

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD TUESDAY, MARCH 3, 2020

The March Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Tuesday, March 3, 2020, at the law office of Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California, at the hour of 2:00 p.m.

TRUSTEES PRESENT WERE:

KEVIN KAUFFMAN
BEN KOCH
CHRISTIAN GAINES

OTHERS PRESENT WERE:

CHRISTOPHER H. NEUDECK
DANIEL J. SCHROEDER
ANDY J. PINASCO
ORLANDO LOBOSCO
RHONDA L. 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 2:00 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 February 10, 2020 Board meeting.

After review,

It was moved, seconded (B. Koch/C. Gaines) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Minutes of the February 10, 2020 be approved.

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

District Secretary, Rhonda Olmo, provided a written and oral report. She reviewed the monthly bills and reported on the assessments and property taxes received. She also reported where the District currently stands with their 5 Year Plan spending. After review,

It was moved, seconded (B. Koch/C. Gaines) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Financial Status Report for the month of March 2020 be approved.

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

- a. **Permit Applications.** – None
- b. **Wisconsin Pump Station Project and Costs Update.** – None

I. WISCONSIN PUMP STATION NO. 7

- A. Civil:
Civil plans are substantially complete (90%). We are now awaiting further CVFPB/USACE comments.
- B. Structural:
Structural plans are substantially complete (90%).
- C. Electrical:
PG&E is in the design phase.
- D. Environmental:
Done
- E. Permitting:
CVFPB permit application review is underway by USACE, and they are still actively reviewing Levee Safety. USACE just issued a few comments including unreasonable pressure test requirements (200 psi) and the use of HDPE needs HQUSACE approval. We are currently working through responses to these comments to get back to them. CVFPB staff has tentatively scheduled the application to be brought in front of the Board Members in April for approval.

CDFW (1602): The project's inclusion in the HCP was approved by SJCOG Board last week. Everything went as expected with the added bonus that they approved a one-month extension of the out-of-water work window beyond October 1. Over the next couple of weeks, SJCOG will schedule its biologist for a site visit and then issue its Incidental Take Minimization Measures (ITMMs). At that point, we can finalize the 1602 with CDFW.

RWQCB (401) permit is completed.

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

Mr. Chris Neudeck reported. He stated he is in a holding pattern with the pump station. He is anticipating the details he raised previously will be worked out soon (psi test and issue regarding the plastic going back to headquarters).

II. AB 360 DELTA LEVEES SUBVENTION PROGRAM

- A. Review and seek approval from the Board of Trustees for purchase of Mitigation Credits in the amount of \$8,755 from Westervelt for credits not available thru the Department of Water Resources Bulk Credit bank for impacts to Shaded Riverine along the Smith Canal Levee as part of the emergency Beaver Den Repairs this past year. This cost will then be shared and

reimbursed through the Delta Levee Subventions Program resulting in final costs to the District \$2,189 (25%) State of California \$6,566 (75%).

This is an excerpt from the January Engineers Report explaining the original request:

1. MITIGATION CREDITS FOR LEVEE REPAIRS

The beaver den repairs last year required the removal of some trees that DFW is requesting mitigation for, KSN concurs with the request and have verified the quantities of mitigation required as .39 acres of Riparian Forest (RF) and 103 feet of Shaded Riverine Aquatic (SRA). Note that the actual acreage of RF removed was .13 acres and the mitigation ratio is 3:1, whereas the SRA ratio is 1:1 DWR deducts the Districts 25% share of the cost of mitigation from the amount due the District for FY18-19 claim. Mitigation Credits from Westervelt are currently \$62,295 per acre for RF, and \$95 per linear foot for SRA. The Total Mitigation costs for .39 acres of RF and 103 LF of SRA is \$34,080, with the Districts 25% share to be deducted from claim in the amount of \$8,520. RD 1614 needs to request DFW formally to use mitigation bank credits in order to start the process to purchase the credits and the contract that will need to be signed with the mitigation bank. DFW has already verbally approved. Seek authorization of the Board of Trustees to undertake these necessary actions.

EXHIBIT A: Email correspondence from William G. Darsie of KSN Inc. explaining the recent change in how the District purchases its outstanding mitigation credits date 2/25/2020.

EXHIBIT B. Consumes Floodplain Mitigation Bank Agreement for Sale of Mitigation Credits dated 2/12/2020 for .39 acres of Riparian Forest.

EXHIBIT C. Consumes Floodplain Mitigation Bank Agreement for Sale of Mitigation Credits dated 2/20/2020 for 103 linear feet of Shaded Riverine.

Mr. Neudeck reported on a recent development. At the last board meeting he spoke to the issue and purchase of the credits. Upon talking with the banking entity (Westervelt) it has been determined they ran out of bulk credits (credits owned by the State of California). Mr. Neudeck said once the credits are exhausted that he must purchase them at the retail price and seek reimbursement (amounted to \$8,755 of the total cost which was originally \$6,200). Mr. Neudeck reviewed the Mitigation Credits for Levee Repairs stated above with the Trustees. He said you can see the cost to the Reclamation District is going to be \$8,520. The problem is the District will be out \$8,720 in advance because we must purchase these in retail and seek reimbursement. The total out of pocket cost will remain \$8,520. Previously it was going to be deducted from our reimbursement, now the District must come cash forward. The reimbursements will be thru DWR. Mr. Neudeck said this variation is significant and was not anticipated. He asked the Board to ratify the Agreements that are incorporated in Exhibits B and C. Further discussion was held.

