

RECLAMATION DISTRICT NO. 1614

AGENDA FOR REGULAR BOARD OF TRUSTEES MEETING  
2:00 P.M. SEPTEMBER 5, 2023

3121 WEST MARCH LANE, SUITE 100  
STOCKTON, CA 95219

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. **Minutes**. Approval of Minutes of the August 7, 2023 meeting.
4. **District Finances**. Presentation of Financial Status Report. Discussion and possible action.
5. **District Engineer Report**. Presentation of Engineer's Report. Discussion and possible action:
  - a. Rock Slope Protection Project (2022-2023)
    - i. Review status of the Rock Slope Protection and Beaver Damage repairs along Smith Canal.
  - b. Wisconsin Pump Station No. 7
    - i. Review status of the pump tests.
    - ii. Review recent status of videoing storm drainage collection system that extends from along Hoover Tyler Little League fields to Wisconsin Pump Station.
6. **Superintendent's Report**. Presentation of Superintendent's Report; request for direction.
7. **Letter of Map Revision**. Discussion and possible action regarding Letter of Map Revision.
8. **Report on Meetings Attended**.
9. **Trustee Reports**. Discussion and direction on Trustee Reports.
  - a. Calaveras River Pump Station pipe repair at Stockton Golf and Country Club.
10. **District Calendar**.
  - a. Next Meeting – October 2, 2023.

*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/>*

11. **Items for Future Meetings.** Items for future meetings.
12. **Correspondence.** Discussion and direction.
13. **Agency Reports.** Report on San Joaquin Area Flood Control Agency's Smith Canal Gate Structure Project.
14. **District Bills.** Motion to Approve of Bills.
15. **Adjournment.**

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**AGENDA PACKET  
RECLAMATION DISTRICT 1614  
September 5, 2023**

<b><u>ITEM</u></b>	<b><u>COMMENTARY</u></b>
1.	Self-explanatory.
2.	Self-explanatory.
3.	Please see attached.
4.	Please see attached.
5.	Please see attached.
6.	Please see attached.
7.	Self-explanatory.
8.	Self-explanatory.
9.	Self-explanatory.
10.	Please see attached.
11.	Self-explanatory.
12.	Please see attached.
13.	Self-explanatory.
14.	Please see attached.
15.	Self-explanatory.

# ITEM 3



DRAFT

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1614  
HELD MONDAY, AUGUST 7, 2023

The August Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, August 7, 2023, at the hour of 2:00 p.m.

Roll Call of Board Members and Staff:

Trustee Chris Gaines, Trustee Dominick Gulli, Attorney Andy Pinasco, Superintendent Abel Palacio, and District Secretary Rhonda Olmo

The following members of the public were present: Chris Elias (SJAFCA), Sarah Vigil (Port City Marketing), Erik Almaas (KSN)

Absent were: President Kevin Kauffman and Engineer Chris Neudeck

**Item 1. Call to Order/Roll Call.** Trustee Gulli 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.

None

**Item 3. Minutes.** Approval of Minutes of the April 18, 2023, June 5, 2023, and July 10, 2023 meetings.

After review,

On a motion by Trustee Gaines, seconded by Trustee Gulli, the Trustee’s present voted to approve the April 18, 2023, June 5, 2023, and July 10, 2023 Minutes by the following vote:

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

**Item 4. District Finances.** Presentation of Financial Status Report. Discussion and possible action.

Rhonda Olmo provided written and oral reports on the District’s revenues and expenditures. She reviewed the final fiscal year 2022-2023 financial report with the Board. She also reviewed the first financial report for fiscal year 2023-2024. Mrs. Olmo brought to the attention of the Board that a warrant was written to Dino & Sons in the amount of \$264,931.03 to pay for progress payments 1 & 2 for the levee maintenance project. She indicated that she was also requesting a warrant today in the amount of \$25,000.00 to replenish the District’s checking account.

After review,

On a motion by Trustee Gaines, seconded by Trustee Gulli, the Trustee’s present voted to approve the Financial Reports by the following vote.

Ayes: Gaines, Gulli  
Noes: None  
Abstain: None

Absent: Kauffman

**Item 5. Audit.** Approve representation letters from Croce, Sanguinetti, & Vander Veen to perform the District's Audit for the year ended June 30, 2023, and submit the Special District Financial Transactions Report and authorize District Official to execute the representation letters.

Attorney Pinasco reported these are the two representation letters that are sent each year from Croce, Sanguinetti, & Vander Veen (CSV) to perform the District's audit for the year ended June 30, 2023. The price to conduct this year's audit is \$7,150.00 (\$750 increase from last year). The price for CSV to submit the District's annual Special District Transaction Report is \$550.00 (\$50.00 increase from last year).

After review,

On a motion by Trustee Gaines, seconded by Trustee Gulli, the Trustee's present voted to approve the representation letters from Croce, Sanguinetti, & Vander Veen (CSV) to perform the District's Audit, and submit the Special District Financial Transactions Report for the year ended June 30, 2023, and authorize a District Official and Secretary to execute the representation letters and return to CSV by the following vote.

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

**Item 6. Insurance.** Authorize District Official to approve proposal for District Insurance and Crime Policy renewal.

Attorney Pinasco stated that the crime policy needs to be renewed by August 22, 2023. Rhonda Olmo has been working with Dohrmann Insurance to get a quote issued. Attorney Pinasco said this crime policy is a policy the District has to have in order to maintain a bank account. The policy covers the District for anybody that has signatory authority with the checks associated with the Bank of Stockton in the event someone steals funds. Attorney Pinasco recommended that once the quote is received that the District Secretary forward the information to President Kauffman for review/approval. Attorney Pinasco recommended that President Kauffman be given the authority to approve the quote and have the District Secretary return the required paperwork back to Dohrmann Insurance.

On a motion by Trustee Gulli, seconded by Trustee Gaines, the Trustee's present voted to authorize the District Secretary to forward the crime renewal policy quote to President Kauffman once received and authorize President Kauffman to review for approval by the following vote:

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

**Item 7. Resolution 2022-08.** Review emergency situation resulting from increased channel velocities and scour in the area between north cellular wall of the partially completed Smith Canal Gate Project and the right-side levee within the District to determine the need to continue the action.

The Trustee’s reviewed the existing conditions and determined that the emergency conditions are no longer needed.

On a motion by Trustee Gulli, seconded by Trustee Gaines, the Trustee’s present voted to terminate Resolution 2022-08 by the following vote:

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

**Item 8. District Engineer Report.** Presentation of Engineer’s Report. Discussion, and possible action:

**a. Rock Slope Protection Project (2022-2023)**

- i. Review status of the Rock Slope Protection and Beaver Damage repairs along Smith Canal.
- ii. Approve Change Order 001 for extra work associated with clearing and grubbing four additional properties in preparation for new rip rap and beaver den repair.

Erik Almaas provided a written and oral report. Below is a table that includes actual costs to date and estimated remaining costs. In addition to the estimated \$50,000.00 for PCOs 001 and 002, including \$23,000.00 for remaining beaver den related costs, Mr. Almaas requested that the Board authorize KSN to issue Change Order 001 to Dino & Son Ditching in the amount of \$67,184.15. Change Order 001 includes extra work associated with clearing & grubbing four additional properties in preparation for new riprap (PCOs 001 and 002). The new riprap is billed as per the unit price in the riprap bid item. In addition, the contractor performed extra work to repair discovered beaver dens / tunnels at 2324 Canal Drive and the two adjacent properties.

Item	Description	Costs Thru 7/31/2023	Estimated Remaining Costs	Contract Amount
<b>Original Contract</b>		<b>\$211,690.62</b>	<b>\$186,809.38</b>	<b>\$398,500.00</b>
<b>Change Orders</b>		<b>\$67,184.15</b>	<b>\$73,000.00</b>	<b>\$140,184.15</b>
PCO 001	Clearing and Grubbing at 1960 & 1974 Canal Drive	\$17,220.00	\$20,000.00	\$37,220.00
PCO 002	Clearing and Grubbing at 1948 & 1990 Canal Drive	\$27,575.00	\$30,000.00	\$57,575.00
PCO 003	Repair Beaver Holes at 2286, 2324, and 2334 Canal Drive	\$22,389.15	\$23,000.00	\$45,389.15
Totals:		\$278,874.77	\$259,809.38	\$538,694.15

After review, the Board approved a PCO for \$240,184.15 (\$140,184.15 for PCO’s 1 - 3 and \$100,000.00 contingency). The Board instructed Mr. Almaas to have KSN bring future PCO’s back to a meeting to report on.

On a motion by Trustee Gulli, seconded by Trustee Gaines, the Trustee's present voted to approve a PCO for \$240,184.15 (\$140,184.15 for PCO's 1 - 3 and \$100,000.00 contingency) by the following vote:

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

**b. Wisconsin Pump Station No. 7**

- i. Review status of the pump tests.

Mr. Erik Almaas reported that the new dates for the pump tests will occur between August 29<sup>th</sup> – 31<sup>st</sup>.

- ii. Review recent status of videoing storm drainage collection system that extends from along Hoover Tyler Little League fields to Wisconsin Pump Station.

Mr. Erik Almaas reported that KSN received direction from RD1614 to only work on the areas that the District has easements for. Mr. Almaas stated that he could not locate any additional easements other than what was previously reported on. He will work with the contractor to get a revised quote to only fix the concrete pipe.

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

Superintendent Palacio reported on the following:

- General maintenance and cleanup at the pump stations and surrounding yards.
- Continuing work on the anti-siphon valves at the pump stations – he is working with Moorman's Water Systems, Inc.
- A new pump station automatic controller was ordered to add a second controller at Pump Station #4 (Plymouth & Smith Canal). Anticipated arrival by late September.

**Item 10. Letter of Map Revision.** Discussion and possible action regarding Letter of Map Revision.

Trustee Gulli reviewed the items that FEMA requested they need. Several items were discussed and need follow-up:

- Are there any federal permits required for the Wisconsin Pump Station?
- Levee profile information. The District responded previously with several sources. FEMA's concern is that the 5-year plan uses a base flood elevation of 9.4, but the federal standard is elevation 10.
- Ridgeline to provide a quote to do a full survey of the levee template.

**Item 11. Report on Meetings Attended.** None

**Item 12. Trustee Reports.** Discussion and direction on Trustee Reports. None

**Item 13. District Calendar.**

- a. Next Meeting – September 4, 2023. – The meeting was rescheduled to September 5, 2023.

**Item 14. Items for Future Meetings.** Items for Future Meetings.

Revisions to the O&M maintenance manual – generators for the pumps.

**Item 15. Correspondence.** Discussion and direction.

- a. Postcards notifying Property Owners of July 10, 2023 Town Hall Meeting.

Attorney Pinasco reported that the District Secretary received a lot of phone calls from homeowners indicating they did not receive their postcard notifying them in time to attend the Town Hall meeting last July.

