

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, NOVEMBER 12, 2018

The November Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, November 12, 2018, at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California, at the hour of 2:00 p.m.

TRUSTEES PRESENT WERE:

KEVIN KAUFFMAN
BEN KOCH

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
ANDY J. PINASCO
CHRISTOPHER H. NEUDECK
RHONDA L. OLMO
ORLANDO LOBOSCO

ABSENT WAS:

WILLIAM DUNNING

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 2:02 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.*

President Kauffman thanked all Veterans for their service.

Mr. Dominick Gulli submitted written and oral comments – Agenda Item 3.3, Smith Canal Gate Project – Status Update, from Chris Elias, and a memo from Peterson, Brustan, Inc. re USACE Lower San Joaquin River FRM – Design Agreement Priorities. Mr. Gulli also submitted and spoke on his memo re Public Comments for 11/12/18 meeting requested to be included in the minutes.

Mr. Richard Gacer submitted and read his written letter, dated 11/12/18, re Neumiller & Beardslee's employment contract.

Mr. Paul Guerrero commented on SJAFCA's new Executive Director (ED). He mentioned he spoke with the new ED about the Environmental Justice Study.

Item 3. Approval of Minutes of the special meeting of September 28, 2018 and regular meeting of October 8, 2018.

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Minutes of the special meeting of

September 28, 2018 and regular meeting of October 8, 2018 be approved as read.

Item 4. Presentation of Financial Status Report. Discussion and possible action. District Secretary, Rhonda Olmo, handed out the Financial Report. She stated this is the fourth report for FY18/19. Mrs. Olmo had nothing to report from the County this month. She noted that line item G3 has been updated to show the District's Election Expenses to date. Mrs. Olmo stated she is also requesting a warrant today to be approved for \$25K to replenish the District's checking account.

After review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Financial Report be approved as presented.

- a. Review 2017-2018 Draft Audit Report and authorize execution of Representation letter.

Attorney Dan Schroeder reported. He reviewed the draft Audit Report for FY 2017-2018 from Croce, Sanguinetti, & Vander Veen with the Board. The draft audit being presented today is an unqualified audit (the auditor has found nothing odd, and nothing that was required to have been done by the District that was not.) Attorney Schroeder said the auditor seemed pleased with the tabulation of the records that the District Secretary produced. The District's balance is healthy (qualified though that the District is getting ready to do the Wisconsin Pump Station Project next year – which may take more than 50% of their fund balance.)

After questions, review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that Croce, Sanguinetti, & Vander Veen be informed that the Trustees have no comments on the draft Audit Report, and authorize the execution of the Representation Letter.

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

- a. Adopt Resolution 2018-12 Declaring that an Emergency Situation Exists. – *see below*
- b. Adopt Resolution 2018-13 Setting Priorities for Decision Making Authority in Event of Emergency. – *see below*
- c. Authorize District Engineer to enter into an emergency work contract with Dino & Son in the Not to exceed amount of \$25,000 and Authorize the District Engineer to issue necessary Change Orders/Amendments up to an Additional Amount Not to exceed \$50,000 with any Expenditure in excess of that amount to be made in accordance with Resolution 2018-13. – *see below*
- d. Wisconsin Pump Station Project update. – *see below*

Excerpts from the Engineer's Report:

- I. AB 360 DELTA LEVEE SUBVENTIONS PROGRAM

A. Review KSN Inc. correspondence to State of California Department of Transportation (Caltrans) regarding the District's cooperation and agreement to move forward with the discussed Financial Contribution (FCO) project for restore bank protection beneath Interstate 5 overpass over the north bank/levee Smith Canal. (Exhibit A: KSN Inc. correspondence to State of California Department of Transportation (Caltrans) dated November 7, 2018 – included in Engineer's Report.)

District Engineer, Chris Neudeck reported. He referred to exhibit A where he stated appears to be a written agreement to move forward with what Caltrans is calling a Financial Contribution Only (FCO) Agreement. He reiterated this process has been going on for over six to eight months. Mr. Neudeck said the letter is to confirm that RD 1614 and RD 828 are interested in pursuing. Mr. Neudeck is hoping to have the FCO Agreement by the next District meeting. Mr. Gulli commented that he would not wait for the FCO Agreement to begin the work and recommended the work be put out to bid now. Further discussion was held.

