex. Trees (Landside Slope)	2.00	EACH	\$2,110.00	\$4,220.00
04	Demo/Offhaul - Ex. Stump (Waterside Slope)	1.00	EACH	\$8,445.00	\$8,445.00
05	Furnish & Place - Levee Seal	12.50	TON	\$189.00	\$2,362.50
06	Furnish & Place - 18" Minus Rip Rap	12.50	TON	\$193.00	\$2,412.50

**Total Bid Price: \$24,463.00**

**Notes:**

- Not responsible for additional damage to existing brick/block wall.
- No bonds, permits, fees, testing or engineering included.
- Original lines and grades by others.
- Clear access to be provided by others.
- Not responsible for damage to any utilities not clearly marked by owner.
- Finished landscape grading, hydroseeding, topsoil, irrigation and planting by others.
- Any item of work not specifically outlined in the above scope of work to be excluded.
- Price is valid for 30 days, any price increases from material suppliers or vendors beyond the control of Asta Construction will be additionally billed at the direct cost of increase. Fuel surcharge will be applied to all trucking rates, if required, at the rate of 1% increase for every \$0.10 per gallon increase. Fuel priced at \$5.00 per gallon at bid date.

**Payment Terms:**

The above-quoted price constitutes the cash price. If this account has not been paid in full within 30 days from the invoice date add 1.5% interest per month until paid in full. If legal action is required to effect payment on this account customer agrees to pay all court costs and reasonable attorney fees.

<p><b>ACCEPTED:</b>  The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p><b>Buyer:</b> _____</p> <p><b>Signature:</b> _____</p> <p><b>Date of Acceptance:</b> _____</p>	<p><b>CONFIRMED:</b>  <b>Asta Construction Co., Inc.</b></p> <p><b>Authorized Signature:</b> _____</p> <p><b>Estimator:</b> Scott Schmitt  707-249-8889 scott@astaconstruction.com</p>
--	--

ITEM 5.c.i

**RECLAMATION DISTRICT NO. 1614**

**RESOLUTION 2021-07**

**RESOLUTION OF ACCEPTANCE OF EASEMENT DEED**

WHEREAS, on or about December 2, 2021, the American Legion Karl Ross Post No. 16 (“Grantor”) executed an Easement Deed (“Deed”) in favor of Reclamation District No. 1614 (“Grantee”) to construct, maintain, operate and otherwise control the reclamation works on real property (“Property”) identified as San Joaquin County Assessor Parcel Number 123-040-350 with a common street address of 2020 Plymouth Road, Stockton, California;

WHEREAS, the Deed grants to the Grantee easement rights more specifically set forth in the Deed, a copy of which is attached hereto as Attachment “A”;

NOW, THEREFORE, IT IS RESOLVED by the Board of Trustees of the District that the Deed is hereby accepted by and on behalf of the District, subject to the terms of recordation hereafter provided and that the District Board President is hereby authorized to execute the Deed on behalf of the District.

IT IS FURTHER RESOLVED, that the Secretary for the District is hereby instructed to record the above mentioned Deed together with a certified copy of this Resolution in the office of the County Recorder of San Joaquin County, California.

PASSED AND ADOPTED this 1st day of December 2021, by the following vote of the Board of Trustees, to wit:

AYES: \_\_\_\_\_  
NOES: \_\_\_\_\_  
ABSENT: \_\_\_\_\_  
ABSTENTION: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1614,  
a political subdivision of the  
State of California

By: \_\_\_\_\_  
KEVIN KAUFFMAN, President

ATTEST:

\_\_\_\_\_  
RHONDA L. OLMO, Secretary

**CERTIFICATION**

I, RHONDA L. OLMO, Secretary of Reclamation District No. 1614, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 1614, duly passed and adopted at a continued regular meeting of the Board of Trustees thereof held on the 1s day of December, 2021.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Secretary  
Reclamation District No. 1614

**ITEM 5.c.ii**

**RECLAMATION DISTRICT NO. 1614**

**RESOLUTION 2021-08**

**RESOLUTION OF ACCEPTANCE OF EASEMENT DEED**

WHEREAS, on or about December 2, 2021, the Ambler’s Club (“Grantor”) executed an Easement Deed (“Deed”) in favor of Reclamation District No. 1614 (“Grantee”) to construct, maintain, operate and otherwise control the reclamation works on real property (“Property”) identified as San Joaquin County Assessor Parcel Number 121-100-060 with a common street address of 2000 Amblers Lane, Stockton, California;

WHEREAS, the Deed grants to the Grantee easement rights more specifically set forth in the Deed, a copy of which is attached hereto as Attachment “A”;

NOW, THEREFORE, IT IS RESOLVED by the Board of Trustees of the District that the Deed is hereby accepted by and on behalf of the District, subject to the terms of recordation hereafter provided and that the District Board President is hereby authorized to execute the Deed on behalf of the District.

IT IS FURTHER RESOLVED, that the Secretary for the District is hereby instructed to record the above mentioned Deed together with a certified copy of this Resolution in the office of the County Recorder of San Joaquin County, California.

PASSED AND ADOPTED this 1st day of December 2021, by the following vote of the Board of Trustees, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1614,  
a political subdivision of the  
State of California

By: \_\_\_\_\_  
KEVIN KAUFFMAN, President

ATTEST:

\_\_\_\_\_  
RHONDA L. OLMO, Secretary

**CERTIFICATION**

I, RHONDA L. OLMO, Secretary of Reclamation District No. 1614, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 1614, duly passed and adopted at a continued regular meeting of the Board of Trustees thereof held on the 1s day of December, 2021.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Secretary  
Reclamation District No. 1614

# ITEM 5.c.iii

**RECLAMATION DISTRICT NO. 1614**

**RESOLUTION 2021-09**

**RESOLUTION OF ACCEPTANCE OF EASEMENT DEED**

WHEREAS, on or about December 2, 2021, Reggie Stone (“Grantor”) executed an Easement Deed (“Deed”) in favor of Reclamation District No. 1614 (“Grantee”) to construct, maintain, operate and otherwise control the reclamation works on real property (“Property”) identified as San Joaquin County Assessor Parcel Number 123-130-23 with a common street address of 2001 Mission Road, Stockton, California;

WHEREAS, the Deed grants to the Grantee easement rights more specifically set forth in the Deed, a copy of which is attached hereto as Attachment “A”;

NOW, THEREFORE, IT IS RESOLVED by the Board of Trustees of the District that the Deed is hereby accepted by and on behalf of the District, subject to the terms of recordation hereafter provided and that the District Board President is hereby authorized to execute the Deed on behalf of the District.

IT IS FURTHER RESOLVED, that the Secretary for the District is hereby instructed to record the above mentioned Deed together with a certified copy of this Resolution in the office of the County Recorder of San Joaquin County, California.

PASSED AND ADOPTED this 1st day of December 2021, by the following vote of the Board of Trustees, to wit:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1614,  
a political subdivision of the  
State of California

By: \_\_\_\_\_  
KEVIN KAUFFMAN, President

ATTEST:

\_\_\_\_\_  
RHONDA L. OLMO, Secretary

**CERTIFICATION**

I, RHONDA L. OLMO, Secretary of Reclamation District No. 1614, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 1614, duly passed and adopted at a continued regular meeting of the Board of Trustees thereof held on the 1s day of December, 2021.

Dated: \_\_\_\_\_, 2021

\_\_\_\_\_  
Secretary  
Reclamation District No. 1614

ITEM 7

During the Month of November, pums station checks at all pump stations and levee inspection was completed .