**Item 16. Agency Reports.** Report on San Joaquin Area Flood Control Agency’s Smith Canal Gate Structure Project.

Mr. Chris Elias reported on the following:

- Cofferdam should be complete by Wednesday, August 9, 2023, and the water is flowing through the Gate.
- Buoy’s (and solar power lighting) have been deployed to help guide navigation.
- Curtains will be placed at the north side/wall to support the work going on there and to restrict access between the north wall and bank of the levee of RD 1614.
- Stop logs are still onsite in case there is a need to redo anything with the Gate.

Trustee Gulli asked if SJAFCA was going to do anything about the concrete slab as it has sediment underneath it. Mr. Elias asked that Trustee Gulli send him his question in written form for a proper response.

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

After review,

Due to President Kauffman’s absence – warrant number 6228 will be voided.

On a motion by Trustee Gaines, seconded by Trustee Gulli, the Trustee’s present voted unanimously to approve the July bills (excluding warrant 6228) by the following vote.

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

**Item 21. Adjournment.** Trustee Gulli made a motion to adjourn the meeting at 3:07 p.m. Trustee Gaines seconded the motion.

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

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 1614  
Amended - July 2023 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6228		THIS WAS VOIDED
			<b>\$100.00</b>			
Christian Gaines		\$50.00		6229		
			<b>\$50.00</b>			
Dominick Gulli		\$50.00		6230		
			<b>\$50.00</b>			
Rhonda Olmo		\$1,522.60		6231		
Office supplies reimbursement		\$94.66				
			<b>\$1,617.26</b>			
Neumiller & Beardslee	343569	\$1,809.30		6232		
			<b>\$1,809.30</b>			
Kjeldsen, Sinnock & Neudeck, Inc.	35775	\$3,505.60		6233		
	35776	\$537.50				
	35777	\$520.00				
	35778	\$492.50				
	35779	\$130.00				
	35780	\$825.00				
	35781	\$12,554.29				
	35782	\$3,584.56				
	35783	\$65.00				
			<b>\$22,214.45</b>			
Business Printing Service	3444	\$324.82		6234		
			<b>\$324.82</b>			

Reclamation District 1614  
Amended - July 2023 Bills

Dino & Son Ditching Service, Inc. Progress Payment No. 1 - Levee Maintenance Project FY 2022/2023	0806-0670-23	\$97,650.87		6235	
Dino & Son Ditching Service, Inc. Progress Payment No. 2 - Levee Maintenance Project FY 2022/2023	0806-0670-23	\$167,280.16			
			<b>\$264,931.03</b>		
Reclamation District 1614 Funds for checking account		\$25,000.00		6236	
			<b>\$25,000.00</b>		
Delk Pest Control	195129	\$220.00		6237	
			<b>\$220.00</b>		
North Valley Labor Compliance Services	5146	\$30.00		6238	
			<b>\$30.00</b>		
Abel Palacio - July Payroll		\$1,753.03			Direct Deposit
			<b>\$1,753.03</b>		
State of California Payroll Taxes - July		\$48.38			online
			<b>\$48.38</b>		
Federal Government Payroll Taxes - July		\$535.81			online
			<b>\$535.81</b>		
ADP - Period Ending 6/30/23	637030552	\$125.95			online
			<b>\$125.95</b>		
T-Mobile		\$111.80			online
			<b>\$111.80</b>		
Comcast		\$132.68			online
			<b>\$132.68</b>		
Visa		\$769.85			online



Reclamation District 1614  
Amended - July 2023 Bills

			\$769.85			
PG&E		\$1,299.87			online	
			\$1,299.87			

**WARRANT TOTAL: \$316,346.86**  
**CHECKING TOTAL: \$4,777.37**  
**TOTAL BILLS PAID \$321,124.23**

# ITEM 4

**RECLAMATION DISTRICT 1614**  
**FINANCIAL REPORT MEETING SEPTEMBER 2023 MEETING**  
**% OF FISCAL YEAR ELAPSED THROUGH END OF AUGUST - 16.67%**

Budget Item	Budget Amount	Expended MTD	Expended YTD	% YTD
<b>GENERAL FUND</b>				
<b>Administrative</b>				
G1 Annual Audit	\$ 8,000.00	\$0.00	\$0.00	0.00%
G2 Public Communication & Noticing	7,500.00	\$3,504.16	3,504.16	46.72%
G3 Election Expense	0.00	\$0.00	0.00	0.00%
G4 Superintendent	55,000.00	\$2,643.40	5,106.57	9.28%
G4a Secretary	16,000.00	\$1,448.69	2,971.29	18.57%
G5 Workers' Compensation	3,000.00	\$0.00	0.00	0.00%
G6 Trustee Fees	4,000.00	\$150.00	350.00	8.75%
G7 County Assessment Administration	8,000.00	\$0.00	0.00	0.00%
G7A General Assessment Administration (Engineers)	8,000.00	\$6,868.74	7,881.24	98.52%
G8 Office Supplies	1,000.00	\$542.12	978.36	97.84%
G9 Communication (phones, radios, etc.)	3,000.00	\$244.48	488.96	16.30%
G12 Education/Memberships	3,000.00	\$768.00	768.00	25.60%
G13 Non Management Staff	0.00	\$0.00	0.00	0.00%
G13A LOMR	0.00	\$0.00	0.00	0.00%
<b>TOTAL</b>	<b>\$116,500.00</b>	<b>\$16,169.59</b>	<b>\$22,048.58</b>	<b>18.93%</b>
<b>Consultants</b>				
G14 General Engineering	\$ 30,000.00	\$2,686.77	\$9,776.93	32.59%
G15 General Legal	30,000.00	\$1,798.05	\$3,607.35	12.02%
<b>TOTAL</b>	<b>\$ 60,000.00</b>	<b>\$4,484.82</b>	<b>\$13,384.28</b>	<b>22.31%</b>
<b>Property &amp; Equipment</b>				
G16 Operation & Maintenance	\$ 3,000.00	\$0.00	\$0.00	0.00%
G16A District Vehicle Expenses	3,500.00	\$100.00	788.86	22.54%
G17 Acquisitions	0.00	\$0.00	0.00	0.00%
G18 Flood Fight Supplies	0.00	\$0.00	0.00	0.00%
<b>TOTAL</b>	<b>\$ 6,500.00</b>	<b>\$100.00</b>	<b>\$788.86</b>	<b>12.14%</b>
<b>Other</b>				
G19 Insurance	\$ 19,500.00	\$17,928.76	\$17,928.76	91.94%
<b>TOTAL</b>	<b>\$ 19,500.00</b>	<b>\$17,928.76</b>	<b>\$17,928.76</b>	<b>91.94%</b>
<b>TOTAL GENERAL FUND</b>	<b>\$ 202,500.00</b>	<b>\$ 38,683.17</b>	<b>\$ 54,150.48</b>	
<b>RECURRING EXPENSES</b>				
<b>Levee</b>				
R1 General Maintenance	\$ 15,000.00	\$1,196.25	1,291.25	8.61%
R1A Engineering - General	25,000.00	\$2,283.75	3,646.25	14.59%
R1C Riprap and Levee Repair	350,000.00	\$161,290.20	438,775.52	125.36%
R1D DWR 5 Year Plan	0.00	\$0.00	0.00	0.00%
R1E Storm Emergency	0.00	\$0.00	0.00	0.00%
<b>TOTAL</b>	<b>\$ 390,000.00</b>	<b>\$164,770.20</b>	<b>\$443,713.02</b>	<b>113.77%</b>
<b>Drainage</b>				
R2 Electricity	\$ 35,000.00	\$986.01	\$2,285.88	6.53%
R3 Sump Clearing	30,000.00	\$0.00	0.00	0.00%
R4 Plant O&M	75,000.00	\$8,209.01	8,273.24	11.03%
R4A Pest Control	3,000.00	\$220.00	440.00	14.67%
R5 Wisconsin Pump Station Design	0.00	\$0.00	\$0.00	0.00%
R6 Wisconsin Pump Station Construction	0.00	\$0.00	130.00	0.00%
<b>TOTAL</b>	<b>\$ 143,000.00</b>	<b>\$9,415.02</b>	<b>\$11,129.12</b>	<b>7.78%</b>
<b>TOTAL RECURRING EXPENSES</b>	<b>\$ 533,000.00</b>	<b>\$ 174,185.22</b>	<b>\$ 454,842.14</b>	
<b>TOTAL EXPENSE BUDGET</b>	<b>\$ 735,500.00</b>	<b>\$ 212,868.39</b>	<b>\$ 508,992.62</b>	

**INCOME**

**Anticipated**

Assessment - Existing	\$ 346,725.80	\$251,577.90	\$251,577.90	72.56%
Assessment - Wisconsin	97,090.00	\$0.00	\$0.00	0.00%
Interest	20,000.00	\$20,643.00	\$20,643.00	103.22%
Property Tax	171,664.00	\$0.00	\$0.00	0.00%
Subvention Reimbursement	125,000.00	\$0.00	\$0.00	0.00%
2019-2020 DWR 5-Year Plan	0.00	\$0.00	\$0.00	0.00%
Delta Grant II - Flood Fight Supplies	0.00	<u>\$0.00</u>	<u>\$0.00</u>	<u>0.00%</u>
<b>TOTAL</b>	<b>\$ 760,479.80</b>	<b>\$272,220.90</b>	<b>\$272,220.90</b>	<b>35.80%</b>
<b>TOTAL NET INCOME (LOSS)</b>	<b>\$ 24,979.80</b>			

O&M Fund Balance (as of 8/30/2023)	<b>4,598,198.39</b>
Wisconsin Fund Balance (as of 8/30/2023)	<b>175,047.40</b>
Proposed Expenses	<b>212,868.39</b>
<b>TOTAL CASH</b>	<b><u>\$ 4,560,377.40</u></b>

Checking Account Balance (as of 8/30/2023)	<b>27,567.48</b>
<b>TOTAL CASH ON HAND</b>	<b><u>\$ 4,587,944.88</u></b>

Wisconsin Pump Station Costs: \$871,811.87  
See attached for details.

