

MINUTES OF REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1614
HELD MONDAY, SEPTEMBER 9, 2024

The September Regular Meeting of the Board of Trustees of Reclamation District 1614 was held on Monday, September 9, 2024, at the hour of 2:00 p.m.

1. **Call to Order/Roll Call.** President Kevin Kauffman called the meeting to order at 2:01 p.m.

President Kevin Kauffman, Trustee Chris Gaines, Trustee Dominick Gulli, Attorney Andy Pinasco, Superintendent Abel Palacio, Engineer Chris Neudeck, all attended in person.

The following members of the public were present: Chris Elias (SJAFCA), Tooba Naveed (Law Clerk), Doug Sherman (landowner), Dennis Tamo (landowner), Roland Bod (landowner).

Absent were: District Secretary Rhonda Olmo.

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.

- a. Mr. Doug Sherman, who shared the original letter regarding the tree on District property, shared his concerns for the hazards posed by the tree. Mr. Sherman seeks to pursue a Molly Wetzel claim against the homeowners responsible for the encroachment. Mr. Dominick Gulli commented that his position on the Board is up for reelection. Mr. Dennis Tamo, a resident near Smith Canal, concurred with Mr. Sherman regarding the hazard of the tree. Mr. Roland Bod also concurs with Doug and Dennis regarding the tree hazard.

3. **Encroachment Violation.** Show Cause Hearing Regarding Violation of Levee Encroachment Standards

- a. Mr. Andy Pinasco provided the legal procedures for addressing the vegetation encroachment per the District's encroachment standards. A letter was distributed to Mr. Bruce and Elizabeth Davies, and Mr. Matt Davies responded via email that the District is permitted to remove the tree and he has no interest in retaining it. Neither of the Davies were present at the meeting for the Show Cause Hearing.

4. **2030 Moreing Road – Bruce and Elizabeth Davies Property**

Violation: Chapter 3 – Vegetation, Section 3.02.C, General Vegetation Standards

- a. Mr. Pinasco provided various options to the Board in terms of their legal remedy. The Water Code provides that the District can hold individuals liable for damages caused to levee. If the owner allows the District on the property, the District can remove the tree and charge for damages. Alternatively, the District can obtain an inspection warrant, where the court permits the District to identify the problem and the District then seeks an injunction against the Davies' to cease the levee violation, which the court will enforce. Another option presented to the Board was to enter into an agreement with Mr. Davies to remove the tree and stipulate as to who will recover costs.
- b. On a motion by Trustee Kauffman, seconded by Trustee Dominick Gulli, the Trustees agreed to receive a proposal from their engineer and approve the scope of work to remove the vegetation posing a potential hazard, subject to a second motion to clarify the work to be done.

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

- c. On a second motion by Trustee Kauffman, seconded by Trustee Dominick Gulli, the Trustees agreed to clarify the work to be done on the levee regarding the vegetation encroachment by September 30, 2024.

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

- d. Board will be directing attorney to seek Right of Way and reimbursement.

5. **Minutes.** Approval of Minutes of the July 1, 2024 meeting.

- a. Mr. Pinasco provided a report of the minutes. Mr. Chris Elias provided a correction for a typographical error – “commissioning” and not “conditioning” in the SJAFCA section of the minutes. On a motion by Trustee Gulli, seconded by Trustee Gaines, the Trustees voted unanimously to approve the minutes of July 1, 2024 by the following votes:

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain:None

Absent: None

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

- a. Mr. Pinasco provided a written and oral report to approve the Financial Report as presented. The Board agreed to carry over the numbers provided. On a motion by President Kauffman, seconded by Trustee Gaines, the Trustees voted unanimously to approve the Financial Report with the revision to the numbers by the following votes:

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

7. **Accounting Software.** Discussion and direction regarding updating QuickBooks software.

- a. The Trustees inquired into how much cheaper the auditing will be under a new system and propose to not require a new system if savings are minimal. No actions are recommended.

8. **Attorney-Client Representation Agreement:** Discussion and possible action to approve Attorney-Client Representation Agreement between Neumiller & Beardslee and Reclamation District 1614.