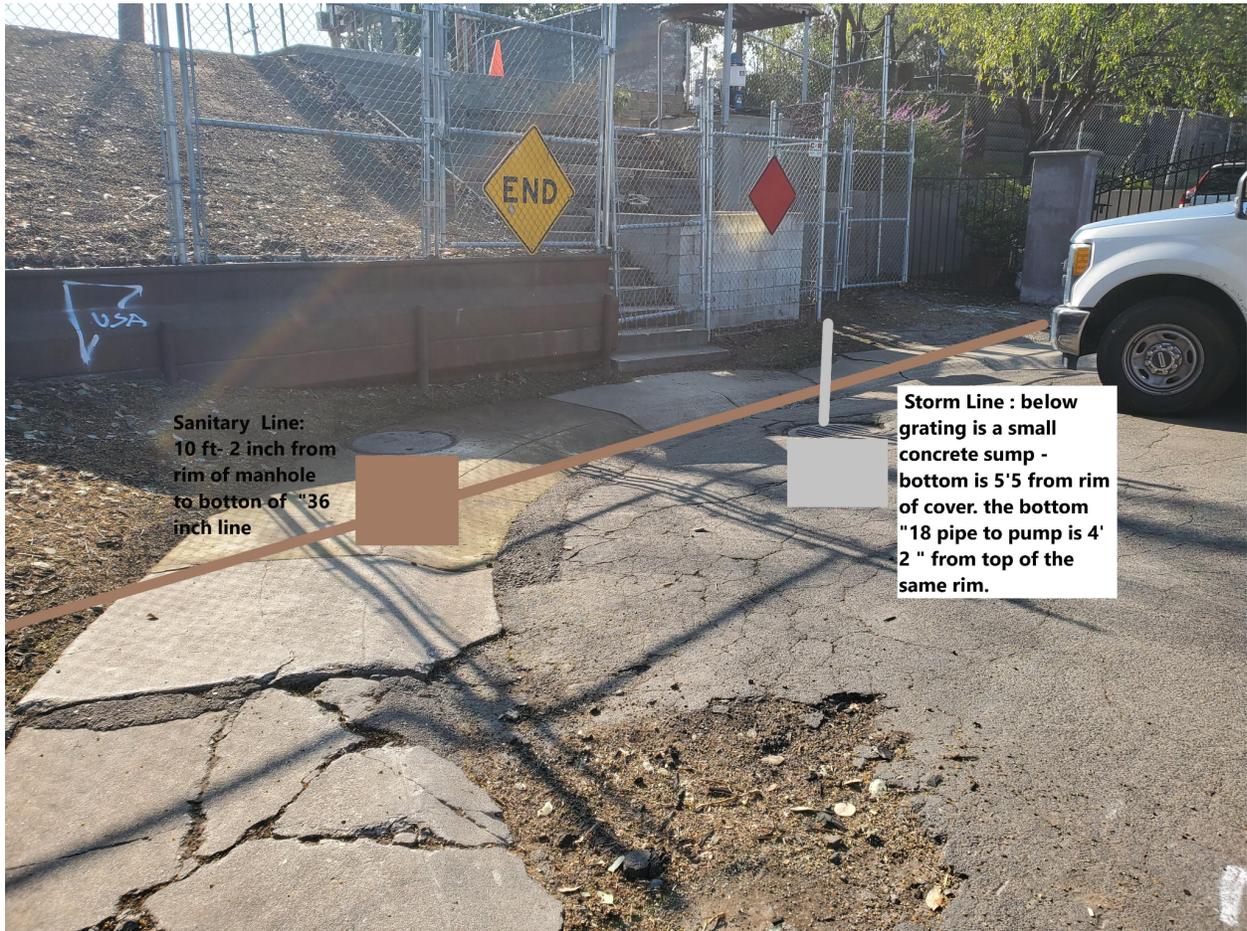
**Pump Station** : All pump stations are in good shape. Minor problems with pumps tripping on overload or blown fuses on the control system.. Pumps were tested and found some debris in the impeller was likely the cause of the overload, debris was cleared and tested good . I continue to keep a close eye on the Wisconsin pump station , construction has slowed down due to delays in delivery of motor control and electronics according to the contractor .

In last month's storm it was noted that Lake Drive was slow draining . The pump station located there is working however water is not getting to the pump station fast enough to drain the end of the court where the pump station is located. There was no obvious reason to account for the slowing . There were no leaves or blockage on the grating . After checking the station the next day when the water subsided, I noted that the sidewalk above the trunk line ( sump ) of the pump station was collapsing . I contacted KSN to see if they can offer assistance in determining if there is a problem with the pipeline under the sidewalk .Dave Carr from KSN called a contractor to see if they can send a camera into the pipeline to inspect it . The contractor reported that there appears to be a separation in the pipeline. We are still gathering information to determine the exact nature of the problem , what other agencies might be impacted or have responsibility and the best method for handling it.(See photo below )

I hired Angels tree service to trim trees in and around Laked Drive and Moering Pump Station. The trees were impeding on the pump station itself and / or the service drop conductors supplying power to the pump stations. This could lead to loss of power or damage to the Pump Stations during storm events.

The trailer for the District's boat was repaired.

**Levee inspection** : The monthly waterside levee inspection was performed 11-16-21 via RD 1614's District boat. Jack Wilbur from KSN was in attendance for the inspection. Conditions were observed to be similar to the previous monthly inspection. Summarized below are our observations: The inspection of the waterside levee slope was conducted during low tide and began around 10:00 AM. Unmanaged vegetation remains to be an issue along much of the District. Many areas are unable to be properly inspected as the entire slope is covered in dense vegetation. During low tide there were several areas observed along the waterside toe that are undercut from wave action due to wind and boat activity. Many of the undercut areas are where tree roots are present and erosion has taken place below the roots. None of the areas showing undercut of the leveetoe were of significance when the areas were looked at in more detail. Numerous defunct docks, boats and other in-water structures were observed along the levee. Many of these structures and vessels appear to have been abandoned and not utilized for many years.



**Sanitary Line:**  
10 ft- 2 inch from  
rim of manhole  
to botton of "36  
inch line

**Storm Line :** below  
grating is a small  
concrete sump -  
bottom is 5'5 from rim  
of cover. the bottom  
"18 pipe to pump is 4'  
2 " from top of the  
same rim.

Note : Sanitary line runs approximately 10ft below grade . The Storm line is approximately 5.5 feet below grade.

This concludes My report .

Respectfully,

Abel Palacio - District Superintendent RD1614

# ITEM 11

## **RD 1614: MASTER CALENDAR**

### **JANUARY**

### **FEBRUARY**

- Send out Form 700s, remind Trustees of April 1 filing date
- Update Document Retention Policy

### **MARCH**

- Evaluation Review of Employees

### **APRIL**

- April 1: Form 700s due
- Biannual Town Hall Meeting

### **MAY**

- Draft Budget

### **JUNE**

- June 15: Provide notice/make available to the public, documentation/materials regarding determination of Appropriations (15 days prior to meeting at which Appropriations will be adopted) (*Government Code §7910*).
- Approve Audit Contract for expiring fiscal year
- Adopted Annual Budget.
- Reminder that Liability Insurance Expires Annually the end of July.
- Adopt Annual CEQA Exemption for levee maintenance

### **JULY**

- Adopt Resolution for setting Appropriations and submit to County Assessor's Office.
- Adopt Resolution Establishing Annual Assessments.

### **AUGUST**

- August 1: Deadline to certify assessments for tax-roll and deliver to County (duration of current assessment: no expiration).
- Send handbills for collection of assessments for public entity-owned properties
- In election years, opening of period for secretary to receive petitions for nomination of Trustees (75 days from date of election.) (*Cal. Wat. Code §50731.5*)
- Employee Embezzlement Policy Expires this Month.
- Renewal of Insurance  
(Crime policy does not come up for renewal until 8/26/2020)

**SEPTEMBER**

- In election years, last legal deadline to post notice that petitions for nomination of Trustees may be received (7 days prior to close of closure.) (*Cal. Wat. Code §50731.5*).
- In election years, closing of acceptance of petitions for nomination of Trustees (54 days from date of election.) (*Cal. Wat. Code §50731.5*).
- Review Status of Encroachment Permit request from Randy Pierson for fence at corner of Del Rio Ave and Kirk Ave.

**OCTOBER**

- Publish Notice of Election, even numbered years (once per week, 4 times, commencing at least 1 month prior to election).
- Newsletter
- Biannual Town Hall Meeting.

**NOVEMBER**

- Election: to be held date selected by Board each even-numbered year.

**DECEMBER**

- New Trustee(s) take office, outgoing Trustee(s) term(s) end on first Friday of each even-numbered year.
- Follow up on Smith Canal Proposition 218 Reimbursement for costs advanced to SJAFCA.
- Election of Board officers (Election years)

**Term of Current Board Members:**

<b>Name</b>	<b>Term Commenced</b>	<b>Term Ends</b>
Christian Gaines	First Friday 12/2018	First Friday of 12/2022
Kevin Kauffman	First Friday 12/2020	First Friday of 12/2024
Dominick Gulli	First Friday 12/2020	First Friday of 12/2024

**No Expiration on Assessment**

**Emergency Operations Plan Review – September 2022.**

**Reclamation District Meetings**

- **First Monday of each month, at 2:00 P.M.  
at the offices of  
Neumiller & Beardslee  
3121 W. March Lane, Suite 100  
Stockton, California 95219**

# ITEM 13



# Federal Emergency Management Agency

Washington, D.C. 20472

January 23, 2018

CERTIFIED MAIL  
RETURN RECEIPT REQUESTED

The Honorable Michael D. Tubbs  
Mayor, City of Stockton  
City Hall  
425 North El Dorado Street  
Stockton, CA 95202

IN REPLY REFER TO:

Case No.: 17-09-2623R  
Community Name: City of Stockton, CA  
Community No.: 060302

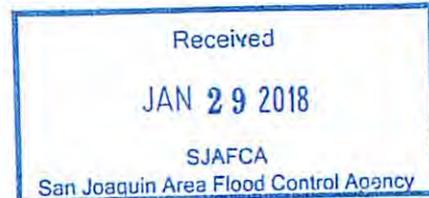
Dear Mayor Tubbs:

We are providing our comments with the enclosed Conditional Letter of Map Revision (CLOMR) on a proposed project within your community that, if constructed as proposed, could revise the effective Flood Insurance Rate Map for your community.