TRANSFER NUMBER	TRANSFER DATE	TRANSFER AMOUNT	INTEREST TO DATE	TOTAL AMOUNT DUE WITH INTEREST
1	1/5/2022	\$492,918.87	\$ 1,267.25	\$494,186.12
2	1/5/2022	\$231,315.14	\$ 594.69	\$231,909.83
3	2/3/2022	\$66,386.00	\$ 143.77	\$66,529.77
4	5/3/2022	\$7,058.20	\$ 4.21	\$7,062.41
5	6/7/2022	\$47,436.70	\$ 13.30	\$47,450.00
7	10/4/2022	\$22,670.51	\$ 20.22	\$22,690.73
8		\$1,983.01		
Subtotals		\$869,768.43	\$ 2,043.44	<b>\$869,828.86</b>

RECLAMATION DISTRICT PAY IN - 1614					Fund# 51201	
ASMT YR	APN	CHECK No.	AMOUNT	TDR No.	TDR DATE	PAYOR
2022-2023	111-210-25	01602280	\$ 258.82	268808	10/28/2022	COUNTY OF SAN JOAQUIN-GENERAL SERVICES -FACILITIES MGMT X
2022-2023	121-180-32	20020602	\$ 1,535.60	273066	2/28/2023	CITY OF STOCKTON - STOCKTON WASTEWATER TREATMENT PLANT X

**RECLAMATION DISTRICT PAY IN - 1614**

**Wisconsin 51275**

ASSESSMENT	APN#	CHECK No.	AMOUNT	TDR No.	TDR DATE	PAYOR
2022-2023	999-999-03	01602280	\$ 31,778.60	268808	10/28/2022	COUNTY OF SAN JOAQUIN-GENERAL SERVICES -FACILITIES MGMT
2022-2023	999-999-04, 05	20020603	\$ 4,291.56	269758	11/28/2022	CITY OF STOCKTON

X  
X

# 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, SEPTEMBER 5, 2023  
 2:00 PM  
 ENGINEER'S REPORT**

**I. ROCK SLOPE PROTECTION PROJECT (2022-2023)**

A. Review status of the Rock Slope Protection and Beaver Damage repairs along Smith Canal. Status summary:

Here's a table that includes actual costs to date and estimated remaining costs, as of 8/29/2023. All prep and repair work is generally completed, and remaining work consists of furnishing and placing riprap.

**Rock Slope Protection Project FY 2022-2023:**

Item	Description	Costs Thru 8/29/2023	Estimated Remaining Costs	Contract Amount
<b>Original Contract</b>		<b>\$358,712.04</b>	<b>\$39,787.96</b>	<b>\$398,500.00</b>
<b>Change Orders</b>		<b>\$78,988.15</b>	<b>\$51,587.50</b>	<b>\$130,575.65</b>
PCO 001	Clearing and Grubbing at 1960 & 1974 Canal Drive	\$17,220.00	\$20,635.00	\$37,855.00
PCO 002	Clearing and Grubbing at 1948 & 1990 Canal Drive	\$27,575.00	\$30,952.50	\$58,527.50
PCO 003	Repair Beaver Holes at 2286, 2324, and 2334 Canal Drive	\$29,449.15	\$0.00	\$29,449.15
PCO 004	Furnish #4 Ballast to 2876 Canal Drive	\$1,956.80	\$0.00	\$1,956.80
PCO 005	Fill in Hole behind Headwall with 3" Minus at 2364 Canal Drive	\$2,787.20	\$0.00	\$2,787.20
<b>Totals:</b>		<b>\$437,700.19</b>	<b>\$91,375.46</b>	<b>\$529,075.65</b>

***EXHIBIT A: KSN Inc. Daily Field Reports of Riprap placement and Beaver Damage.***

***EXHIBIT B: Progress Payment No. 3***

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

A. Review the status of the pump tests.

- Pump testing occurred 8/30/2023. Results will be forthcoming.

B. Review status of videoing storm drainage collection system that extends from along Hoover Tyler Little League fields to Wisconsin Pump Station. Subtronic Co. is scheduled to CCTV the storm drainpipe on 9/14/2023.

# **EXHIBIT A**



# Progress Pay Estimate

No. 3

PROJECT: 0806-0670-23  
 Reclamation District No. 1614  
 Levee Maintenance Project - FY 2022/2023

DATE: 8/30/2023

CONTRACTOR: Dino and Son Ditching Service, Inc.

CONTRACT ID: 1614-06-06-23-02

CONTRACT TIME:

Original Time 35 days  
 Notice to Proceed Date 6/19/2023  
 Original Completion Date 8/7/2023  
 Approved Time Extensions 25 days  
 Revised Completion Date 9/12/2023  
 Work Completed Through 8/29/2023  
 Elapsed Time 51 days  
 Percent Time Elapsed 85.0%

CONTRACT COST:

Original Contract Price \$398,500.00  
 Approved Change Orders \$130,575.65  
 Percent Change Orders 32.8%  
 Revised Contract Price \$529,075.65  
 Amount Complete to Date \$437,700.19  
 Percent Complete 82.7%

CURRENT PAYMENT SUMMARY:

DESCRIPTION	TOTAL EARNINGS	LESS 5% RETENTION	LESS DEDUCTIONS	NET EARNINGS
To Date	\$437,700.19	(\$21,885.01)	\$0.00	\$415,815.18
Previous	\$278,874.77	(\$13,943.74)	\$0.00	\$264,931.03
Current	\$158,825.42	(\$7,941.27)	\$0.00	\$150,884.15
<b>Net Payment Due This Invoice:</b>				<b>\$150,884.15</b>

OVERALL PAYMENT SUMMARY:

NO.	WORK COMPLETED THROUGH	TOTAL EARNINGS	LESS 5% RETENTION	LESS DEDUCTIONS	NET EARNINGS
1	6/30/2023	\$102,790.39	(\$5,139.52)	\$0.00	\$97,650.87
2	7/31/2023	\$176,084.38	(\$8,804.22)	\$0.00	\$167,280.16
3	8/29/2023	\$158,825.42	(\$7,941.27)	\$0.00	\$150,884.15
<b>TOTALS:</b>		<b>\$437,700.19</b>	<b>(\$21,885.01)</b>	<b>\$0.00</b>	<b>\$415,815.18</b>

NOTES:

SUPPORTING DOCUMENTATION
<ul style="list-style-type: none"> <li>Dino and Son Ditching Service Invoice No. 23-53 dated 8/29/2022</li> </ul>

RECOMMENDED FOR PAYMENT
<b>KSN, Inc.</b> 
BY: Erik Almaas, PE Project Manager



# Progress Pay Estimate No. 3

PROJECT: 0806-0670-23  
Reclamation District No. 1614  
Levee Maintenance Project - FY 2022/2023

DATE: 8/30/2023

CONTRACTOR: Dino and Son Ditching Service, Inc.

CONTRACT ID: 1614-06-06-23-02

ITEM NO.	ITEM DESCRIPTION	UNIT	CONTRACT			TOTAL ESTIMATE TO DATE			PREVIOUS ESTIMATE			CURRENT ESTIMATE		
			QTY	UNIT PRICE	AMOUNT	QTY	%	AMOUNT	QTY	%	AMOUNT	QTY	%	AMOUNT
<b>ORIGINAL CONTRACT</b>					<b>\$398,500.00</b>		<b>90.02%</b>	<b>\$358,712.04</b>		<b>53.12%</b>	<b>\$211,690.62</b>		<b>36.89%</b>	<b>\$147,021.42</b>
<b>SCHEDULE I</b>					<b>\$398,500.00</b>		<b>90.02%</b>	<b>\$358,712.04</b>		<b>53.12%</b>	<b>\$211,690.62</b>		<b>36.89%</b>	<b>\$147,021.42</b>
1	Mobilization	LS	1	\$27,650.00	\$27,650.00		50.00%	\$13,825.00		50.00%	\$13,825.00			
2	Clearing & Grubbing	LS	1	\$164,500.00	\$164,500.00		100.00%	\$164,500.00		60.00%	\$98,700.00		40.00%	\$65,800.00
3	Riprap	TN	1,000	\$206.35	\$206,350.00	874.18	87.42%	\$180,387.04	480.57	48.06%	\$99,165.62	393.61	39.36%	\$81,221.42
<b>CHANGE ORDERS</b>					<b>\$130,575.65</b>		<b>60.49%</b>	<b>\$78,988.15</b>		<b>51.45%</b>	<b>\$67,184.15</b>		<b>9.04%</b>	<b>\$11,804.00</b>
<b>CO 001</b>					<b>\$118,771.65</b>		<b>56.57%</b>	<b>\$67,184.15</b>		<b>56.57%</b>	<b>\$67,184.15</b>		<b>0.00%</b>	<b>\$0.00</b>
001-001	Clearing & Grubbing at 1960 Canal Drive (6/20/23)	LS	1	\$2,910.00	\$2,910.00		100.00%	\$2,910.00		100.00%	\$2,910.00			
001-002	Dump Fees at 1960 Canal Drive	LS	1	\$425.00	\$425.00		100.00%	\$425.00		100.00%	\$425.00			
001-003	Clearing & Grubbing at 1974 Canal Drive (6/28/2023)	LS	1	\$3,880.00	\$3,880.00		100.00%	\$3,880.00		100.00%	\$3,880.00			
001-004	Clearing & Grubbing at 1974 Canal Drive (6/29/2023)	LS	1	\$3,880.00	\$3,880.00		100.00%	\$3,880.00		100.00%	\$3,880.00			
001-005	Clearing & Grubbing at 1974 Canal Drive (6/30/2023)	LS	1	\$2,425.00	\$2,425.00		100.00%	\$2,425.00		100.00%	\$2,425.00			
001-006	Load & Haul at 1974 Canal Drive	LS	1	\$1,800.00	\$1,800.00		100.00%	\$1,800.00		100.00%	\$1,800.00			
001-007	Dump Fees at 1974 Canal Drive	LS	1	\$1,900.00	\$1,900.00		100.00%	\$1,900.00		100.00%	\$1,900.00			
001-008	Riprap	TN	100	\$206.35	\$20,635.00									
002-001	Clearing & Grubbing at 1990 Canal Drive (7/10/2023)	LS	1	\$3,395.00	\$3,395.00		100.00%	\$3,395.00		100.00%	\$3,395.00			
002-002	Clearing & Grubbing at 1990 Canal Drive (7/11/2023)	LS	1	\$4,920.00	\$4,920.00		100.00%	\$4,920.00		100.00%	\$4,920.00			
002-003	Cut and Re-Weld Wrought Iron Fence at 1990 Canal Drive	LS	1	\$900.00	\$900.00		100.00%	\$900.00		100.00%	\$900.00			
002-004	Dump Fees at 1990 Canal Drive	LS	1	\$650.00	\$650.00		100.00%	\$650.00		100.00%	\$650.00			
002-005	Clearing & Grubbing at 1948 Canal Drive (7/14/2023)	LS	1	\$4,920.00	\$4,920.00		100.00%	\$4,920.00		100.00%	\$4,920.00			
002-006	Clearing & Grubbing at 1948 Canal Drive (7/17/2023)	LS	1	\$4,920.00	\$4,920.00		100.00%	\$4,920.00		100.00%	\$4,920.00			
002-007	Clearing & Grubbing at 1948 Canal Drive (7/18/2023)	LS	1	\$4,920.00	\$4,920.00		100.00%	\$4,920.00		100.00%	\$4,920.00			
002-008	Load & Haul at 1948 Canal Drive	LS	1	\$1,350.00	\$1,350.00		100.00%	\$1,350.00		100.00%	\$1,350.00			
002-009	Dump Fees at 1948 Canal Drive	LS	1	\$1,600.00	\$1,600.00		100.00%	\$1,600.00		100.00%	\$1,600.00			
002-010	Riprap	TN	150	\$206.35	\$30,952.50									
003-001	Repair Beaver Holes, Add Levee Fill, and Recompact at 2324 Canal Drive (7/26/2023)	LS	1	\$5,760.00	\$5,760.00		100.00%	\$5,760.00		100.00%	\$5,760.00			
003-002	Repair Beaver Holes, Add Levee Fill, and Recompact at 2324 Canal Drive (7/27/2023)	LS	1	\$3,600.00	\$3,600.00		100.00%	\$3,600.00		100.00%	\$3,600.00			
003-003	Repair Beaver Holes, Add Levee Fill, and Recompact at 2324 Canal Drive (7/28/2023)	LS	1	\$5,760.00	\$5,760.00		100.00%	\$5,760.00		100.00%	\$5,760.00			
003-004	Repair Beaver Holes, Add Levee Fill, and Recompact at 2286 Canal Drive (7/31/2023)	LS	1	\$5,760.00	\$5,760.00		100.00%	\$5,760.00		100.00%	\$5,760.00			
003-005	Import Levee Fill at 2286 & 2324 Canal Drive	LS	1	\$1,059.15	\$1,059.15		100.00%	\$1,059.15		100.00%	\$1,059.15			
003-006	Dump Fees at 2286 & 2324 Canal Drive	LS	1	\$450.00	\$450.00		100.00%	\$450.00		100.00%	\$450.00			
<b>CO 002</b>					<b>\$11,804.00</b>		<b>100.00%</b>	<b>\$11,804.00</b>		<b>0.00%</b>	<b>\$0.00</b>		<b>100.00%</b>	<b>\$11,804.00</b>
003-007	Demolish, Repair Beaver Holes, and Recompact at 2334 Canal Drive (8/1/2023)	LS	1	\$5,760.00	\$5,760.00		100.00%	\$5,760.00				100.00%	\$5,760.00	
003-008	Reinstall Fence between 2286 and 2324 Canal Drive after Beaver Hole Repairs (8/7/2023)	LS	1	\$1,300.00	\$1,300.00		100.00%	\$1,300.00				100.00%	\$1,300.00	
004-001	Furnish # 4 Ballast Rock to 2876 Canal Drive (8/14/2023)	TN	13.21	\$80.00	\$1,056.80	13.21	100.00%	\$1,056.80				13.21	100.00%	\$1,056.80
004-002	Load Remaining 3-inch Minus from 2364 Canal Drive and Dump at 2876 Canal Drive (8/21/2023)	LS	1	\$900.00	\$900.00		100.00%	\$900.00				100.00%	\$900.00	
005-001	Furnish 3-inch Minus to 2364 Canal Drive (8/16/2023)	TN	12.34	\$80.00	\$987.20	12.34	100.00%	\$987.20				12.34	100.00%	\$987.20
005-002	Fill in Hole behind Headwall with 3-inch Minus at 2364 Canal Drive (8/16/2023)	LS	1	\$1,800.00	\$1,800.00		100.00%	\$1,800.00				100.00%	\$1,800.00	
<b>TOTALS:</b>					<b>\$529,075.65</b>		<b>82.73%</b>	<b>\$437,700.19</b>		<b>52.71%</b>	<b>\$278,874.77</b>		<b>30.02%</b>	<b>\$158,825.42</b>