- a. Mr. Pinasco provided that the rates under existing Representation Agreement from 2015 be brought up to date. Trustee Gulli suggested a correction to the typographical error “for” instead of “or.” On a motion by Trustee Gulli, seconded by Trustee Gaines, the Board approves the rates, striking article C and D, by the following votes:

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

9. **Insurance**. Ratify approval of District Official approving proposal for District Insurance Policy renewal.
 - a. The Trustees discussed with Mr. Pinasco the flood insurance for the levee, which is provided for through the District’s inverse condemnation authority. The Board discussed receiving additional quotes for the upcoming years.
 - b. On a motion by Trustee Gulli, seconded by Chris Gaines, the Board approves the renewal by the following votes:

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

10. **District Engineer Report**. Presentation of Engineer’s Report. Discussion and possible action:
 - I. LEVEE MAINTENANCE PROJECT – FY 2023-2024**
 - A. Review status of Field investigation for this year’s Rock Slope Maintenance Project (RSP).
 - a. The Board directed Mr. Neudeck to receive bids by the October meeting, if not, to hold a special meeting regarding bids.
 - II. SAN JOAQUIN COUNTY OFFICE OF EMERGENCY SERVICES (OES) DELTA R3 UPDATE FLOOD SAFETY PLANS**
 - A. Review progress of the update and enhancement of the District’s Flood Safety Plan.
 - III. FALLEN TREE AT MATT DAVIES HOME AT 2030 MOREING AVE**
 - A. Review the status of the tree removal and seek Board authority to remove the fallen tree and repair the damaged levee slope.

11. **Superintendent’s Report**. Presentation of Superintendent’s Report; request for direction.
 - a. Superintendent Abel Palacio reported on posting signage at the pump station. The Board suggested to include “Smith Tract” after RD 1614 and to include Abel’s phone number.

12. **Resolution 2024-06**: Discussion and possible action to approve Resolution 2024-06 Ordering 2024 Trustee Election.
 - a. On a motion by Trustee Gulli, seconded by Chris Gaines, the Board approves the renewal by the following votes:

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

13. **Letter of Map Revision**. Discussion and possible action regarding Letter of Map Revision.
 - a. The Board requested to provide the information requested in a May 2024 letter received by Mr. Pinasco.

14. **Report on Meetings Attended**.
 - a. No reports.

15. **Trustee Reports**. Discussion and direction on Trustee Reports.
 - a. Calaveras River Pump Station pipe repair at Stockton Golf and Country Club.
 - a. No reports.

b. Slope repair at Stockton Golf and Country Club.

a. No reports.

16. **District Calendar.**

a. Next Meeting – October 7, 2024.

17. **Items for Future Meetings.** Items for future meetings.

a. Fallen tree

b. Levee maintenance project

18. **Correspondence.** Discussion and direction.

a. Biennial Review and Update of Conflict of Interest Code

a. Board agreed to revisit the Code in the next meeting.

19. **Cooperative Agreement between SJAFCA, RD 1614 & RD 828:** Discussion and Possible Action regarding reimbursement to the District for costs advanced in the Prop 218 assessment.

20. **SJAFCA Reimbursement Agreement:** Discussion and Possible Action to authorize District Official to execute a reimbursement agreement with SJAFCA for the modification of irrigation diversion pipelines on or near the District's levee at Stockton Golf and Country Club.

a. On a motion by Trustee Gulli, seconded by Chris Gaines, the Board agreed not to enter into a reimbursement agreement with SJAFCA by the following votes:

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

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

a. No reports.

22. **District Bills.** Motion to Approve of July 2024 and August 2024 Bills.

a. After review, on a motion by President Kauffman, seconded by Trustee Gaines, the Trustees agreed to approve the July and August Bills by the following vote:

Ayes: Gulli, Gaines, Kauffman

Noes: None

Abstain: None

Absent: None

23. **Adjournment.** The meeting concluded at 4:35 pm.

Respectfully submitted,



Rhonda L. Olmo
District Secretary