If you have any questions regarding the floodplain management regulations for your community, the National Flood Insurance Program (NFIP) in general, or technical questions regarding this CLOMR, please contact the Director, Mitigation Division of the Federal Emergency Management Agency (FEMA) Regional Office in Oakland, California, at (510) 627-7175, or the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP). Additional information about the NFIP is available on our website at <http://www.fema.gov/nfip>.

Sincerely,

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



List of Enclosures:

Conditional Letter of Map Revision Comment Document

cc: The Honorable Chuck Winn  
Chair, Board of Supervisors  
San Joaquin County

Mr. David W. Kwong  
Community Floodplain Official  
City of Stockton

Mr. Kris Balaji, P.E., PMP  
Director of Public Works  
San Joaquin County

Mr. Roger Churchwell, P.E., CFM  
Acting Executive Director  
San Joaquin Area Flood Control Agency

Mr. Scott Shapiro  
Interim Executive Director  
San Joaquin Area Flood Control Agency

Mr. Dave Peterson, P.E.  
Principal  
Peterson Brustad, Inc.



# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT

COMMUNITY INFORMATION		PROPOSED PROJECT DESCRIPTION	BASIS OF CONDITIONAL REQUEST
COMMUNITY	City of Stockton San Joaquin County California	LEVEE SYSTEM OTHER	HYDROLOGIC ANALYSIS HYDRAULIC ANALYSIS UPDATED TOPOGRAPHIC DATA LEVEE CERTIFICATION
	COMMUNITY NO.: 060302		
IDENTIFIER	Smith Canal Closure Structure	APPROXIMATE LATITUDE & LONGITUDE: 37.958, -121.348 SOURCE: USGS QUADRANGLE DATUM: NAD 83	
AFFECTED MAP PANELS			
TYPE: FIRM*	NO.: 06077C 0455F	DATE: October 16, 2009	* FIRM - Flood Insurance Rate Map
TYPE: FIRM*	NO.: 06077C 0460F	DATE: October 16, 2009	

### FLOODING SOURCE(S) AND REACH DESCRIPTION

Smith Canal – At the confluence with the San Joaquin River Delta to approximately 13,000 feet upstream of the confluence.

Smith Canal (Interior Drainage Area) - Area located north of Smith Canal, east of the San Joaquin River Delta, and south of the Calaveras River.

### PROPOSED PROJECT DESCRIPTION

Flooding Source	Proposed Project	Location of Proposed Project
Smith Canal	New Levee	A proposed gate structure across the mouth of the Smith Canal (running along Dad's Point).
Smith Canal (Interior Drainage Area)	Other	Wisconsin Avenue pump station upgrade.

### SUMMARY OF IMPACTS TO FLOOD HAZARD DATA

Flooding Source	Effective Flooding	Proposed Flooding	Increases	Decreases
Smith Canal	Zone AE	Zone AE	None	Yes
Smith Canal	BFEs	BFEs	None	Yes
Smith Canal (Interior Drainage Area)	Zone A	Zone X (shaded)	None	Yes

\* BFEs - Base (1-percent-annual-chance) Flood Elevations

### COMMENT

This document provides the Federal Emergency Management Agency's (FEMA's) comment regarding a request for a CLOMR for the project described above. This document is not a final determination; it only provides our comment on the proposed project in relation to the flood hazard information shown on the effective National Flood Insurance Program (NFIP) map. We reviewed the submitted data and the data used to prepare the effective flood hazard information for your community and determined that the proposed project meets the minimum floodplain management criteria of the NFIP. Your community is responsible for approving all floodplain development and for ensuring that all permits required by Federal or State/Commonwealth law have been received. State/Commonwealth, county, and community officials, based on their knowledge of local conditions and in the interest of safety, may set higher standards for construction in the Special Flood Hazard Area (SFHA), the area subject to inundation by the base flood. If the State/Commonwealth, county, or community has adopted more restrictive or comprehensive floodplain management criteria, these criteria take precedence over the minimum NFIP criteria.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



## Federal Emergency Management Agency

Washington, D.C. 20472

### CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

#### OTHER COMMUNITIES AFFECTED BY THIS CONDITIONAL REQUEST

**CID Number: 060299**

**Name: Unincorporated Areas of San Joaquin County, California**

#### AFFECTED MAP PANELS

TYPE: FIRM\* NO.: 06077C 0455F DATE: October 16, 2009

TYPE: FIRM\* NO.: 06077C 0460F DATE: October 16, 2009

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbbit".

Patrick "Rick" F. Sacbbit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



Federal Emergency Management Agency  
Washington, D.C. 20472

**CONDITIONAL LETTER OF MAP REVISION  
COMMENT DOCUMENT (CONTINUED)**

**COMMUNITY INFORMATION**

To determine the changes in flood hazards that will be caused by the proposed project, we compared the hydraulic modeling reflecting the proposed project (referred to as the proposed conditions model) to the hydraulic modeling used to prepare the Flood Insurance Study (FIS) (referred to as the effective model). If the effective model does not provide enough detail to evaluate the effects of the proposed project, an existing conditions model must be developed to provide this detail. This existing conditions model is then compared to the effective model and the proposed conditions model to differentiate the increases or decreases in flood hazards caused by more detailed modeling from the increases or decreases in flood hazards that will be caused by the proposed project.

The table below shows the changes in the BFEs:

BFE Comparison Table

Flooding Source: Smith Canal		BFE Change (feet)	Location of maximum change
Existing vs. Effective	Maximum increase	N/A	
	Maximum decrease	0.3	At the confluence with the San Joaquin River Delta to approximately 13,000 feet upstream of the confluence.
Proposed vs. Existing	Maximum increase	N/A	
	Maximum decrease	1.4	At the confluence with the San Joaquin River Delta to approximately 13,000 feet upstream of the confluence.
Proposed vs. Effective	Maximum increase	N/A	
	Maximum decrease	1.7	At the confluence with the San Joaquin River Delta to approximately 13,000 feet upstream of the confluence.

NFIP regulations Subparagraph 60.3(b)(7) requires communities to ensure that the flood-carrying capacity within the altered or relocated portion of any watercourse is maintained. This provision is incorporated into your community's existing floodplain management ordinances; therefore, responsibility for maintenance of the altered or relocated watercourse, including any related appurtenances such as bridges, culverts, and other drainage structures, rests with your community. We may request that your community submit a description and schedule of maintenance activities necessary to ensure this requirement.

Please note the leveed areas for the Calaveras River and the Stockton Diverting Canal levee systems include the area impacted by this proposed project. Those levee systems are shown as accredited on the effective FIRM, used as the basis for our BFE comparisons and comments.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



## Federal Emergency Management Agency

Washington, D.C. 20472

### CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

#### COMMUNITY INFORMATION (CONTINUED)

#### DATA REQUIRED FOR FOLLOW-UP LOMR

Upon completion of the project, your community must submit the data listed below and request that we make a final determination on revising the effective FIRM and FIS report. If the project is built as proposed and the data below are received, a revision to the FIRM and FIS report would be warranted.

- Form 1, entitled "Overview & Concurrence Form". Detailed application and certification forms must be used for requesting final revisions to the maps. Therefore, when the map revision request for the area covered by this letter is submitted, Form 1 must be included. If as-built conditions differ from the proposed plans, please submit new forms, which may be accessed at [http://www.fema.gov/plan/prevent/flm/dl\\_mt-2.shtm](http://www.fema.gov/plan/prevent/flm/dl_mt-2.shtm), or annotated copies of the previously submitted forms showing the revised information.
- Form 2, entitled "Riverine Hydrology & Hydraulics Form"
- Form 3, entitled "Riverine Structures Form"
- Hydraulic analyses, for as-built conditions, of the base flood; the 10-percent, 2-percent, and 0.2 percent annual chance floods; together with a topographic work map showing the revised floodplain boundaries. Please ensure that the revised information ties in with the current effective information at the downstream and upstream ends of the revised reach.
- An annotated copy of the FIRM, at the scale of the effective FIRM, that shows the revised floodplain boundary delineations shown on the submitted work map and how they tie into the floodplain boundary delineations shown on the current effective FIRM at the downstream and upstream ends of the revised reach.
- As-built plans, certified by a registered professional engineer, of all proposed project elements.
- Please provide a statement, certified by a registered professional engineer that verifies that the Smith Canal Closure Structure has been certified as providing protection from the base flood and are in compliance with all aspects of 44 CFR Section 65.10.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



# Federal Emergency Management Agency

Washington, D.C. 20472

## CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

### COMMUNITY INFORMATION (CONTINUED)

- An officially adopted operations and maintenance plan for the Smith Canal levee embankments. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.
- An officially adopted operations and maintenance plan for the Smith Canal Closure Structure. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.
- An officially adopted operations and maintenance plan for the improved Wisconsin Avenue Pump Station. This plan, which may be in the form of a written statement from the community Chief Executive Officer, an ordinance, or other legislation, must describe the nature of the maintenance activities, the frequency with which they will be performed, and the title of the local community official who will be responsible for ensuring that the maintenance activities are accomplished.
- FEMA's fee schedule for reviewing and processing requests for conditional and final modifications to published flood information and maps may be accessed at [http://www.fema.gov/plan/prevent/flm/frm\\_fees.shtm](http://www.fema.gov/plan/prevent/flm/frm_fees.shtm). The fee at the time of the map revision submittal must be received before we can begin processing the request. Payment of this fee can be made through a check or money order, made payable in U.S. funds to the National Flood Insurance Program, or by credit card (Visa or MasterCard only). Please forward the payment, along with the revision application, to the following address:

LOMC Clearinghouse  
3601 Eisenhower Avenue, Suite 500  
Alexandria, VA 22304-6426

After receiving appropriate documentation to show that the project has been completed, FEMA will initiate a revision to the FIRM and FIS report. Because the flood hazard information (i.e., base flood elevations, base flood depths, SFHAs, zone designations, and/or regulatory floodways) will change as a result of the project, a 90-day appeal period will be initiated for the revision, during which community officials and interested persons may appeal the revised flood hazard information based on scientific or technical data.