# INVOICE

**Dino and Son Ditching Service Inc.**

5250 Claremont Ave #122  
Stockton, CA 95207

dinoandsonditching@yahoo.com  
(209) 471-0370

## Reclamation District 1614 C/O K.S.N. inc.

**Bill to**

Reclamation District 1614 C/O K.S.N. inc.  
P.O. Box 844  
Stockton, Ca. 95201

**Ship to**

Reclamation District 1614 C/O K.S.N. inc.  
P.O. Box 844  
Stockton, Ca. 95201

**Invoice details**

Invoice no.: 23-53  
Terms: Net 30  
Invoice date: 08/29/2023  
Due date: 09/28/2023

	Product or service	Amount
1.	<b>Place Rip-Rap</b> Riprap in-place from 08/02-08/29 (348.36 tons)	393.61 units × \$206.35 \$81,221.42
2.	<b>Levee clean-up</b> (Clearing and grubbing) sites 4 and 5 completed of 5 sites total lump sum \$164,500.00 total completed 100% total due \$65,800.00	1 unit × \$65,800.00 \$65,800.00
3.	<b>Levee work</b> 08/01 (change order beaver holes and/or dens) 2334 Canal drive. Removed old rotten head wall and hauled it off so we could dig out, trace and re-compact beaver den/holes that headed underneath it. With a Bobcat E50 excavator (@\$225.00 per hour), 2 laborer's (@\$130.00 per hour/per laborer) 1 walk behind multiquip rammer compactor (@\$10.00 per hour) and one Bobcat MT100 to haul debris and dirt for the repair site (@\$225.00 per hour)	8 units × \$720.00 \$5,760.00
4.	<b>Levee work</b> 08/07 (change order) Dug holes and re-installed fence posts and panels between 2286 and 2324 Canal drive that was removed to repair beaver hole/den with 2 laborers (@\$130 per hour/per laborer)	5 units × \$260.00 \$1,300.00
5.	<b>Materials</b> 08/14 (Change order) Supplied, hauled and delivered 13.21 tons of #4 Ballast rock to 2876 Canal drive	13.21 units × \$80.00 \$1,056.80
6.	<b>Materials</b> 08/16 (Change order) Supplied, hauled and delivered 13.21 tons of 3" minus rock to 2364 Canal drive	12.34 units × \$80.00 \$987.20
7.	<b>Levee work</b> 08/16 (change order) Placed approximately 6.17 tons of 3" minus to fill in hole behind head wall at 2364 Canal drive with Bobcat MT100 (@\$225.00 per hour) and Bobcat E20 excavator (@\$225.00 per hour)	4 units × \$450.00 \$1,800.00
8.	<b>Levee work</b>	4 units × \$225.00 \$900.00

08/21 (change order) Loaded the remaining 6.17 tons of 3" minus from 2364 Canal drive into the dump trailer with a Bobcat L28 loader (@\$225.00 per hour) and hauled it 2876 Canal drive and dumped it

**Total** **\$158,825.42**

**Note to customer**

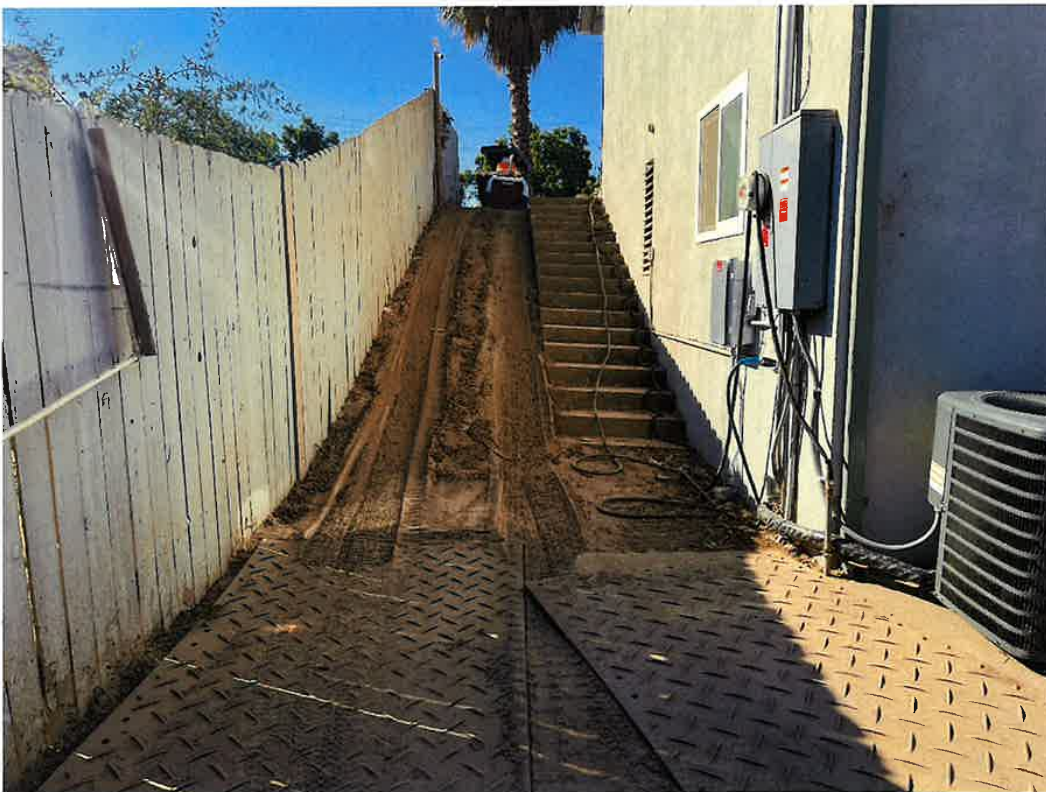
Contract Number 1614-06-06-23-02

# **EXHIBIT B**





Steel plates at 2324 Canal Drive



Side yard access at 2324 Canal Drive





Prep and key-in at 2374 Canal Drive



Hand placement of RSP at 2374 Canal Drive





Side yard access at 2920 Canal Drive

# ITEM 6

**RD 1614 Superintendent's Report  
For August 2023**

8//31//2023

Weather was pleasant which provided good opportunities to continue to make repairs and to plan pump control system enhancements. General cleanup at our pump stations and surrounding yards was performed. A levee inspection was also performed. Homeless encampments adjacent to the pump station continue to be a problem. Additionally graffiti and damage to property fences and buildings have been increasing.

**Pump Stations :** All systems are performing reasonably well. The focus of maintenance activity this month is preventative maintenance of the pumps . As mentioned above, repair to station fences and gates have been taking time and resources. As mentioned in my previous report, I am still in the process of repairing the anti siphon valves located on the discharge side of most of our pump stations. I hope to have this work done by the end of September.

**Wisconsin Pump Station Test:** The variable frequency drives and plc programming was confirmed to operate within design parameters. However, the new pumps have not been able to meet the 10,000 GPM design criteria .The current thought is that air infused water of the pump's discharge is skewing the flow meter results. Large amounts of air can be seen in the water. This air seems to be coming from the recirculating effect of the pump test itself. It is felt that the best way to get an accurate test is to wait for a rain event to provide enough water to run a test without infusing air into the system.

**Levee inspection:** . Please see the attached report

This concludes my report.