After review,

It was moved, seconded (B. Koch/C. Gaines) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the Consumes Floodplain Mitigation Bank Agreement for Sale of Mitigation Credits dated 2/12/2020 for .39 acres of Riparian Forest and Consumes

Floodplain Mitigation Bank Agreement for Sale of Mitigation Credits dated 2/20/2020 for 103 linear feet of Shaded Riverine be approved.

III. DESIGN AND CONSTRUCTION AUTHORITY (DCA) – DELTA TUNNELS PROJECT

- A. Review recent Independent Technical Review Committee findings of the early technical material provided for the Delta Conveyance (DCA) (Tunnels) Project.

EXHIBIT D. Findings of DCA's Independent Technical Review Committee Report dated February 14, 2020.

EXHIBIT E. Materials for the February 20, 2020 Regular Board Meeting of the DCA.

Mr. Neudeck reported. He stated this item is for those who are interested in following the new water fix which has been designated with the DCA. He reported on Exhibits D and E stating one of the things he and a couple of others have testified in the Notice of Preparations for their Environmental documents or seeking them to consider is alternatives. Mr. Neudeck said right now they are running this right down the middle of the delta where the problems are. He asked them if there are any alternatives which he was told there are. Mr. Neudeck said he has only seen the original alignment. He said the Technical Review Committee said this is the worst possible place to put it as far as impact, cost, traffic, etc. Mr. Neudeck provided these exhibits to the Trustees to read and said at this stage this is not firmed up but is interesting to see that the third-party peer reviewers are already starting to see some of the measures that was testified to back under the water fix.

IV. DELTA GRANT II – PROPOSED STORAGE CONTAINER AND SUPPLYS

- A. Review and seek approval from the Board of Trustees of the Delta Grant II – Proposed Storage Container and supplies cost estimate for the District.

EXHIBIT F: Cost estimate of materials & separation of reimbursable vs. non-reimbursable items.

Mr. Neudeck reported. He has been tentative in getting this project off the ground for various reasons. He estimated he had on the order of \$20K to \$25K but wanted to confirm the materials and cost estimates with the Department of Water Resources. DWR has since confirmed and all the non-highlighted items shown under Exhibit F are not supported for purchasing. There is \$14,600 in reimbursable costs and \$7,300 recommended that Mr. Neudeck will take and put through the subventions program. The difference is the District will get approximately \$5K of the \$7,300 back and 100% of the \$14,600. Mr. Neudeck said this is about a 10% cost to the District and suggested to the Trustees that he work with the District's Legal Counsel to negotiate a contract with the State. Further discussion was held.

After review,

It was moved, seconded (B. Koch/C. Gaines) and unanimously carried by the Board of Trustees of Reclamation District 1614 that the District's Engineer will work with the District's Legal Counsel to negotiate a contract with the State.

Mr. Neudeck reported on this final item not included in his report. He said at the last board meeting discussion was held on the issues related to the funding of the subventions program which was found to be lacking in the Governor's budget for the 2021 budget year. KSN has worked diligently with the Central Valley Flood Control Association along with the Central Delta Water Agency. Mr. Neudeck went at this at two angles and was concerned those angles were not going to meet in the middle because if they don't go with the consolidated message to the Governor then you won't get what you need. Mr. Neudeck said this was consolidated last Wednesday. This has now been taken to the Governor. This Friday, Mr. Neudeck has a meeting with the Delta Levees and Habitat Advisory Committee and the Deputy Director that oversees the Levee's Program will be available on a conference call line to discuss the budget. Mr. Neudeck hopes to report at the next meeting that the funding is back at the normal levels that the District has been operating under. Further discussion was held.

Item 6. Ratify February 12, 2020, Agreement for Transfer of Mitigation Credits between RD 1614 and RD 830.

See Engineer's Report Item II. AB 360 DELTA LEVEES SUBVENTION PROGRAM above.

Item 7. Ratify February 20, 2020, Agreement for Sale of Mitigation Credits between Rd 1614 and Westervelt Ecological Services, LLC.

See Engineer's Report Item II. AB 360 DELTA LEVEES SUBVENTION PROGRAM above.

Item 8. Presentation of Superintendent's Report; request for direction.

Mr. Lobosco reported. He stated there was no rain in February, and he had no issues during his routine station checks other than two bubbler compression failures at Hogue and Franklin. Mr. Lobosco replaced them both. He said he had to clean up garbage that was dumped at Plymouth and River Road.