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick F. Sacbibit".

Patrick "Rick" F. Sacbibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration



## Federal Emergency Management Agency

Washington, D.C. 20472

### CONDITIONAL LETTER OF MAP REVISION COMMENT DOCUMENT (CONTINUED)

### COMMUNITY INFORMATION (CONTINUED)

#### COMMUNITY REMINDERS

We have designated a Consultation Coordination Officer (CCO) to assist your community. The CCO will be the primary liaison between your community and FEMA. For information regarding your CCO, please contact:

Mr. Jeffrey D. Lusk  
Director, Mitigation Division  
Federal Emergency Management Agency, Region IX  
1111 Broadway, Suite 1200  
Oakland, CA 94607-4052  
(510) 627-7175

This comment is based on the flood data presently available. If you have any questions about this document, please contact the FEMA Map Information eXchange (FMIX) toll free at 1-877-336-2627 (1-877-FEMA MAP) or by letter addressed to the LOMC Clearinghouse, 3601 Eisenhower Avenue, Suite 500, Alexandria, VA 22304-6426. Additional information about the NFIP is available on the FEMA website at <http://www.fema.gov/nfip>.

A handwritten signature in black ink, appearing to read "Rick Sacibit".

Patrick "Rick" F. Sacibit, P.E., Branch Chief  
Engineering Services Branch  
Federal Insurance and Mitigation Administration

Dominick Gulli RD 1614 Trustee  
1314 Paloma Ave  
Stockton CA  
95209

209 649 4555

[greenmountaindom@hotmail.com](mailto:greenmountaindom@hotmail.com)

To the trustees of RD 1614.

11/2/21

Preliminary Review of Encroachment permit application.

The San Joaquin Area Flood Control Agency (SJAFCFA) has submitted information to obtain an encroachment permit from the District to tie the Smith Canal Gate into the District's levee. The information is listed as items 1-6 on the attached 9/21/21 letter sent to President Kaufman from SJAFCFA.

This is a major encroachment that has the potential to increase seepage, scour, settlement and create additional access and maintenance issues, among other items. Although this project has been approved by the Central Valley Flood Protection Board and peer review, the District must verify that design has been performed to the satisfaction of RD 1614 as the RD is ultimately responsible for the levee.

The following items shall be provided for review.

1. Districts Levee stationing shall be provided on the Plan C-862
2. Borings in the levee section affected shall be provided.
3. Full Cross sections at a same vertical and horizontal scale shall be provided. Provide at the centerline of the structure at 20 ft. intervals up and downstream of the RD 1614 levee to beyond the limits of work. Cross section shall run from 100 ft. to waterside and 300 ft. to the landside of the centerline of the levee. The DWR Bulletin 182 92 (PL84-99 standard) levee template and the parameters used to determine the back slope shall be illustrated on the cross sections.
4. Seepage analysis of the existing and proposed conditions shall be provided. The proposed condition is when the gate is closed and the Dam has high water on San Joaquin River Side and low tail water elevation on Atherton Cove side.
5. Please provide calculations or analysis used to determine the length and depth of the PZ 40 sheetpile wall. Verify what is the depth of the sheetpile wall.
6. The specification and grading for the bedding and rip rap slope protection. Any design work performed to size the rip rap.
7. Construction plan. Identify Work that will be performed from the water and what will be performed from the land. Illustration of the gate opening with the barges, while North wall is being constructed.



Dominick Gulli PE, PLS Trustee

209 649 4555



September 21, 2021

Honorable Kevin Kauffman, President  
Board of Trustees  
Reclamation District 1614  
c/o Law Offices of Neumiller & Beardslee  
3121 W. March Lane, Suite 100  
Stockton, CA 94219

**RE: SMITH CANAL GATE PROJECT - ENCROACHMENT PERMIT**

Dear President Kauffman:

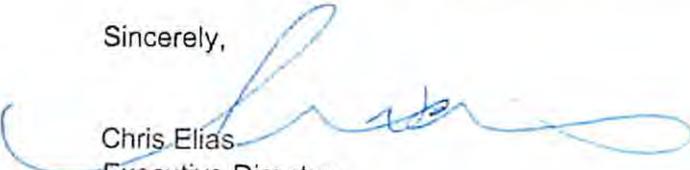
On behalf of the San Joaquin Area Flood Control Agency (SJAFCA), I am pleased to submit the attached Smith Canal Gate Encroachment Permit application packet for your consideration and approval. In addition to the application, the following items have been included to address any and all technical information you may need to process the Encroachment Permit:

1. Central Valley Flood Protection Board application to construct the Smith Canal Gate project improvements, which includes RD 1614 endorsement of the project.
2. Ground Vibration Monitoring and Control Program included in the project specifications.
3. Draft Operation, Maintenance, Repair, Rehabilitation and Replacement Manual, which will be finalized once the project construction is completed.
4. Summary of information related to the Hydrodynamic Modeling, Alignment, and Width Evaluation (Power Point Presentation).
5. Summary of information related to the Levee bridge Velocity Analysis at Gate Structure (Power Point Presentation).
6. Graphical representation of the sequencing/schedule of proposed improvements.

As noted during the regular meeting of the Board of Trustees on September 7, 2021, we stand ready to work with you for timely processing of the Encroachment Permit application.

If you have any questions or need additional information, please do not hesitate to contact Juan Neira at (209) 937-8113 or [juan.neira@stocktonca.gov](mailto:juan.neira@stocktonca.gov).

Sincerely,

  
Chris Elias  
Executive Director  
CE:JN:lr

Memo to Trustees of RD 1614 and RD 828  
From RD 1614 Trustee, Dominick Gulli PE, PLS

December 2, 2021

C/O [apinasco@neumiller.com](mailto:apinasco@neumiller.com), Reclamation District 1614 and 828 Legal Council

REFERENCE: FEMA Conditional Letter of Map Revision (CLOMR) dated 1/23/18, Case No: 17-09-2623R

Enclosed is information received via the Freedom of Information Act relative to preparation of the Conditional Letter of Map Revision (CLOMR) dated 1/23/18, Case No: 17-09-2623R. issued to San Joaquin County Board of Supervisors (Chairman Winn) and The City of Stockton (Mayor Tubbs):

Appendix and Appendix Page #

(a) Smith Canal CLOMR agenda for 10/7/15 and handwritten notes of 10/7/15 meeting .....	Page 1
(b) Smith Canal Summary dated 10/23/2015 .....	Page 4
(c) Smith Canal meeting notes dated 4/28/16 .....	Page 6
(d) NFIP letter dated 6/2/16 .....	Page 8
(e) Smith Canal meeting notes dated 12/15/16 .....	Page 11
(f) NFIP letter dated 1/27/17 .....	Page 14
(g) Smith Canal meeting notes dated 3/7/17 .....	Page 17
(h) Smith Canal meeting notes dated 4/10/17 .....	Page 19
(i) SJAFCA to FEMA letter dated 8/23/17 and 4/28/17 meeting minutes. ....	Page 21
(j) NFIP letter dated 11/13/17 .....	Page 24
(k) SJAFCA to FEMA letter dated 11/18/17 Page.....	Page 28

The important statements in these meetings are as follows:

- a. Smith Canal CLOMR agenda for 10/7/15 and handwritten notes of 10/7/15 meeting

This meeting highlights that the issues identified in the 7/23/15 FEMA letter are Operations and Maintenance (O&M) and Interior flooding.