Respectfully:

Abel Palacio - Reclamation District 1614 Superintendent:

# Reclamation District 1614 Monthly Waterside Inspection Report

**Personnel present:** Abel Palacio (RD 1614 Superintendent), Aaron Lickingteller (KSN)

**Inspection conducted:** Thursday, August 10, 2023 at 8:00am –12:15pm. Low tide occurred at 9:44am (0.26 feet) and high tide occurred at 1:18am (4.14 feet). The following points of interest were observed during the inspection:

Water levels in the San Joaquin River and its tributaries around Stockton have returned to near normal and no residual adverse effects have been discovered along Smith Canal on either the Smith Tract side or the Weber Tract side, with the exception of two small erosion sites identified earlier in the summer on Weber Tract. The 14” discharge pipe at Pump Station No. 4 was investigated to see how far beyond the levee prism it extended.

Photos contained in this report represent typical current conditions only on Smith Tract.



The discharge pipe (bottom) at pump sta. 4





2364 Canal Drive: This property will be receiving Rock Slope Protection (RSP) in the coming days.



2324 Canal Drive (left) and 2286 Canal Drive (right) recently had RSP added to their waterside levee slope and a large beaver den was discovered in the process (it extended into the neighboring property).





2004 Franklin Ave.



2001 Carlton Ave.





2000 Carlton Ave.



2060 Canal Drive





2050 Canal Drive



2004 Canal Drive





1954 Canal Drive (right side of white deck): This owner approached the RSP Contractor requesting rock on their levee slope after he had mobilized his equipment to another RSP site.



2010 Lake Drive





1842 W. South Tuxedo Ave.



1826 W. South Tuxedo Ave.





1616 W. South Tuxedo Ave.



1600 W. South Tuxedo Ave.

# ITEM 10

## 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
- Renewal of Insurance – Crime Policy – Go out to bid for upcoming renewal?

### 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
- Adopt Annual Budget.
- Reminder that Liability Insurance Expires Annually the end of July.
- Adopt Annual CEQA Exemption for levee maintenance
- Adopt Annual Levee Subventions Agreement Resolution
- Notice for Appropriations Limit

### 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 8/22/2023)

## 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:

Name	Term Commenced	Term Ends
Christian Gaines	First Friday 12/2022	First Friday of 12/2026
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 12





CALIFORNIA CENTRAL VALLEY  
**FLOOD CONTROL**  
ASSOCIATION

<i>Executive Director</i>	<b>MELINDA TERRY</b>
<i>President</i>	<b>MIKE HARDESTY</b>
<i>Vice President</i>	<b>LEWIS BAIR</b>
<i>Treasurer</i>	<b>PETE GHELFI</b>

DATE: August 18, 2022  
TO: CCVFCA Members and Associate Members  
FROM: Melinda Terry, Executive Director  
SUBJECT: Annual Member/Associate Dues for FY 2022-23

The 2022 Update of the Central Valley Flood Protection Plan to reduce flood risk in the Sacramento Valley and Delta, State Budget funding for levees, and the ongoing implementation of our Strategic Plan were significant policy issues the Association focused on in this past year. Progress on the Strategic Plan includes completion of many actions items and having regular monthly coordination meetings with DWR and the Central Valley Flood Protection Board on regulatory, policy, and grant funding matters.

This last year, there has been significant changes in membership and the leadership of the organization with the retirement of Mike Hardesty after serving as board President for the last 30 years. At the June 2022 Member Meeting, a new board of directors was elected to serve a two-year term through 2024, including the selection of Tom Slater (RD 999) to serve as President and Meegan Nagy (Knights Landing Ridge Drainage Dist.) as Vice President. Changes in the membership include the addition of Yuba Water Agency and R&F Engineering, but we also received notice from the Three Rivers Levee Improvement Authority (TRLIA) that it is not renewing membership because its levee improvements are phasing out and the ongoing maintenance is being turned over to local reclamation districts.

At the State Legislature, CCVFCA's lobbyist actively engaged in state budget deliberations and direct lobbying on several bills, including sponsoring legislation on infrastructure needs that is on track to pass the Legislature on consent before the end of the year. The State had a budget surplus of nearly \$100 billion this year, so the Association encouraged the Administration and State Legislature to invest more General Fund in flood protection infrastructure and maintenance. The FY 2022-23 State Budget included \$23 million in General Fund for SJAFCA and RD 17 for the Smith Canal Project, \$10 million for flood control and reservoirs, \$6 million for aerial snow survey, and \$2.5 million for the Central Valley Flood Protection Plan update. In addition, bond funding was also appropriated for SPFC and Delta levee grant programs, and the State Legislature approved a State Budget Trailer bill on resources (AB 203) that immediately extends the liquidation date June 30, 2023, to June 30, 2028 for flood management funding from Proposition 1E.

At the federal level, CCVFCA commented on federal flood control policies proposed by FEMA and the U.S. Army Corps of Engineers, and hosted an online public workshop on FEMA Risk Rating 2.0 in December 2021 that revealed more details on the data and methodology FEMA is using to develop NFIP flood insurance rates, and also created the opportunity for the Association to provide input on how to correct inaccurate levee data being used to develop insurance calculations for our region and to express concerns about substantial fiscal impacts these increased rates will have on homeowners.

The Association also continued to advocate for Delta flood protection by supporting appropriations for Delta Levee Maintenance Subventions and Small Communities grant programs, participating in work groups on the Delta Stewardship Council's Delta Adapts program, and weighing in on the tunnel conveyance proposal, habitat projects, and other impacts to local levees and flood control management.

In June, the CCVFCA board of directors adopted the FY 2022-23 annual budget and approved a modest 3% dues rate increase for all categories. Enclosed is an invoice for FY 2022-23 dues and an annual report with more details on Association activities performed on your behalf by our lobbyist during the 2021 legislative session.

Thank you for your continued membership as the financial support of each agency allows the Association to continue representing the interests of the greater flood management community. If you have any questions regarding the enclosed FY 2022-23 dues invoice, please call Cindy Tiffany at (916) 446-0197 or email her at [cindy@floodassociation.net](mailto:cindy@floodassociation.net).



## REEB GOVERNMENT RELATIONS

# MEMORANDUM

December 5, 2022

**TO:** Melinda Terry, Executive Director  
California Central Valley Flood Control Association

**FROM:** Bob Reeb and Raquel Ayala Vargas, Esq.  
Reeb Government Relations, LLC

**RE:** 2022 Annual Report

This is the 18th year that Reeb Government Relations has had the honor and privilege to work with California Central Valley Flood Control Association (CCVFCA or Association) in advancing the interests of the Association and its members in state-level legislative and regulatory affairs in Sacramento.

The State Capitol showed signs of returning to pre-pandemic normalcy with COVID-19 case numbers declining as winter turned to spring and spring turned to summer. Virtual meetings remain a popular option for legislators and legislative staff. As the session progressed, legislators and their staff were more accessible for in-person meetings. Legislative committee hearings also began to allow in-person attendees while being simulcast online, providing multiple avenues for our firm to provide comments to policy and fiscal committees.

The new Swing Space building opened and houses offices for the legislature, governor, lieutenant governor, and some committee offices. The Legislative Office Building, located next door, still provides office spaces for caucus and committee staff. Moving between the State Capitol, where many committees continue to hold hearings, and hearing rooms in the Swing Space presents a challenge for legislators, legislative staff, and members of the Third House. The Senate and Assembly Chambers, located in the historic capitol building, remain in use. The State Capitol Annex is being prepared for demolition and a new annex will be constructed in its place. The construction project is slated to be completed in five years.

### State Budget

On January 10, 2022, Governor Gavin Newsom announced his proposed 2022-2023 State Budget, which he titled "*the California Blueprint*." The \$286.4 billion proposal, which included a \$45.7 billion surplus, centered on several key priorities which were christened as the state's "greatest existential threats" including continued COVID-19 public health response, wildlife resilience, clean energy, homelessness, the high cost of living, crime prevention, broadband infrastructure expansion, education, and the ongoing drought. The Governor's proposed budget included a proposed one-time \$750 million General Fund investment in the drought resilience and response expenditures, building on the 2021 State Budget's \$5.2 billion investment in the state's water infrastructure (2021 appropriations and proposed two following fiscal years).

Drought conditions persisted throughout the state through winter and into spring 2022. The May Revision of the 2022-2023 State Budget reflected worsening conditions with the proposed inclusion of a \$1.6 billion drought relief package, a significant increase from the \$750 million in the Governor's January proposal.

This drought package also included \$250 million set aside as a contingency for drought response. While the January proposal offered funding for immediate drought relief, the May Revision sought to provide additional funding to improve drinking water and water supply reliability. Specifically, the proposed May Revision drought package included \$530 million for drinking water and water supply reliability, including investments in groundwater cleanup, water recycling, and water infrastructure needs; \$553 million to provide immediate drought support; \$280 million to support habitat and nature-based drought solutions; and \$187 million to support agricultural water conservation practices.

The Legislature passed a budget bill on June 14 to meet its constitutional deadline, but the passage was a pro forma exercise as negotiations between the Governor and the Legislature would continue for another two weeks. A final 2022-2023 State Budget cleared the Legislature June 28, 2022, and was signed by the governor on June 30, 2022, along with over two dozen budget-implementing trailer bills. The 2022-2023 State Budget totaled \$308 billion, \$234.4 billion of which is from the General Fund. The state budget includes \$37.2 billion in total reserves. The budget also includes a \$53.9 billion multi-year climate package dedicated to responding to and preparing for current and future climate change impacts, such as extreme drought and wildfires. This climate package includes significant flood appropriations: \$100 million in General Fund for flood and dam safety over the 2023-24 and 2024-25 fiscal years; \$2 million, as part of the drought package, for the Central Valley Flood Protection Plan; \$28.5 million to authorize new positions for flood operation and maintenance activities, complete and code out the 2022 Central Valley Flood Protection Plan, and to create an endowment for long-term maintenance of a habitat mitigation site in the Yolo Bypass; and \$4 million in General Fund for 2022-23 and \$3 million ongoing baseline General Fund starting 2023-24 for the development of the National Flood Insurance Program.

According to a finance bulletin from the California Department of Finance, preliminary General Fund cash receipts for September were \$2.785 billion (14.7%) lower than the 2022-23 Budget Act forecast of \$18.906. Cash receipts for the first three months of the 2022-23 fiscal year, which began on July 1, were \$4.781 billion (11.1%) below the forecast of \$42.946 billion. Combined with a \$2.186-billion shortfall relative to what was forecast for the 2021-22 fiscal year, the cumulative General Fund deficit reached \$7 billion through September. Shortfalls in September continued to be driven by lower proceeds from personal income tax, according to the bulletin. The budget forecast called for \$13.317 billion in personal income tax receipts for September. The final number fell a little over \$3 billion short, a shortfall of about 23 percent.

September is a significant month for personal income tax cash receipts, as many taxpayers pay their third quarter estimated payments. Yet estimated payments fell significantly below projections, coming in \$2.246 billion (42.3%) below the Budget Act forecast. September was also the fourth consecutive month that withholding receipts fell below projections, with a \$892 million (11.3%) shortfall; following a combined shortfall of \$1.869 billion (8.3%) from June to August.