Mr. Lobosco reviewed with the Board his monthly waterside inspections report included in his handout. On February 19, 2020 he did his inspection with Erin from KSN. In his report are the photos and addresses of the properties with vegetation issues, various retaining walls with minor to moderate issues, and two properties with some minor levee erosion. Mr. Lobosco stated the property at 1822 W. Tuxedo has an issue with a non-permitted boat dock, as opposed to the overhanging trees. Mr. Lobosco stated there are several properties where he can't get a view of the levee (even at low tide) because of the vegetation. Mr. Neudeck said given these are private properties it is difficult to enforce vegetation removal. Mr. Neudeck said from an inspect ability standpoint that it may come to pass that the District may have to get in there and do some trimming or get some visibility for inspect ability. Mr. Neudeck suggested Mr. Lobosco, Erin and Fish & Wildlife Representatives work out an arrangement as to what the District can remove without triggering mitigation obligations.

Mr. Lobosco said he took photos of the homeless encampments on both the north and south banks under I-5 to pass on to Caltrans. He said the conditions at River Road and Smith Canal are terrible. Further discussion has held.

In order to avoid any potential conflict of interest with his contract with SJAFCA, Mr. Neudeck left the meeting at 2:36 p.m.

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

Mr. Chris Elias reported that SJAFCA was expecting to open bids on March 12, 2020 for the Smith Canal Project. The new date to open bids is now March 26, 2020. Construction schedule remains the same.

Item 10. Report and Direction regarding third party review of information received by the District related to the San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.

President Kauffman reported that Mr. Croyle has not gotten back to him yet and he will continue to work on this. No further update currently.

Mr. Neudeck returned to the meeting at 2:40 p.m.

Item 11. Report on Meetings Attended.

Attorney Schroeder and Mr. Neudeck reported on the SJAFCA Ad Hoc working committee on the Lower San Joaquin Feasibility project annual meeting they attended with President Kauffman and Attorney Pinasco. SJAFCA provided a report on the progress of the Smith Canal Gate Structure Project that has occurred within the last year regarding the planning and some of the options. Mr. Neudeck said they raised some issues that are not new but are issues the District struggles with as an entity providing flood protection to an urban area. Mr. Elias thanked everyone for attending the meeting and engaging in discussion and he encouraged everyone to continue to reach out to him. Mr. Elias stated he took notes of everyone's comments and will be evaluating everything and will have a broader discussion with the community later. President Kauffman expressed his concern with SJAFCA's public relations consultant. Further discussion was held, and comments were heard.

Item 12. District Calendar. Annual Town Hall meeting will be discussed at a future date. Attorney Schroeder reported Judith Buethe (Buethe Communications) has retired. Attorney Pinasco said he has reached out to two public relations companies and requested their rates/term sheets and will report back as to his findings.

Item 13. Items for Future Meetings. Approval of the storage container. Continuing Item number 10 above. The next District meeting will be on April 6, 2020.

Item 14. Correspondence. None.

The Board reviewed Item 17 at this time.

Item 17. Motion to Approve Bills. After review,

It was moved, seconded (C. Gaines/B. Koch), and unanimously carried by the Board of Trustees for Reclamation District 1614 that the Trustees authorize/approve the bills to be paid for February 2020.

The Board went into Closed Session regarding Action Item 15(a)(b) at 3:04 p.m.

Item 15. Closed Session.

- a. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: Levee Superintendent

- b. **PUBLIC EMPLOYEE PERFORMANCE EVALUATION**
Title: District Secretary

The Board adjourned from Closed Session at 3:27 p.m. regarding Action Item 15(a)(b). All the Trustees were present during the entirety of the Closed Session. There is no reportable action.

Item 16. Employee Contracts. Discussion and possible action regarding changes to Levee Superintendent and Secretary contracts.

None

Item 18. Adjournment.

It was moved, seconded (B. Koch/K. Kauffman), and unanimously carried by the Board of Trustees of Reclamation District 1614 that the meeting adjourn at 3:30 p.m.

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

Respectfully submitted,



Rhonda L. Olmo
District Secretary

RECLAMATION DISTRICT NO. 1614

Meeting Sign-In Sheet

Tuesday, March 3, 2020

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	<i>Paul</i>	<i>Everard</i>
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Reclamation District 1614
February, 2020 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #
Kevin Kauffman		\$100.00	\$100.00	5813	
Ben Koch		\$50.00	\$50.00	5814	
Christian Gaines		\$50.00	\$50.00	5815	
Rhonda Olmo		\$1,062.50	\$1,062.50	5816	
Neumiller & Beardslee	305447	\$2,242.95	\$2,242.95	5817	
Kjeldsen, Sinnock & Neudeck, Inc.	27153	\$1,260.00		5818	
	27154	\$903.75			
	27155	\$272.50			
	27156	\$43.75			
	27157	\$920.00			
	27158	\$2,226.55			
	27159	\$3,032.50			
	27160	\$718.00			
			\$9,377.05		
Deik Pest Control	69278	\$220.00	\$220.00	5819	
Mosquito & Vector Control District	SJ10029	\$83.20	\$83.20	5820	
Orlando Lobosco - February Payroll		\$2,024.75	\$2,024.75		Direct Deposit