The handwritten notes indicate:

JG (Jim Giottonini SJAFCA) *“Project need support for Proposition 218 assessment district election; public needed CLOMR and cost share agreement for design. Therefore 218 election barley passed. CLOMR was presented to the public*

*Local View- History (RC) Roger Churchwell; The 7/23/15 FEMA letter was shared with the BOD (SJAFCA Board of Directors); concern that it will become public issue. (FN)  
Recognize that there is a residual floodplain because of Wisconsin Pump Station. The DEIR (Draft Environmental Impact Report) is done.*

*Davin Patel; O&M must be planned and formulated and adopted.*

*Levees still acting as levees.*

*(JG) Jim Giottonini Recounted 218 process. People asked how we can trust FEMA to remove flood plain. JG said they received a letter. Credibility problem if FEMA backslides. Project will be dead and he's not.*

*DAP (Dave Peterson) SJAFCA consultant; Are there thresholds of concern? Is 2 ft. h OK? 3 ft. etc.? we're looking at 5.5 ft.*

*Shelpo; No, they've require (CFR) 65.10 for everything over 0 ft.*

*DP (Davin Patel) Has anyone evaluated the residual flood plain?*

*DAP Yes, it's substantial.*

*BB (Bob Bezak FEMA) Will work through the issue, prefer an engineering solution.*

*TS Tom Scheitzer They can find a way; lots of types of flooding.*

**b. Smith Canal Summary dated 10/23/2015**

*There are existing levees along the Smith Canal that provide some level of protection from flooding however these levees are de-accredited and in their current state, there are no plans for certifying and accrediting these levees. The proposed structure is an alternative to certifying the de-accredited levees along the Smith Canal. (FN)*

*In the Recent Correspondence Chronology, it listed:*

*January 13, 2011 Letter from FEMA. Letter resembled a CLOMR approval letter. (FN) (FN)*

*Political Community Concerns:*

*Local citizens have been "assured" that the effective Zone A floodplain will be removed by this project. Coming back to the citizens without approval for the project would be contentious.*

*(FN) 828*

c. Smith Canal meeting notes dated 4/28/16

*Dave Peterson; The data that was submitted included a geotechnical evaluation and certification of the Smith Canal levee embankments an interior drainage analysis.*

*Davin Patel Discussed the 2010 San Joaquin River Delta BFE (Base Flood Evaluation) report.*

*Starr II asked if the WSEL's used in the report were being used in the nearby USACE project?*

*Roger Churchwell stated they were not. USACE had some disputes with the tail water conditions (Delta BFE) for their project as they are using more up to date information. (FN)*

*Davin Patel; The evaluation and certification was completed by Kleinfelder, Inc. The report references data collected and analyses completed by the CA DWR Urban Levee Evaluations (ULE) project.*

*Starr II asked SJAFCA about the Kleinfelder certification statement that referenced "FEMA and USACE criteria, but did not reference specific documents or engineering manuals.*

*SJAFCA stated that they would provide more specific information.*

*SJAFCA noted that the past performance of the levee about 140 years showed that the levee has performed without any issue's*

*Starr II asked about the limitations section in the certification.*

*SJAFCA and Kleinfelder both clarified that that the limitations section is standard language used in a geotechnical analysis is performed in limited locations but that the results from those locations can be applied to neighboring locations.*

*Davin Patel: The resultant BFE in the canal was 8.8 ft. which corresponds to the worst-case scenario with runoff from the interior being pumped into the canal with the proposed gate closing with the highest tides and opening with the lowest tides.*

d. NFIP letter dated 6/2/16

*Listed the information discussed in the meeting of 4/28/16 and other details.*

e. Smith Canal meeting notes dated 12/15/16

*The DWR ULE information has been submitted.*

*Davin Patel; the SJAFCA Internal Drainage analysis showed that some drainage sub-basins did not have pumps that could discharge the entire 100-year runoff. The SJAFCA submittal assumed that the excess runoff (listed as Ponding beyond pump capacity) would be stored within the streets in the sub-basin.*

*This assumption stores the excess runoff as “in place storage” and assumes that the runoff will not flow and collect in the lowest elevation areas of the sub basin.*

*FEMA would send an additional letter to request additional information related to interior drainage analysis.*

f. NFIP letter dated 1/27/17

- 1) Please submit additional information or analyses for the base flood interior drainage analysis that considers the possibility of the excess runoff collecting in low areas of the sub-basins and/or the within the storm sewer network. This additional information or analyses should take into consideration the hydraulic characteristics of any overland flow not entering the storm sewer network.*

*4. The evaluation of the Smith Canal Levees, their ability to provide protection from the base flood, and detain water while the gate is closed requires additional information:*

- a) Additional certification, or a revised geotechnical certification, following and referencing the standards of Paragraph 65.10(b)(4) of the NFIP regulations is needed for CA DWR Urban Levee Evaluation project reaches B.2, C7, C2, C3, F, G, and H reaches for the Smith Canal levee.*
- b) Additional information regarding the officially adopted maintenance and operation plan for the Smith Canal levees*
- c) A natural valley analysis consistent with levee analysis and mapping procedures for non-accredited levee systems is appropriate to identify any residual flood hazards to the interior side of the existing Smith Canal levees, and the extent of the floodplain. The natural valley analysis must be completed assuming the proposed gate is closed and use the previously calculated canal base flood elevation of 8.0 feet NAVD 88.*

g. Smith Canal meeting notes dated 3/7/17

*SJAFCA stated that they had some concerns with how the case has been progressing. They went over the brief history of the project and asked why additional items were being requested after the December conference call.*

*Daven Patel stated that following the conference call the CLOMR was reviewed again holistically to include the nearby Calaveras River levee system to ensure that everything needed for a future LOMR had been accounted for. In order to remove the Zone A floodplain from the FIRM panel we,*

- Confirmed the status of the Calaveras River levee and retrieved the certification materials used for that accreditation to determine if any interior drainage floodplain existed. (There is interior flooding.)*
- Confirmed that we did not receive an annotated FIRM, which would be needed to confirm the Zone A floodplain to be removed by the CLOMR and to account for the Calaveras River levee.*
- Further discussion with our levee SMEs regarding the Smith Canal levee and it was determined that a LAMP-like natural valley analysis was more appropriate to determine the flood zone behind the levee*

*SJAFCA Disagreed with the request for a Natural Valley Analysis and stated that the purpose of the proposed gate was to avoid having to complete a non-levee type analysis. SJAFCA asked why the analysis is needed and what would be the point of the proposed gate if the flood zone was based on the delta BFE.*

*Daven Patel clarified that the Natural Valley Analysis would be completed with the proposed gate closed which means that a finite volume of flood water would be used in the analysis.*

*SJAFCA asked if there was any special consideration for treating these levees differently given the uniqueness of the levees and proposed project. Daven Patel stated that while the project was unique that the levees would still need to be reviewed within the limits of FEMA regulations and guidance.*

*Tom Schweitzer noted that the reason the system around Smith Canal could not be accredited was the issue of not being able to perform operation and maintenance. This was due to the structures on the levee that limited access and inhibited inspections. SJAFCA asked if they could propose some plan that incorporated the Levee Districts and partnership with the property owners.*

*h. Smith Canal meeting notes dated 4/10/17*

*Daven Patel went over the items that were needed to complete the CLOMR.*

- An operating and maintenance (O&M) plan for the Smith Canal embankments is needed. The O&M plan would need to be adopted by the community include a description of the*

*maintenance activities, frequency of the activities, and who is responsible for the completing the activities.*

- *The O&M goes hand in hand with the geotechnical certification in that the maintenance activities need to be adequate to ensure that the geotechnical stability of the levee embankments.*
- *SJAFCA said they should be able to submit an O&M plan that contained that information.*
- *If an O&M plan is submitted, then the area behind the Smith Canal embankments would be shown as Zone X Shaded (Protected by Levee) since the interior area was identified as a protected area for the Calaveras River, and Stockton Diversion Canal Levee Systems and so a natural valley analysis would not be required.*
- *item 1) - The interior drainage analysis was previously submitted in March and has been reviewed. No comments except that the results included 2 scenarios (with and without the Wisconsin Pump Station improvements). For the purposes of this CLOMR, FEMA needs to know if the Wisconsin Pump Station improvements are part of this CLOMR.*
- *SJAFCA said the pump station improvements are being completed by the reclamation district. SJAFCA asked how would the processing of the case would differ if the pump station improvements were included as part of this CLOMR.*
- *Daven Patel said that the difference would be in the notification requirements. Without the pump station improvements, there would be an interior drainage SFHA and those property owners would need to be notified.*
- *SJAFCA would need to discuss further internally but are tentatively planning to include the pump station improvements as part of the CLOMR. (FN)*
- *item 4a) - The previous geotechnical certification was adequate. Please disregard this item.*

i. SJAFCA to FEMA letter dated 8/23/17 and 4/28/17 meeting minutes.

The letter states that it is in response to the 4/10/17 meeting and attaches Minutes of the meeting dated 4/28/17, the “4/28/17” Meeting excluded Daven Patel and Brian Kopper who were at the 4/10/17 meeting.