B. Review the District's Draft Final Claim for FY 2017/2018 and seek signature from Chairman for submittal to DWR.

TOTAL FINAL CLAIM	\$222,655.02
LESS DISTRICT SHARE (1,000/MILE @2.8 MILES)	\$2,800.00
TOTAL ELIGIBLE	\$219,855.02
MAX REIMBURSEMENT = 75% OF ELIGIBLE	\$164,891.27

Mr. Neudeck reiterated from previous meetings that the District gathers and submits the annual Levee and Maintenance costs to the Department of Water Resources under what is known as the Levee Subventions Program. In FY 2017/2018, the District expended \$222,655.02, less the District Share of 1,000 mile at \$2,800.00. The anticipated reimbursement (75% of eligible) is estimated at \$164,891.27. Mr. Neudeck said the reimbursement check might be received by next April/May. Next year's 1,000/mile will increase to \$2,500/mile.

II. WISCONSIN PUMP STATION NO. 7

A. Review status of alternative repair design for Wisconsin Pump Station. (Exhibit B: Email Memorandum from KSN Inc dated October 1, 2018 – included in Engineer's Report.)

Mr. Neudeck read the email in exhibit B from Erik Almaas giving an update on the Wisconsin Pump Station. In summary, the Civil and Structural plans are substantially complete (90%). The electrical design is underway and expected to be completed by end of year. Application with PG&E is underway. A Notice of Determination (Environmental) has been filed with the County Clerk. Mr. Neudeck said he is almost ready to submit his application to the Central Valley Flood Protection Board for the penetrations through the Federal Project Levee.

III. SMITH CANAL GATE STRUCTURE PROJECT – SAN JOAQUIN FLOOD CONTROL AGENCY (SJAFCA)

A. Update on Smith Canal gate closure project (*Exhibit C: File Memorandum dated November 1, 2018 from SJAFCA– included in Engineer's Packet.*)

Mr. Neudeck read the update from SJAFCA indicating that they completed the 95% design documents. SJAFCA is preparing their environmental assessments for the NEPA, and they are in the process of completing their permits. SJAFCA is addressing changes that have come back from the DWR Group re the Real Estate Plan. SJAFCA is finalizing an offer with the Stockton Golf and Country Club and completing additional updates to the legal description on Dad's Point. There are still two pending appellate court cases.

- a. Adopt Resolution 2018-12 Declaring that an Emergency Situation Exists.
- b. Adopt Resolution 2018-13 Setting Priorities for Decision Making Authority in Event of Emergency.
- c. Authorize District Engineer to enter into an emergency work contract with Dino & Son in the Not to exceed amount of \$25,000 and Authorize the District Engineer to issue necessary Change Orders/Amendments up to an Additional Amount Not to exceed \$50,000 with any Expenditure in excess of that amount to be made in accordance with Resolution 2018-13.

Mr. Neudeck referred to Agenda item 5C. He said he has a condition on two lots (2016 East Canal Drive) whereby there is substantial beaver activity. He said the area is well riddled. The problem is not knowing how bad the slope is riddled until he gets into it. This is difficult to go out to bid without knowing the full scope. The District had an instance like this, in the last five years, where they declared an emergency whereby the \$25,000 bidding limit could be exceeded. Mr. Neudeck is asking that the Board authorize and establish the emergency condition on 2016 East Canal Drive with the intent that he would commence work within the next three to four days. Mr. Orlando Lobosco explained his visual observation of the area to the Board, and said the repair work may extend into the property just to the east. Attorney Dan Schroeder stated that Agenda items 5A, B, and C cover this. He said typically, whenever you have a project that is going to go over \$25K you have to go through a competitive bidding process. The Government and Public Contract Codes give exceptions in the case of emergencies. Resolution 2018-12 will declare this particular situation an emergency. Resolution 2018-13 will establish the protocol of who makes the decision to approve the expenditures if they exceed \$25K.

Mr. Schroeder said RD 1614 is declaring an emergency, and Dino and Son can be contracted with for up to \$25K, and an additional \$25K if necessary. Further discussion was held, comments were heard, and questions were addressed. Mr. Neudeck said it is important that the District do greater follow-up in areas with known beaver activity. Mr. Gacer asked that issue be considered to be added to the Operational Manual.

After review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 to adopt Resolution 2018-12, and Resolution 2018-13 and authorize the contract with Dino & Son up to \$25K, and

authorize the District Engineer to do additional change orders in amendments in an amount not to exceed total \$50K.