California real gross domestic product (GDP) contracted at a 0.5-percent seasonally adjusted annualized rate in the second quarter of 2022, following a contraction of 9.5 percent (revised) in the first quarter, as wages and salaries (including bonuses and options) declined from an unusually high level in the fourth quarter of 2021 to a steadier level in the first quarter of 2022. Two consecutive quarters of contraction traditionally signals a recession; however, California's real GDP grew 3.4 percent from the fourth quarter of 2019 (just before the COVID -19 Pandemic) through the second quarter of 2022. Financial data for the second half of 2022 will reveal whether the state economy will contract or stabilize heading into 2023 and the next budget writing cycle.

#### Western Drought Persists and Intensifies

Governor Newsom declared a drought emergency in 2021 after two consecutive dry water-years, significantly below-average snowpack, minimal precipitation, and exceedingly warm temperatures resulted in unprecedented losses of runoff to rivers, streams, and reservoirs. Though the initial

emergency declaration applied only to two counties, the governor expanded the declaration as the drought worsened. By October 2021, the governor extended the drought emergency statewide, and urged Californians to reduce their water use by 15 percent compared to 2020 levels.

California, along with the entire Western United States, is now in its third consecutive year of drought, further straining dwindling water supplies and burdening existing water infrastructure. Despite record-breaking storms early in the winter, the state experienced the driest January, February, and March on record in over 100 years. In response to worsening drought conditions, the State Water Board began issuing curtailment warnings to water rights holders throughout the state, similar to 2021. Alongside warnings of curtailment orders, the State Water Board urged water rights holders to plan for potential shortages by reducing water use and enacting water conservation measures, such as reducing irrigated acreage, using innovative irrigation techniques, managing herd size, and diversifying water portfolios.

By April 2022, DWR reported snowpack conditions to be far below average and predicted well-below average water storage conditions and below normal or historically low runoffs. Dry conditions persisted throughout the spring and summer months of 2022. By July 2022, the California Drought Update reported that snowpack had already melted for the year, and runoff into the state's streams and reservoirs had peaked. The U.S. Drought Monitor also reported that most of California remained in either severe or moderate drought, with several reservoir storage levels at either below average or critically low levels. The effects of climate change could lead to droughts becoming more frequent, intense, and longer. This potential elevates the importance of the State of California to commit to investing a greater proportion of revenues in water infrastructure.

Extreme heat events this past summer created the potential for rolling blackouts and revealed weaknesses in the transmission grid coupled with reduced hydroelectric power generation and other factors. Governor Newsom asked the Legislature in August to enact a large package of legislation to advance renewable energy goals, while taking steps to improve electricity reliability. One of the latter bills provided a \$1.4 billion loan to Pacific Gas & Electric Company to keep the Diablo Canyon Nuclear Generation Facility in operation an additional five years. Suddenly, energy policy and the need to stabilize the state's electricity supply and reliability overtook the need to invest in drought response actions.

The water and drought resilience package signed by Newsom in August providing \$15 billion to fight climate change, wildfire and drought included big-ticket items in the package included \$5.2 billion over three years to support immediate drought response and long-term water resilience; \$3.7 billion over three years to build resilience against the state's multi-faceted climate risks, including extreme heat and sea level rise; \$3.9 billion over three years for electric vehicle investment and infrastructure; \$1.5 billion for wildfire response and forest resilience, and \$1.1 billion over two years to support sustainable agriculture practices. It is unclear as to whether promised out-year support for these priorities will in fact be included in future budgets.

### **Association Activity on the Legislative Front**

The Association began the year actively monitoring and engaging in direct lobbying on over 30 bills. Below, we highlight a handful of bills the Association was active on this year.

#### **COVID-19 Vaccination Statewide Mandate**

Assembly Bill 1993, by Assembly Member Buffy Wicks (D-Oakland), would mandate all businesses to require their employees and independent contractors to receive the COVID-19 vaccine. The bill would require new hires of a business to have at least one dose of the vaccine by their first day on the job, and the second within 45 days. Under the bill's provisions, regular testing would be required for employees with medical or religious exemptions, definitions for which would be determined by the California Division of Occupational Safety and Health (CalOSHA) and the California Department of Public Health (CDPH). The bill would subject non-compliant businesses to fines and penalties.

The author introduced the legislation in response to the US Supreme Court decision blocking President Biden's nationwide vaccine mandate for large employers which left vaccine rules and implementation up to individual states. According to the author, the bill would be a bold step to increase California's full vaccination and booster rate for eligible individuals and ensure a safe workplace through a standardized, statewide vaccine protocol.

Knowledge about the COVID-19 virus, however, has evolved rapidly since the pandemic began. AB 1993 provided that the vaccination mandate would remain operative until the CDC and Prevention's Advisory Committee on Immunization Practices determined that COVID-19 vaccinations are no longer necessary for the health and safety of individuals. CDC, while it encouraged persons 5 years and older to obtain COVID-19 vaccinations, had not determined such vaccinations as "necessary".

Despite not having an official position on the bill, CCVFCA monitored AB 1993 as it would require the association's member organizations to enforce the vaccine mandate on its employees and independent contractors, effectively making vaccination status a determining qualification for employment. Guidance to employers on what constitutes a medical condition or disability, or a sincerely held religious belief, would not have been provided until after the law took effect.

AB 1993 was double referred to the Assembly Labor and Employment Committee and Judiciary Committee for consideration. The bill's first hearing was canceled at the request of the author. The bill died in the Assembly after failing to meet the April 29 legislative deadline for policy committees to hear and report to fiscal committees fiscal bills introduced in their house.

#### Open Meeting Legislation

This year, in an attempt to provide additional flexibility and protections to legislative bodies when conducting meetings, the Legislature introduced a number of bills to further modify the Brown Act's provisions relating to open meetings. The Association actively engaged in three of these measures: AB 2449, AB 2647, and AB 1944.  
*Assembly Bill No. 2449*

The Ralph M. Brown Act requires, with specified exceptions, that all meetings of a legislative body of a local agency be open and public and that all persons be permitted to attend and participate. The act allows for meetings to occur via teleconferencing subject to the following requirements: (1) that the legislative body notice each teleconference location of each member that will be participating in the public meeting; (2) Each teleconference location be accessible to the public; (3) Members of the public be allowed to address the legislative body at each teleconference location; (4) that the legislative body post an agenda at each teleconference location; and (5) At least a quorum of the legislative body participate from locations within the boundaries of the local agency's jurisdiction.

After the COVID-19 pandemic required the public, including elected officials, to stay home and prevent the spread of the virus, Governor Newsom issued an executive order that temporarily added flexibility to the Brown Act's teleconferencing provisions, allowing local agencies to continue conducting business while still providing the public the opportunity to participate in the meetings. AB 361 (Chapter 165, Statutes of 2021) authorized, until January 1, 2024, local agencies to use teleconferencing without complying with the aforementioned teleconferencing requirements when a declared state of emergency is in effect or in situations related to public health.

AB 2449, by Assembly Member Blanca Rubio (D-Baldwin Park), would, until January 1, 2026, authorize a local agency to use teleconferencing without complying with the Brown Act's requirements that each teleconference location be identified in the notice and agenda and that each teleconference location be accessible to the public if at least a quorum of the members of the legislative body participates in person from a singular physical location that is clearly identified on the agenda, open to the public, and situated



within the local agency's jurisdiction. The bill would require the legislative body to meet certain requirements, such as providing a two-way audio-visual platform to allow the public to remotely attend the meeting and address the legislative body. Under this exception, the bill would authorize a member to participate remotely for just cause or due to emergency circumstances.

The bill's definition of "*just cause*" includes any of the following: childcare or caregiving need that requires the member to participate remotely; a contagious illness that prevents a member from attending in person; a need related to a physical or mental disability not otherwise accommodated; and travel while on official business. The bill defines "*emergency circumstances*" as a physical or family medical emergency that prevents a member from attending in person.

The Association supported AB 2449 as the bill ensures that the Brown Act will apply the flexibility of Governor Newsom's executive orders to those situations when members of a legislative body are unable to attend a public meeting in person. The Brown Act ensures that officials and their constituents can have open and transparent meetings relying on videoconferencing technology.

AB 2449 was signed into law on September 13. (Chapter 285, Statutes of 2022). The provisions of the bill are set to take effect on January 1, 2023. The flexibility provided by the bill will expire on January 1, 2026; after which time, unless extended or otherwise modified by future legislation, local agencies would return to the teleconferencing requirements previously established under the Brown Act.

#### *Assembly Bill No. 1944*

Assembly Member Alex Lee (D-San Jose) also sought to waive some of the Brown Act's teleconferencing requirements with the introduction of Assembly Bill 1944.

AB 1944, until January 1, 2030, would allowed members of a legislative body to use teleconferencing without identifying each teleconference location in the notice and agenda of the meeting and without making each teleconference location accessible to the public under the following circumstances: (1) the legislative body holds a meeting and has determined, by majority vote, members will not be required to identify the address of any private location from which the member elects to teleconference; and (2) at least a quorum of members of the legislative body participates from a single physical location that is clearly identified in the agenda, open to the public, and within the boundary of the territory of the local agency's jurisdiction.

The bill would also require that a legislative body using teleconferencing provide both a video stream accessible to the public and an option for members of the public to address the legislative body remotely during the public comment period. The bill would require legislative bodies to identify any member that will participate remotely in the agenda.

The Association supported AB 1944 as the bill would resolve concerns by local agency governing board members that should they participate in a teleconferenced meeting at their private residence, they would be required to post an agenda for the meeting at their front door, publicize their private address, and allow members of the public to attend the meeting at their private residence.

AB 1944 passed the Assembly with a 44 to 12 vote, with 22 Members abstaining from voting. The bill died in the Senate after failing to meet the August 12 legislative deadline for fiscal committees to meet and report bills to the Senate Floor (J.R. 61(b)(14)).

#### *Assembly Bill No. 2647*

The Brown Act states that any writing or document that has been distributed to a majority of a legislative body less than 72 hours before a meeting must also be distributed to the public at the same time. To meet these requirements, many local governments often post meeting documents and materials online.

In *Sierra Watch v. Placer County*, 69 Cal. App. 5<sup>th</sup> 1, 9, 2021, the Third District Court of Appeal held that neither placing the materials in a public office that is closed, nor posting the materials online at the same time the members receive them, satisfy the Brown Acts requirement to make meeting materials available for public inspection. Such a decision impaired the ability of local agencies to serve the public as it either requires public agencies to keep an office open to the public during evenings and/or weekends when writing is distributed to their legislative body or withhold late breaking information until an office is open.

Assembly Bill 2647, introduced by Assembly Member Marc Levine (D-Marin County) and sponsored by the League of California Cities, would authorize a local agency to make those writings that have been distributed to a majority of a local legislative body less than 72 hours before a meeting available for public inspection on its internet website in order to satisfy California Public Records Act and Ralph M. Brown Act requirements.