The “4/28/17” minutes; Identifies that O&M manuals and floodplain map after construction of the Smith Canal Gate and the Wisconsin Pump Station will be provided in 3 to 4 months.

j. NFIP letter dated 11/13/17

The NEW CLOMR REQUEST is now numbered 17-09-2623R

1. *As requested, operations and maintenance plans have been submitted. Overall the three O&M Manuals are adequate except the RD 828 manual states that pumping stations are not owned or maintained by the district. If the district is not responsible for the pumping stations in that area, please confirm that the City of Stockton (or another appropriate entity) will operate and maintain pumping stations PS8 (Buena Vista South) and PS9 (Ryde Avenue). Please submit any separate O&M plans for those facilities.*
2. *Please confirm that, for the purposes of this CLOMR, the Wisconsin Pump Station improvements are part of this proposed project. While it was stated in your meeting minutes for the April 28.2017 meeting, we would like to get confirmation through this CLOMR response so that the final CLOMR accurately represents the proposed project conditions.*

k. SJAFCA to FEMA letter of 11/18/17 without attachments.

SJAFCA is Confirming through this CLOMR response that the Wisconsin Pump Station is included as part of the proposed project conditions.

Excluded from the Letter is the attachment 1, The letter from the City of Stockton Municipal Utilities Department stating that the City is responsible for the operation and maintenance of the Buena Vista South and Ryde Avenue pumping stations and also the Yosemite Lake Pump station. (FN)

Thank you for considering and discussing the FEMA conditional letter of map revision.

Respectfully



Dominick Gulli PE, PLS



# ITEM 14

Reclamation District 1614

November 2021 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6015		
			\$100.00			
Christian Gaines		\$50.00		6016		
			\$50.00			
Dominick Gulli		\$50.00		6017		
			\$50.00			
Rhonda Olmo		\$1,050.00		6018		
			\$1,050.00			
Neumiller & Beardslee	322385	\$2,031.56		6019		
			\$2,031.56			
Kjeldsen, Sinnock, & Neudeck	31652	\$1,445.88		6020		
	31653	\$886.25				
	31654	\$135.00				
	31655	\$120.00				
	31656	\$14,075.00				
	31657	\$36.75				
	31658	\$642.50				
	31659	\$195.00				
			\$17,536.38			
Delk Pest Control	129664	\$220.00		6021		
			\$220.00			
BPM	36284691	\$703.25		6022		
			\$703.25			
Holt of California	T2542301	\$1,650.53		6023		
			\$1,650.53			

**Reclamation District 1614  
November 2021 Bills**

Abel Palacio -November Payroll		\$1,133.08		Direct Deposit
			\$1,133.08	
State of California Payroll Taxes - November		\$56.22		online
			\$56.22	
Federal Government Payroll Taxes - November		\$535.07		online
			\$535.07	
Sprint		\$100.96		online
			\$100.96	
Comcast		\$121.85		online
			\$121.85	
Visa		\$392.89		online
			\$392.89	
PG&E		\$2,058.54		online
			\$2,058.54	

<b>WARRANT TOTAL:</b>	<b>\$23,391.72</b>
<b>CHECKING TOTAL:</b>	<b>\$4,398.61</b>
<b>TOTAL BILLS PAID</b>	<b>\$27,790.33</b>

# ITEM 15

## EMPLOYMENT CONTRACT

For Abel Palacio  
Reclamation District 1614

THIS CONTRACT ("Contract") is made, effective as of the 1st day of June, 2020, by and between **Reclamation District 1614**, a reclamation district organized under the laws of the State of California (hereinafter called "Employer"), and **Abel Palacio** (hereinafter called "Employee").

The parties agree as follows:

### Section 1. Duties

A. **General.** Employer hereby employs Employee to perform the duties specified in Exhibit A attached hereto and incorporated herein.

### Section 2. Term.

A. The term of this Contract shall be indefinite, unless terminated as provided herein.

B. Nothing in this Contract shall prevent, limit or otherwise interfere with the right of Employee to resign at any time.

C. Employee in the position of Levee Superintendent serves at the will of the Employer and may be removed by Employer at any time with or without cause or notice.

### Section 3. Salary.

A. Employer agrees to pay Employee for Employee's duties as Levee Superintendent an hourly rate of THIRTY and 0/100 Dollars (\$30.00) payable monthly, subject to usual and normal withholdings for sixty (60) days from June 1, 2020.

B. Beginning August 1, 2020, Employer agrees to pay Employee for Employee's duties as Levee Superintendent an hourly rate of FORTY and 0/100 Dollars (\$40.00) payable monthly, subject to usual and normal withholdings for at least nine (9) months from August 1, 2020.

Section 4. **Performance Evaluation.** Employer shall review and evaluate the performance of Employee six (6) months after the date of this Contract, an additional six (6) months thereafter and at least once annually thereafter. Such review shall include review of Employee's accomplishment of objectives and goals established by Employer.

Section 5. **Hours of Work.** Employee shall devote such hours as may be necessary to carry out the duties set forth in Exhibit A. It is anticipated that Employee will typically work approximately ten (10) hours per week depending on conditions and the needs of the Employer.

Section 6. **Vacation and Sick Leave.**

A. Employee shall not earn vacation and sick leave other than as required by law.

Section 7. **Disability, Health and Life Insurance.** Employer shall not provide disability, health or life insurance for Employee.

Section 8. **Retirement.** Employer shall not provide retirement benefits or pension benefits for Employee.

Section 9. **Reimbursement Expenses.** Employee will receive reimbursement for all sums necessarily incurred and paid by Employee in the performance of Employee's duties.

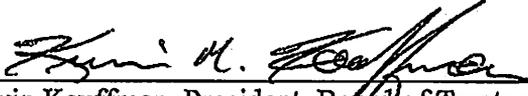
Section 10. **Indemnification.** Employer shall defend, save harmless and indemnify Employee in accordance with Division 3.6 of the California Government Code, sections 800 et seq.

Section 11. **Unavailability.** If Employee should be temporarily unavailable (as, for example, because of illness) to perform Employee's duties, Employee shall inform Employer and the Engineer for Employer.

Section 12. **Entire Contract.** This Contract contains all the understandings and agreements between the parties concerning Employee's employment and Employee acknowledges that no person who is either an agent or Employee of the District may orally or by conduct modify, delete, vary, or contradict, the terms and conditions set forth herein. Any modification or waiver of this Contract must be expressly made in writing executed and approved by the Board of Trustees of the District. This Contract replaces any and all prior agreements between Employee and the District related to Employee's employment and any and all such prior agreements are hereby canceled.

**\*\*signatures on next page\*\***

EMPLOYER  
Reclamation District 1614

By   
Kevin Kauffman, President, Board of Trustees

EMPLOYEE

  
ABEL PALACIO

## **EXHIBIT "A"**

### **RECLAMATION DISTRICT 1614 JOB DESCRIPTION, DUTIES AND REQUIREMENTS FOR THE POSITION OF LEEVE SUPERINTENDENT**

#### **Qualification Requirements**

The Levee Superintendent must:

- Have a valid California Driver's License at the time of employment
- Have a high school diploma or equivalent
- Pass a pre-employment drug test prior to employment at the election of the Board of Trustees.
- Be able to read and write, and possess basic record keeping skills
- Be knowledgeable and comfortable around power tools, such as chainsaws, power drills, grinders, etc.
- Be physically fit to perform physical and manual labor
- Be available to work weekends, holidays and extended hours if there is a need for emergency repairs or levee patrols during potential flood events.
- Have a general knowledge of mechanical and electrical systems, and of landscape maintenance principles and an ability to communicate issues within the district to the board of directors, district engineers, and other contractor or agencies servicing district property, equipment, or responsibilities.

#### **General Duties and Performance**

The Levee Superintendent will report to the Board of Trustees, and will coordinate his or her activities with the District's Engineer, Attorney and Secretary.

Become knowledgeable on and ensure the Levee Encroachment Standards for Reclamation District 1614 are enforced.

The Levee Superintendent will also field and evaluate complaints, requests or questions from the District's residents.

The Levee Superintendent is responsible for routine levee inspections to check for levee problems and encroachments and take action when necessary

When representing the district, the Levee Superintendent will treat all property owners (including trustees) equally and in a fair manner

The Levee Superintendent shall make the effort to meet new property owners and assist them to become familiarize with the district's permit requirements and levee encroachment standards.

During abnormal high tides, inclement weather with high winds, and earthquakes, or other potential flood events, the Levee Superintendent must conduct intensive levee patrol/inspections (in coordination with the District's Engineer) to check for damages and the integrity of the levee

Attend and provide report of activities at the monthly District meeting

Respond to incidents within the jurisdiction of the reclamation district that could or will impact the operations of district equipment and/or expose the district to regulatory issues outside of normal operations.

### **Flood Fight Contingencies**

Become knowledgeable on the Reclamation District 1614 Preliminary Levee Patrol and Emergency Plan. In coordination with the District Engineer, work on the annual Patrol Schedule, and on updating the Plan.