Item 6. Presentation of Superintendent's Report; request for direction. Mr. Lobosco handed out his Superintendent Report, and reported no abnormal conditions during his routine inspections. He said the stations are ready for the rainy season. Mr. Lobosco provided a written and oral report as to how he would respond to an emergency during the rainy season. Mr. Lobosco said that should there be any small problems that he has 1000 sand bags, 5 large rolls of plastic, shovels, gloves, wooden stakes, and various hand tools needed. If bigger issues arise, Mr. Lobosco would contact Mr. Neudeck and OES. Mr. Lobosco provided a copy of his template that he uses when making his monthly levee inspections. He said the template that is provided today says "annual inspection" – it should say "monthly inspection". He will edit his template.

a. Approve Holt Bros. rate increase for temporary equipment contract.

Mr. Lobosco reviewed the old quotes and updated rates from Holt Bros. The new rates were effective October 22, 2018. The rates are in effect for one year. The rates doubled. Mr. Lobosco recommended that the Board agree to these rates this year, and he will look into competitive bids. Further discussion was held.

After review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the existing contract be amended following legal review, and the new rates be approved.

Mr. Gacer stated a pamphlet providing some assistance on who to identify if damage is noticed along the levee would be helpful. Mr. Neudeck said this could be a focused Notice. President Kauffman said this would be considered.

Item 7. Ordinance 18-01. Waive the second reading of and adopt Ordinance No. 2018-01 Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq., of the Public Contract Code)

Attorney Andy Pinasco reported. He asked the Board to consider moving this item to the December meeting. Mr. Neudeck said there is still some applicability issues with the Subvention Agreement regarding competitive bidding laws that Mr. Pinasco is working on clarifying with the Department of Water Resources. The Board agreed to move this item to the December meeting.

Item 8. Resolution 2018-14. Adopt Resolution 2018-14 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019.

Attorney Schroeder said that in order to participate again in the Levee Subventions Program, the State requires that the District enter into the Levee Subventions Agreement. Attorney Schroeder said this is the exact Agreement the District has approved year after year. The District's contribution will now be \$2,500/per mile as stated previously.

After review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board adopt Resolution 2018-14 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2018-2019 and authorizing the signature back for signature of the President on the document.

Item 9. Resolution 2018-15. Adopt Resolution 2018-15 Approving and Authorizing Execution of Project Funding Agreement for Preparation of Five-Year Plan for Smith Tract, SM-18-1.0-SP

Attorney Schroeder said the Corp has been identifying in their contract each particular tract. Reclamation District 1614 is Smith Tract. This is a reimbursement of up to \$50K for the work. Attorney Schroeder said hopefully the District will be under that amount, and if not, we should not very far over. In order to get the funding, the District needs to approve the Five-Year Funding Agreement.

After review,

It was moved, seconded (B. Koch/K. Kauffman) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Board adopt Resolution 2018-15 Approving and Authorizing Execution of Project Funding Agreement for Preparation of Five-Year Plan for Smith Tract, SM-18-1.0-SP and authorizing the signature back for signature of the President on the document.

Item 10. Report on Meetings Attended. President Kauffman reported on the SJAFCA meeting he attended with the County this week. Attorney Schroeder and Mr. Neudeck reported on the preseason flood meeting, and Lower San Joaquin River Feasibility Study meetings they attended. Attorney Schroeder said that he spoke with Mr. Elias (Executive Director – SJACA) about meeting with the District in an attempt to negotiate some kind of cost share with them. He also encouraged Mr. Elias to come to future meetings to make a report on the Smith Canal Project. Attorney Schroeder is hopeful Mr. Elias will come to the next meeting, and if not, early next year.

Item 11. District Calendar. The Election Board will be meeting tonight at 6:00 p.m. to review the remaining mailed in ballots and confirm the election results. The next Regular Meeting will be on December 3, 2018.

Item 12. Items for Future Meetings. None.

Item 13. Correspondence. None.

Item 14. Closed Session – The Board went into Closed Session at 3:48 p.m.

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

The Board has reconvened from Closed Session at 4:00 p.m. regarding action item 14. All Board Members were present with the exception of Bill Dunning who was absent. There was no reportable action.

Item 15. Motion to Approve Bills.

It was moved, seconded (Ben Koch/Kevin Kauffman), and unanimously carried by the Board of Trustees for Reclamation District 1614 that the Trustees authorize/approve the Bills to be Paid for October, 2018.

Item 12. Adjournment. The meeting was adjourned at 4:03 p.m.

Secretary: The agenda for this meeting was posted at 509 W. Weber Avenue, 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 12, 2018

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	Quemada
2	Richard	Loew
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