The bill specifies that posting documents online meets the Act's requirements as long as the local agency meets the following requirements: (1) an initial staff report or similar document containing an executive summary and the staff recommendation, if any, relating to that agenda item is made available for public inspection at the designated office or location at least 72 hours before the meeting; (2) the agency immediately posts those writings on its internet website in a position and manner that makes it clear that the writing relates to an agenda item for an upcoming meeting; (3) the agency lists the web address of its internet website on the agendas for all meetings of the legislative body; and (4) the agency makes physical copies of those writings available for public inspection, beginning the next regular business hours for the local agency, at a public office or location designated by that agency for this purpose. If these requirements are not satisfied, then the exemption provided by AB 2647 would not apply.

CCVFCA supported AB 2647, as the bill would remedy the possible repercussions of the *Sierra Watch vs. Placer County* decision, providing much-needed flexibility to local agencies when posting agendas and meeting materials and allowing them to do so in an expeditious, transparent, and cost-effective manner.

AB 2647 passed both the Assembly and Senate with bipartisan support and was enrolled and presented to the Governor on August 29, 2022. The bill was signed into law on September 30. (Chapter 971, Statutes of 2022); and set to go into effect on January 1, 2023.

#### Public Works Exemption for Conservation Corps

Current law defines "public works," for purposes of regulating public works contracts, as construction, alteration, demolition, installation, or repair work that is performed under contract and paid for in whole or in part out of public funds. Workers employed on public works projects are required to be paid not less than the general prevailing rate of per diem wages for work. Existing law exempts, until January 1, 2024, from these requirements work performed by a volunteer, a volunteer coordinator, or a member of the California Conservation Corps (CCC) or a community conservation corps.

Assembly Bill 2463, by Assembly Member Alex Lee (D-San Jose) would extend this exemption until January 1, 2031.

The prevailing wage exemption for public works projects performed by volunteers, volunteer coordinators, and members of the California Conservation Corps or local conservation corps has proven extremely successful. According to the California Association of Local Conservation Corps, local corps are at the forefront of California's environmental and conservation efforts. They have helped to make California's recycling rate the highest in the country, restore world-renowned parks, and lead the global fight against climate change.



CCVFCA firmly supported AB 2463 as it is important to extend the prevailing wage exemption under current law to allow volunteers to continue to participate in several preservation activities on public lands, including removing invasive species, river, and beach cleanups, and maintaining walking trails.

The bill passed the Assembly Floor on a 61 to 0 vote, with 17 Members absent or abstaining. In the Senate, the bill passed the Floor with bipartisan support on a 38 to 0 vote, with 2 senators abstaining. Governor Newsom signed AB 2463 into law on August 29. (Chapter 210, Statutes of 2022).

#### City of West Sacramento Flood Risk Reduction Project

Current law provides for state cooperation with the federal government in the construction of specified flood control projects. Current law adopts and authorizes federally adopted and approved projects, including a project for flood control along the American and Sacramento Rivers, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation upon the recommendation and advice of the Department of Water Resources (Department) or the Central Valley Flood Protection Board (Board).

Senate Bill 901, by Senator Richard Pan (D-Sacramento), would adopt and approve the West Sacramento Project for flood risk reduction along the Yolo Bypass, Sacramento Bypass, and Sacramento River, which was adopted and approved by a specific act of the United States Congress in 2016, at an estimated cost to the state of the sum that may be appropriated by the Legislature for state participation, upon the recommendation and advice of the Department or Board. This bill also would specify that Reclamation District No. 900 also includes the parcels that compose Maintenance Area 4. The bill would authorize Maintenance Area 4 to be dissolved only upon the execution of the assurance agreement and assumption of project levee maintenance responsibilities by the district.

According to the author, "The Sacramento Region is rated as the second-highest region at risk of major flooding in the nation. This bill makes a number of necessary policy changes to improve the coordination and effectiveness of flood control in the City of West Sacramento. SB 901 revises the state authorization for the Project to make the Project eligible for state funding. It also improves coordination of flood protection efforts by permitting RD 900 to incorporate the parcels served by Maintenance Area 4 into its territory. SB 901 is critical in ensuring the safety of West Sacramento residents and the surrounding homes, businesses, and other critical infrastructure."

CCVFCA supported SB 901 as the bill will ensure state investment in urban flood risk reduction projects pursuant to existing law that establishes nonfederal cost sharing requirements for the state and local agencies like the City of West Sacramento. The city encompasses about 22 square miles, with a population just over 51,000 people, and is bounded by the Sacramento River and the Yolo Bypass that carry flood waters during severe runoff events. The bill will also ensure that the city council will continue to serve as the ex officio governing body for RD No. 900, a dependent special district. The city council's direct involvement in the operations of the reclamation district will provide greater accountability and better access for city residents who will continue to be assessed for the costs of operations, maintenance, repair, rehabilitation, and replacement of flood protection facilities.

SB 901 enjoyed bipartisan support in both the Senate and the Assembly, passing the Senate on a 39 to 0 vote, and the Assembly on a 77 to 3 vote. Governor Newsom signed SB 901 into law on September 28. (Chapter 708, Statutes of 2022)

#### California Abandoned and Derelict Commercial Vessel Program

Commercial Abandoned and Derelict Vessels (CADVs) usually consist of ferries, tugs, barges, cranes, dredges, work boats, and work platforms designed and utilized for commercial work, and military craft, but at end of life are often sold at auction to any willing buyer. These vessels can evolve into a dilapidated

condition and eventually end up in an unusable state, leading the vessel to sink, partially sink, or become a sinking hazard.

Senate Bill 1065, by Senator Susan Talamantes Eggman (D-Stockton), would establish the California Abandoned and Derelict Commercial Vessel (ADCV) Program within the Natural Resources Agency, to be administered by the State Lands Commission, to bring federal, state and local agencies together to identify, prioritize, and, upon appropriation by the Legislature or after a determination by each state agency of the availability of existing funds eligible this purpose, fund the removal and proper disposal of ADCVs and other debris from commercially navigable waters. The bill would require the commission to create, by July 1, 2024, and regularly update and maintain an inventory of ADCVs on or in commercially navigable waters. The bill would establish the California ADCV Program Task Force to, in consultation with the impacted local governments, provide policy guidance for the program and advise on the prevention, removal, destruction, and disposal of ADCVs, and to develop a system for prioritizing the removal of the ADCVs identified by the commission. The bill would further establish the ADCV Program Trust Fund to help fund the removal of ADCVs and other debris pursuant to this program.

SB 1065 would prohibit a commercial vessel that is at-risk of becoming derelict, as determined by a peace officer, from occupying, anchoring, mooring, or otherwise being secured in or on waters of the state. The bill would subject a person who violates this prohibition to a civil penalty of not less than \$1,000 and not more than \$5,000 per day, and would prescribe other requirements related to a civil action, including the assessment of a civil penalty and the recovery of other specified costs, brought for a violation of this prohibition. The bill would require 75% of civil penalties and other costs collected to be deposited into the California ADCV Program Trust Fund and, upon appropriation by the legislature, 25% distributed to the Attorney General, district attorney, or city attorney prosecuting the action.

Removing ADCVs is often complicated and expensive. Costs range from tens of thousands to several million dollars per vessel depending on size, location, and condition. Under California law, recreational vessels are required to be registered, but commercial vessels (CADVs) are not, challenging the effort to identify the number of vessels in California's waterways and the total potential for CADV management. Without a clear owner, the costs of removing these vessels and remediating any contamination they cause fall to the state. Based on a 2017 DFW survey of derelict vessels in the Sacramento-San Joaquin Bay Delta, the removal of 55 abandoned vessels was estimated to cost the state over \$30 million. Several prior legislative efforts have sought to address this problem with various degrees of success.

Unlike recreational vessels, such as ski, fishing and house boats, a statewide program does not exist to fund the removal and destruction of commercial abandoned and derelict vessels. State and local agencies have to rely on cooperation by vessel owners, lengthy legal approaches, and limited federal actions to address CADVs. Various state agencies have authorities to take ownership of a vessel, remove pollution, hazmat, and solid waste, and to recycle and dispose of the material. However, the biggest impediment to addressing CADVs, beyond ongoing funding, is that there is no single federal, state, or local agency with the authority or expertise to address the issue.

The Association supported SB 1065 as the measure would compel the coordination amongst federal, state, and local agencies necessary for the safe and efficient removal of ADCVs and prevent additional commercial vessels from becoming abandoned. The Association believes that the complexity of the state's ADCVs problem requires all relevant stakeholders working together collaboratively.

SB 1065 enjoyed bipartisan support in both houses of the Legislature, passing the Senate Floor with a 39 to 0 vote, and passing the Assembly Floor with a 79 to 0 vote. The bill was enrolled and presented to the Governor for his signature on September 6, 2022.

Despite the bill's bipartisan support, Governor Newsom vetoed the measure on September 28 stating:

*"While I support the author's attempt to create a statewide approach to address abandoned and derelict commercial vessels in California that pose significant public health, safety, and environmental risks, this program was not accounted for in the budget. Implementation across the relevant agencies is expected to cost about \$25 million in year 1 with ongoing general fund impacts. With our state facing lower-than-expected revenues over the first few months of this fiscal year, it is important to remain disciplined when it comes to spending, particularly spending that is ongoing. We must prioritize existing obligations and priorities, including education, health care, public safety, and safety-net programs. The Legislature sent measures with potential costs of well over \$20 billion in one-time spending commitments and more than \$10 billion in ongoing commitments not accounted for in the state budget. Bills with significant fiscal impact, such as this measure, should be considered and accounted for as part of the annual budget process. For these reasons, I cannot sign this bill."*

#### Flood Control Infrastructure Plan

This year, CCVFCA sponsored Senate Bill 1253, by Senator Melissa Melendez (R-Lake Elsinore), which would require the California Infrastructure Plan to include estimated funding for flood risk reduction.

Current law requires the governor to submit a 5-year infrastructure plan known as the California Infrastructure Plan (Plan) along with the proposed state budget each January. The Plan is to include information about, and a proposal for, infrastructure funding identified by all state agencies and departments, and public schools. The Plan fails to include flood control infrastructure funding needs. SB 1253 sought to correct this glaring oversight.

Floods are one of the most common and deadly natural disasters in the country, according to the Natural Resources Defense Council. The American Society of Civil Engineers consistently ranks California levees below average. The Public Policy Institute of California estimates that one in five Californians, and \$580 billion worth of structures, are vulnerable to flood; such an estimate is only likely to worsen with the effects of climate change. As for the facilities of the State Plan of Flood Control (SPFC), the State of California is responsible for contributing toward the cost of capital improvements as well as for annual operations and maintenance costs. Failure to do so increases the state's exposure to liability for levee and other system failures.