During winter and periods of rain or high water, the Levee Superintendent should obtain daily reports of the delta river stage from the following website:

[http://www.water.ca.gov/nav.cfm?topic=Water\\_Conditions&subtopic=River\\_Conditions\\_and\\_Forecasts](http://www.water.ca.gov/nav.cfm?topic=Water_Conditions&subtopic=River_Conditions_and_Forecasts)

During periods of rain or high water, the Levee Superintendent shall make every effort to be available and on call.

The Levee Superintendent shall attend flood fight training when available.

The Levee Superintendent shall maintain the flood fight storage shed. Materials are to be stored in an orderly manner and kept clean and free of rodents. Levee Superintendent shall keep adequate flood fight inventory on hand and replenish used materials before the start of flood season, and purchase supplies as necessary within the approved budget.

The Levee Superintendent shall become familiar with, and coordinate, the District's relations with State and County Emergency Services.

The Levee Superintendent shall know where a supply of sand can be utilized for sandbagging purposes during a flood crisis.

## **Pump Procedures**

The Levee Superintendent shall:

- Check the District's pump at least once every week
- Check pump for oil and lubricate when needed
- Make sure that the pump is in working order
- Arrange for repairs when necessary and oversee work. Let contracts within the approved budget
- Arrange for annual power efficiency test of pumps

## **Levee Maintenance**

The Levee Superintendent shall:

- Ensure that the District's contractor used by the District to perform weed control does perform weed control, based on a schedule determined by the Board and weather conditions
- Eliminate rodents causing burrows and holes, using standard bait and smoke bombs and other legal means; repair damages caused by rodents
- Assure that all levee maintenance work is properly inspected, resolved and photographed before starting work and after completion; write appropriate reports in accordance with this section
- Remove tree saplings from levee slopes before they reach a diameter of 2 inches
- Contact property owners regarding violations of the levee encroachment standards.
- Observe for levee encroachments and check owners for permits
- Follow progress of all work being done and inspect and make progress reports
- Clear levee crown and slopes of fallen branches where such work is necessary.

- Repair or cause to be repaired any and all erosion problems as soon as possible.
- Remind anglers/trespassers of private properties and posted areas and request them to leave when appropriate; make arrangements to move vehicles blocking levee access. This should be done in a manner to avoid confrontation. When required, the Levee Superintendent should call for assistance from the Stockton Police Department
- Let contracts under \$5,000 for gate, lock and fence repairs within the approved budget.
- Let contracts under \$5,000 for erosion control, rock placement and similar levee protection needs within the approved budget.
- Let contracts for sign replacement or placement within the approved budget.

### **Permit Processing**

The Levee Superintendent shall:

- Review application, meet with the requester, and conduct site inspection
- Review plans for completeness and compliance with Levee Encroachment Standards
- Discuss any issues with application with requester
- Prepare conditions of approval and explain these to requester
- Submit request to district engineer if required; present to Reclamation District 1614 Board of Directors
- Review permits with engineer for suggestions and recommendations when appropriate

### **Office Work Summary**

The Levee Superintendent shall:

- Propose a maintenance and operation budget. In the event there is a projected increase in the operation and maintenance costs beyond those in the annual maintenance budget, the Levee Superintendent will notify the Reclamation District 1614 Trustees of the amount of the

projected increase so that the District Trustees can determine whether to approve such an increase and appropriate any additional funds, or take other appropriate actions to meet the additional facilities maintenance needs

- Fill out daily time cards completely, assigning time to job numbers
- Prepare monthly activity report for Board meetings, including monthly budget reports
- Arrange and supervise casual labor within the approved budget.
- Maintain desk and file for paperwork, permits, photos etc.
- Keep track of permits and expirations and permitted work progress
- Keep records of all contracts let and purchases made. Ensure that all contracts and purchases comply with bidding requirements and prevailing wage requirements, where applicable, in consultation with the District's attorney.
- Review contractor billings for inaccuracies/discrepancies; recommend approval of billings that are correct, submit to Board of Trustees for approval, in consultation with the District's attorney and engineer.
- Document levee work and maintenance, and preventative maintenance, with reports and photos.
- Maintain records of pump repairs and maintain a binder for pump
- Document all high water patrols and any flood fight work.
- Documentation of work, purchases, patrols and flood fighting may be accomplished by a daily log or journal.

### **Labor Employees**

The Levee Superintendent shall:

- Schedule and supervise labor employees. All directions to labor employees shall be from the Levee Superintendent only, with suggestions from Trustees and engineers.
- Review and approve timecards completed by the individuals submitting the timecards

- Assist District Secretary with employee information necessary for record documentation
- Acknowledge that personal vehicles may be required for District work from time to time.

**Miscellaneous**

The Levee Superintendent shall

- Perform such other tasks as may be assigned, from time to time, by the Board of Trustees.

# ITEM 16

RECLAMATION DISTRICT NO. 1614 SMITH TRACT  
P. O. BOX 4807  
STOCKTON, CA 95204-4807

**CONTRACT FOR PROFESSIONAL SERVICES**

The Contract is made this \_\_\_\_\_ day of \_\_\_\_\_, 2021 by and between Reclamation District No. 1614 Smith Tract, a reclamation district organized under the laws of California (hereinafter called "District") and Ridgeline Engineering hereinafter called "Consultant."

Project Description and Location: Smith Canal Encroachment Permit Impact Review

Completion Date: NA

**A. THE CONTRACT:**

This Contract consists of: (1) this Contract including the General terms and Conditions herein, and (2) any plans and specifications relating to the project and location listed (if applicable), (3) the Exhibits attached hereto, as Exhibit A. The District has furnished the Consultant with the general program and requirements of Consultant's services and the Consultant acknowledges being informed as to the nature and extent of the services required. It is expressly understood between the parties that the District is relying on and looking to the Consultant for performing and establishing the specific and technical requirements of the professional services described below, except where otherwise provided.

**B. THE PROFESSIONAL SERVICES:**

Consultant shall execute the following professional services specified in Exhibit A (Scope of Work) attached hereto and incorporated herein by reference.

**C. COMPENSATION FOR SERVICES:**

Consultant shall receive compensation for performance of the professional services in the amount, and at the times specified, in Exhibit A (Compensation) attached hereto and incorporated herein by reference.

**GENERAL TERMS AND CONDITIONS OF CONSULTING SERVICES**

**ARTICLE 1**

**CONSULTANT'S RESPONSIBILITIES:**

1.1 The Consultant shall perform those services specified in Exhibit A (Scope of Work) and any such additional services as may be authorized in accordance with Article 6 hereof.

1.2 Consultant enters into this Contract, and will remain through the term of this Contract, as an independent contractor. Consultant agrees that Consultant is not and will not become an employee of the District while this Contract is in effect. Consultant is not entitled to the rights or benefits afforded to the District's employees, including but not limited to disability or unemployment insurance, worker's compensation, medical insurance, sick leave or other employment benefit. Consultant is responsible for providing at Consultant's own expense disability, unemployment, and other insurance, workers' compensation (as set forth below), training, permits, and licenses for Consultant and for Consultant's employees and subcontractors. The Consultant shall be responsible for methods and means used in performing the Consultant's services under this contract. The Consultant shall designate a representative authorized to act in the Consultant's behalf with respect to the services to be performed hereunder.

1.3 The Consultant's services are related to the Smith Canal Encroachment Permit Impact Review (the "Project"). The Consultant's services shall be performed in a manner, sequence and timing so that they will be coordinated with the needs of the District and other consultants, engineers, architects or contractors for the Project. The District shall be the general administrator of the professional services for the Project and shall facilitate the exchange of information amongst the engineers retained by the District for the Project as necessary for the coordination of the Project. Except as authorized by the District, all communications between the Consultants and the District or others for the Project shall be through the District.

1.4 The Consultant shall provide progress copies of drawings, reports, specifications and other necessary information to the District and other engineers and/or contracted consultants for coordination and review. All aspects of the Project designed by the Consultant shall be coordinated by the Consultant, and the Consultant shall also become familiar with aspects of the Project designed by the other engineers and/or contracted consultants as necessary for the proper coordination of the Project.

1.5 Consultant, may at Consultant's own expense, use any employees or subconsultants as Consultant deems necessary to perform the services required of Consultant by this Contract. The District shall not control, direct or supervise Consultant's employees or subconsultants in the performance of those services.

1.6 Consultant agrees that all designs, plans reports, specifications, drawings, inventions, processes and other information or documents produced by Consultant as a product of the performance of Consultant's services under this Contract will be and are hereby assigned the District as the sole and exclusive property of the District and the District's assigns, nominees and successors, as will as any copyrights, patents, or trademarks obtained by Consultant in connection with the performance of services under this Contract.

1.7 Any written, printed, graphic, electronically or magnetically recorded information furnished by the District for Consultant's use are the sole property of the District. All such information shall be proprietary, including, but not limited to customer requirements,

customer lists, marketing information and information regarding the project, the District's employees, products, services, prices, operations and subsidiaries. Consultant will keep such proprietary information in the strictest confidence, and will not disclose it by any means to any person except with the District's approval or except as required by law. On termination of the Contract, Consultant will return any proprietary information in Consultant's possession to the District.