Although the FY 2022-23 Plan discusses the Central Valley's flood control system, it does not include funding needs for SPFC as identified in the Central Valley Flood Control Protection Plan. SPFC facilities, which include a system of levees, channels, floodways, and bank protection, provides key protection for urbanized areas, small communities, and rural Californians. Additionally, the FY 2022 – 2023 Plan does not address statewide deferred maintenance estimated at \$84.2 billion other than in the first year of the 5-year plan. Total deferred maintenance for SPFC is about \$1 billion. Finally, while SPFC facility improvement and maintenance projects require about \$131 million a year investment, according to the Central Valley Flood Control Plan, there are US Army Corps of Engineers projects in urban areas in the Central Valley and other parts of the state that require a state cost share. Such projects can easily require a state budget appropriation of \$50 to \$100 million in any given year. It is far better for the Legislature to be apprised of such upcoming demands on the State General Fund than to deal with random budget requests in any given governor's proposed budget.

CCVFCA sponsored SB 1253 to require the Plan to include estimated funding for flood risk reduction. This will inform the Legislature as to the necessary appropriations for flood control, including the identification of funding sources that will be required within the 5-year infrastructure planning horizon.

SB 1253 received overwhelming bipartisan support in both houses of the legislature. The bill passed the Senate Floor on a 39 to 0 vote, with only Senator Hertzberg (D-Van Nuys) not voting; and the Assembly Floor on a 76 to 0 vote, with the following four Members not voting: Assembly Members Bloom (D-Santa Monica), Quirk-Silva (D-Fullerton), Voepel (R-Santee), and Wilson (D-Fairfield).

Governor Newsom signed SB 1253 on August 26. (Chapter 195, Statutes of 2022)

### **CCVFCA an Effective Advocate on behalf of Members and Taxpayers**

This was the 18th year Reeb Government Relations has worked with the Association's Board of Directors and staff to continue the work of monitoring state legislative and regulatory endeavors to the benefit of the people and property protected by Central Valley flood control works. Aside from efforts to directly influence the passage or defeat of legislation, we were active in improving communications between the Association and members of its legislative delegation, and between the Association and key personnel with the Newsom Administration.

All constitutional offices, the entire Assembly, and half of the Senate was on the state ballot for the California general election that took place on November 8, 2022. The first state election following the decennial census and reflecting new district lines for the Senate and Assembly seats. Under the new maps, much of the Central Valley falls within Senate District 1, 3, 8, 5, and 9; and Assembly Districts 3, 4, 6, 9, 10, 11, 13, and 23.

The Senate is seeing a shakeup this year due to a combination of term limits and new district maps following the 2020 Census. Senators serve staggered, four-year terms, and the 20 even number districts are on the ballot this year. As such, Senate Districts 1, 3, 5 and 9 are not up for election until 2024. Incumbent Senators Bill Dodd (D-Napa), Susan Talamantes Eggman (D-Stockton) and Steven Glazer (D-Orinda) are set to term-out of office on December 2, 2024. Incumbent Senators Jim Nielsen (R-Red Bluff) and Richard Pan (D-Sacramento) were prevented from seeking reelection this year due to term limits. Much of Senator Nielsen's current Senate District 4 was absorbed into the new Senate District 1, which is not up for election until 2024. Senator Pan's District 6 was redrawn into the new Senate District 8, which starts just north of the Sacramento International Airport and stretches through the capital towards Elk Grove. The redrawn SD 8 is considered a safe Democratic seat and two Democrats ran to represent it. Environmental Advocate Dave Jones (D) received 46% of the votes against Sacramento City Councilmember and current vice-mayor Angelique Ashby (D) received 41% of the vote during the June primary. While both candidates are Democrats, Jones has presented himself as more progressive, while Ashby marketed herself as a moderate. Ashby was endorsed by the city's incumbent Senator Pan and prevailed in the race.

The California Assembly will be seeing a large turnover after the 2022 general election, as 25 members of the Assembly sought work elsewhere midway through the year or announced their retirement for the end of the session. Incumbent Assembly Member Heath Flora (R-Ripon) currently represents Assembly District 12; after redistricting, he ran for re-election in the new Assembly District 9 against Mushtaq Tahirkheli, a Democrat who was a write-in candidate in the primaries. Flora won the safe Republican seat with 69.2% of the vote. Incumbent Assembly Member Carlos Villapudua (D-Stockton) ran for reelection in the new Assembly District 13 and faced off against fellow Democrat Veronica Vargas, the Mayor Pro Tem of the City of Tracy. Villapudua won the seat with 60.6% of the vote. Assembly Member Lori Wilson (D-Fairfield) ran for reelection in the new Assembly District 11, defeating Army veteran Jenny Callison, an independent, with 59.2% of the vote. Incumbent Assembly Member James Gallagher (R-Yuba City) ran for reelection in Assembly District 3, and handily defeated Democrat David Zink with 65.4% of the vote in the safe Republican district. In Assembly District 4, Incumbent Cecilia Aguiar-Curry (D-Winters) ran against Republican candidate Bryan Pritchard, a winemaker and business owner. Aguiar-Curry defeated Pritchard in the safe Democratic seat with 66.2% of the vote. Assembly Member Jim Cooper (D-Elk Grove) decided to not seek reelection in the redrawn Assembly District 10, vacating his seat for

a successful run for Sacramento County Sheriff. Two Democrats, Sacramento City Council member Eric Guerra (D) and Elk Grove City Council member Stephanie Nguyen (D), ran against each other for the safe Democratic seat. Nguyen won the election. Incumbent Assembly Member McCarty won reelection in the new Assembly District 6, defeating Republican candidate Cathy Cook, a retired airline pilot, with 64% of vote.

Democrats retain their supermajority status in both houses of the Legislature after this year's election races. Election results will be certified by the Secretary of State on December 16, 2022.

Our firm will closely review the release of the Governor's proposed state budget, which must occur by January 10, 2023. The FY 2023-24 State Budget is expected to be less than the current year budget due to economic headwinds affecting state tax receipts and potential reduced federal spending. The latter depends, in part, on whether Congress approves a continuing resolution to keep the federal government running through the remainder of the calendar year or whether an omnibus spending bill will carry the federal government through September 2023—the difference between increased spending versus spending reductions being the Republican majority in the next session of the House of Representatives.

Our firm anticipates a tighter state budget for FY 2023-24. Governor Newsom and the Legislature will need to decide whether to continue promised climate change-related spending levels, renege on the promises, or pivot to writing a state general obligation bond measure for the November 2024 ballot. Our firm will work with the Association's Legislative Committee, Board of Directors, and staff to prepare for state budget advocacy and the possibility of a general obligation bond.

Senate and Assembly members convened in Sacramento on Monday, December 5, 2022, for the start of the regular legislative session, as well as a special session Governor Newsom called to address possible penalties against the oil industry, which registered record profits amid spiking gas prices this fall. This special session, to the extent a new penalty regime is approved, could result in increased fuel costs for Association members in the future. It was going to be a "tax," but Newsom is now pursuing a "penalty" – a critical difference that lowers the required margin from a two-thirds vote to a simple majority.

The number of new legislators, including Assembly members moving to the Senate (or in the case of Janet Nguyen, returning), totals 35, meaning nearly a third of seats will be occupied by newcomers. The number of Democrats in the Assembly will be 62 and the Senate will be 32, respectively. That puts Assembly Democrats 8 votes above the two-thirds threshold and Senate Dems 5 over.

The number of women legislators will be 52—an all-time high but still short of the 60 seats needed for gender parity. The Sacramento Bee counts at least 12 LGBTQ legislators; 12 African American lawmakers; 37 Latino lawmakers; 13 API lawmakers.

Two races remain undecided. The current totals assume Democratic Senator Melissa Hurtado survives a challenge from Republican David Shepard — Hurtado took a 12-vote lead on Monday, December 5, 2022, — and Republican Greg Wallis is edging Democrat Christy Holstege. The Legislature is on track for its largest class of Latinos in history, increasing from 32 to 39 lawmakers. All but five Latino legislators are Democrats. Latinos will now make up 32.5% of the California Legislature. The California Latino Legislative Caucus will have 34 Democratic members with 10 Senators and 24 Assembly members.

# ITEM 14



Reclamation District 1614  
August 2023 Bills

NAME	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Kevin Kauffman		\$100.00		6239		
			<b>\$100.00</b>			
Christian Gaines		\$50.00		6240		
			<b>\$50.00</b>			
Dominick Gulli		\$50.00		6241		
			<b>\$50.00</b>			
Rhonda Olmo		\$1,448.69		6242		
Reimbursement for Annual P.O. Box Fee		\$176.00				
			<b>\$1,624.69</b>			
Neumiller & Beardslee	344272	\$1,798.05		6243		
			<b>\$1,798.05</b>			
Kjeldsen, Sinnock & Neudeck, Inc.	35958	\$1,392.50		6244		
	35959	\$2,083.75				
	35960	\$4,403.56				
	35961	\$2,465.18				
	35962	\$200.00				
	35963	\$10,276.05				
	35964	\$1,294.27				
	35965	\$1,326.25				
			<b>\$23,441.56</b>			
Travelers		\$278.00			2550	
			<b>\$278.00</b>			
Croce, Sanguinetti & Vander Veen	18148	\$240.00		6245		
			<b>\$240.00</b>			
Alan Spragg & Associates	8092356	\$3,000.00		6246		
	8092357	\$575.00				
			<b>\$3,575.00</b>			
Dohrmann	42953	\$1,431.00		6247		
	42954	\$16,219.76				
			<b>\$17,650.76</b>			

Reclamation District 1614  
August 2023 Bills

California Central Valley Flood Control Association	4051	\$768.00		6248	
			<b>\$768.00</b>		
Dino and Son Ditching Service Progress Payment No. 3 - Levee Maintenance	8	\$150,884.15		6249	
			<b>\$150,884.15</b>		
Delk	198685	\$220.00		6250	
			<b>\$220.00</b>		
Port City Marketing Solutions, Inc.	20533	\$3,504.16		6251	
			<b>\$3,504.16</b>		
Abel Palacio - August Payroll		\$1,706.95			Direct Deposit
			<b>\$1,706.95</b>		
State of California Payroll Taxes - August		\$46.80			online
			<b>\$46.80</b>		
Federal Government Payroll Taxes - August		\$523.70			online
			<b>\$523.70</b>		
ADP - Period Ending 7/31/23		\$125.95			online
			<b>\$125.95</b>		
T-Mobile		\$111.80			online
			<b>\$111.80</b>		
Comcast		\$132.68			online
			<b>\$132.68</b>		
Visa		\$5,100.13			online
			<b>\$5,100.13</b>		
PG&E		\$986.01			online
			<b>\$986.01</b>		

**WARRANT TOTAL: \$204,184.37**  
**CHECKING TOTAL: \$8,734.02**  
**TOTAL BILLS PAID \$212,918.39**