- 1.8 Consultant agrees to indemnify and hold harmless the District, the members of its governing board and its officers, agents and employees from and against all demand, claims, damages, losses, liabilities, expenses and/or costs including reasonable attorney's fees and court costs, arising out of Consultant's willful misconduct, or negligent or reckless acts, errors, or omissions of services contemplated by this Contract, except however, for any such demands, claims, damages, losses liabilities, expenses and/or costs resulting from the willful misconduct, reckless acts, errors or omissions, or negligence of the District and/or its prorata share of negligence.

## ARTICLE 2

### DISTRICT'S RESPONSIBILITIES:

- 2.1 The District shall, with reasonable promptness, provide available information regarding the requirements for the Project, including any existing or proposed plans and specifications and any requirements of public or quasi public governmental agencies of which the District is aware.
- 2.2 The District may designate a representative authorized to act on the District's behalf with respect to the Consultant's services and, if applicable, the Project. The District or such authorized representative shall render decisions in a timely manner pertaining to documents submitted by the consultant in order to avoid unreasonable delay in the orderly and sequential progress of the Consultant's services.

## ARTICLE 3

### TERMINATION, SUSPENSION OR ABANDONMENT:

- 3.1 Notwithstanding any other provision of this Contract, this Contract may be terminated by the District at any time by giving five (5) days written notice to Consultant. In the event of such termination, Consultant shall be compensated hereunder for the value of services performed to the date of termination. In the event of such termination without cause, the District shall not be entitled to rely upon, nor shall Consultant have any liability arising out of the District's use of incomplete designs, plans, reports, specifications, drawings, or other uncompleted tasks.

ARTICLE 4

INSURANCE COVERAGE:

4.1 Consultant shall maintain insurance covering claims arising out of the performance of professional services under this Contract and caused by the errors, omissions or negligent acts for which the Consultant is liable, in an amount of no less than \$1,000,000 per occurrence. This insurance shall be maintained in force by the Consultant for a reasonable period after the date of substantial completion of the Project for which the Consultant's services are performed. The reasonable period will be agreed to by the District and Consultant.

4.2 The Consultant shall carry the following additional insurance:

4.2.1 Worker's Compensation as required by law and Employer's Liability Insurance in the sum of not less than \$1,000,000.

4.2.2 General Liability Insurance, which insurance shall have limits of liability not less than the following:

Bodily Injury:           \$1,000,000 each occurrence  
                                  \$1,000,000 each person  
                                  \$2,000,000 aggregate

Property Damage: \$1,000,000 each occurrence  
                                  \$2,000,000 aggregate

Comprehensive Automobile Liability, for all vehicles, automobiles, trucks and equipment which insurance shall have limits not less than the following:

Bodily Injury:           \$1,000,000 each occurrence  
                                  \$1,000,000 each person

Property Damage:       \$1,000,000 each occurrence

ARTICLE 5

SAFETY:

5.1 Consultant shall strictly observe and comply with applicable laws, ordinances, rules, regulations and lawful orders of public authorities bearing on safety of persons or properties or their protection from damage, injury or loss. Without limiting the foregoing, Consultant shall comply with requirements, regulations, orders and directives promulgated under the Federal Occupational Safety and Health Act, the California Occupational Safety and Health Act, and the California Safe Drinking Water and Toxic Enforcement Act of 1986.

5.2 Consultant shall be liable to the District for all loss, cost and expense attributable to any acts of commission or omission by the Consultant, or its employees or agents resulting from the failure to use reasonable safety precautions and programs or to comply with safety laws, regulations or ordinances, including but not limited to any fines, penalties or corrective measures.

## ARTICLE 6

### PAYMENT PROVISIONS:

- 6.1 Unless otherwise specified in Exhibit A, the Consultant shall render monthly invoices in duplicate covering work completed in such month. Invoices received by the tenth (10<sup>th</sup>) of the month and approved for payment by the Board of Trustees at the next District meeting shall be paid within thirty (30) days of approval.
- 6.2 Additional services, beyond the services listed in Exhibit A, may be required by the District. Such additional services shall be performed only in accordance with Change Orders, authorized and issued by the District or the District's designated representative. Each Change Order shall list the scope of revisions to be performed, state the time within which the work is to be completed, designate any special conditions, and state the agreed upon compensation for such services.

## ARTICLE 7

### MISCELLANEOUS PROVISIONS:

- 7.1 This Contract represents the entire and integrated agreement for the Project and/or services between the District and Consultant and may be amended only by written instrument signed by both the District and Consultant.
- 7.2 Any notices required to be given under this contract by either party to the other may be effected by personal delivery in writing or by mail, registered or certified, postage prepaid with return receipt requested, or by any nationally recognized overnight service. Notices must be addressed to the parties at the addresses indicated on this Contract, but each party may change the address by giving written notice in accordance with this paragraph. Notices personally delivered will be deemed communicated as of actual receipt. Mailed notices will be deemed communicated as of the date of receipt or the fifth day after mailing, whichever occurs first. Notices sent by overnight services or facsimile shall be deemed communicated as of the earlier of the date of receipt or twenty-four (24) hours after mailing.
- 7.3 If any provision of this Contract is held by a court of a competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will continue in full force and effect without being impaired or invalidated in any way.
- 7.4 This Contract shall be binding upon the executors, administrators, heirs, successors and assigns of the District and the Consultant.

7.5 If any legal action or arbitration is instituted, including an action for declaratory relief to enforce or interpret the provisions of the Contract, the prevailing party will be entitled to reasonable attorney's and expert fees, which may be set by the court in such action or arbitration, or in a separate action brought for that purpose, in addition to any other relief to which that party may be awarded.

7.6 This Contract will be governed by and construed in accordance with the laws of the State of California.

7.7 In the event that either the District or the Consultant shall at any time waive any breach of this Contract by the other, such waiver shall not constitute a waiver of any other or succeeding breach of this Contract, whether of the same or any other covenant, condition, or obligation.

7.8 If the scope of services includes Consultant's assistance in applying for governmental permits or approvals, Consultant's assistance shall not constitute a representation, warranty or guarantee that such permits or approvals will be acted upon favorably by any governmental agency.

District Signature:

Consultant Signature:

\_\_\_\_\_  
President, Board of Trustees  
P.O. Box 4807  
Stockton, CA 95204-4807

\_\_\_\_\_  
Title:  
\_\_\_\_\_  
\_\_\_\_\_

## Exhibit A

### Scope of Work

1. Retention of Engineer. District hereby retains Engineer as General Engineer for District to perform the duties of Engineer, for District on the terms and conditions specified in the "Contract for Professional Services".
2. Duties to be Performed. Engineer shall perform all the normal and usual duties of Engineer and General Engineer for District and shall serve as chief engineering advisor to District, except:
  - a. When, in the opinion of District it would be more appropriate to hire an outside specialist. in such an event, Engineer shall assist District in selecting such an outside specialist. Such an outside specialist may serve in lieu of Engineer on any particular matter or may assist Engineer. Or:
  - b. When engineering for the District is otherwise provided, as in the case of engineering provided by insurers or consultants in connection with various insurance policies or projects held or contracted by District. Or:
  - c. When a conflict exists such that Engineer is prohibited by law or rules of professional conflict from representing or advising District. In the event of certain conflicts, Engineer shall withdraw from representation of District for that matter and District shall engage engineering representation of its own choice for that matter.
3. Typical Duties. Such duties include, but are not limited to, the following:
  - a) Serve as general engineer and surveyor for the District.
  - b) Advise the District on issues related to the operation and maintenance of the District's levee and drainage system.
  - c) Attend Board of Trustee meetings and advise Trustees on engineering matters.
  - d) Prepare and file Levee Subvention Applications and Final Claims.
  - e) Prepare plans and specifications for improvements to Reclamation works as required.
  - f) Conduct profile and cross section surveys of the District levees as required.
  - g) Prepare for, and respond to, potential and actual flood events.
  - h) Be responsible for coordinating Levee Patrol and Flood Emergency Plans.

- i) Coordinate efforts with the County Emergency Services, Flood Control, City of Stockton and Local Reclamation Districts to assure that our plans are Floor Emergency Plans are consistent with local agencies within our geographic area.
  - j) Assist with permit applications and environmental issues.
  - k) Represent District, at the request of the District at meetings or conferences where local, regional statewide or national flood control levee issues are discussed.
  - l) Prepare Engineer's Reports for, and assist in conducting, Proposition 218 ballot proceedings.
  - m) Prepare and process annual assessments.
4. Specific Attendance at Meetings. Engineer shall, in person of Christopher H. Neudeck (except that Engineer retains the right, in the event of irreconcilable schedule conflicts or absences to substitute another principal or associate of Engineer) attend meetings of the District Board of Trustees. District may waive such attendance, in its sole discretion.
5. Special Projects. Compensation for performance of professional services related to designated special projects specified as such by the District shall be authorized and agreed upon for budget amounts which may vary from Exhibit B.