

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, MARCH 1, 2017**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, March 1, 2017 at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5th Floor, Stockton, California, at the hour of 8:00 a.m.

TRUSTEES PRESENT WERE:

MICHAEL PANZER
DREW MEYERS
BRETT THOLBORN

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
CHRISTOPHER NEUDECK
JEAN KNIGHT
JOE BRYSON
BOB BENTZ
DOMINECK GULLI, Owner of Property at 50 Fischer Court
SARAH LASKEY – Katzakian Property Management, LTD (North Shore Condominiums as well as Embarcadero Cove)
JUDITH BUETHE
WILL PRICE (Board Member, Lake Lincoln Association Board)

Item 1. Public Comment. Dominick Gulli was present and distributed a letter and attachments addressed to the District. The subject of the letter deals with a proposed Dam/Gate in the 14-Mile Slough. He believes the District should oppose this project and his letter explains the details supported by the attachments to the letter. He would like to have this on the agenda for the next District meeting. He was also asking the District to have an independent engineer review this as he feels the District engineer has a conflict of interest. Mr. Schroeder responded that if the District does put it on the agenda, he would want to invite SJAFCA to attend.

Trustee Panzer brought an article published on February 14th in the Record that was highlighted with a photo of a barge loaded with material and equipment in the Mokulumne River that was used to shore up Tyler Levee break on the river south of Walnut Grove. Having a barge able to deliver material and equipment versus it being brought by landside was the importance of this article being brought to the meeting as the District continues to work on the sediment removal project in the Southwest area of the District. Mr. Neudeck noted that it took 1.5 hours and they had the mobilization done. Bob Bentz noted that the next time the District sends out a newsletter, it would be a perfect opportunity to mention the Tyler levee example and how the sediment removal project for 14 Mile Slough would ultimately make the area deep enough to allow a barge to access this area.

Item 2. Approval of Minutes. Minutes of the regular meeting of February 1, 2017. After discussion,

It was moved, seconded (B. Tholborn/D. Meyers) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the March 1, 2017 Regular Meeting of Reclamation District 1608 be approved.

Item 3. Financial Report. Review, discuss, and accept financial report. Dan Schroeder presented the financial report. Ms. Knight noted that both the superintendent, one payroll of the superintendent helper, and the District engineering fees were not included due to pay date conflicts and emergency levee work being done by the engineers.

Drew Meyers had some questions about the anticipated levee subventions funds. He noted that the audit report showed that there was anticipated income of over \$190,000 but the District's financial report shows only \$93,904. How come the discrepancy? The money is considered anticipated and not definitive. Mr. Neudeck stated that the monies in the report are those anticipated for the 2015-2016 fiscal year. More research will be done. He did note that the submitted claim for funds eligible, submitted in October, 2016, was for \$192,297.68. However, \$1,000 is written off for each mile for 3.5 miles total, and then the claim could be for 75% of the claims submitted, if all claims submitted were approved for reimbursement. That would make an anticipated income of \$141,598. He said it is anticipated the monies will be received in March, 2017. Mr. Neudeck will contact the auditor to see how they got their number. The details of the levee subventions will also be listed on the financial report in a format perhaps something like the below but the engineer and secretary will work on the best way to present the information.

Anticipated Income:

Claim Submitted in October: \$_____ (for year)

Anticipated Income:

Actual Income:

With regard to the work done with the City of Stockton – the District did work on the levee and it needs to develop a claim for reimbursement. This will include all of the District's costs including the engineers and the levee Superintendent. Mr. Neudeck will work on the engineering costs and enlist the help of the District secretary for the work done by the levee superintendent and the District.

Also, on the financial report, it will be noted as something like the following:

Anticipated Income:

Submitted claim – City of Stockton Reimbursement: \$_____

After discussion, it was the financial report was received by the Trustees.

(a) Update on 2017/2018 Draft Budget. Mr. Schroeder reported that he had hoped to have a report done for this meeting but because of the demands of the flood emergency, Chris Neudeck could not attend the meeting that had been scheduled. This will be done this next month.

The following bills, and warrants in payment of same, were approved:

MICHAEL PANZER, #5881, Trustee Fee	100.00
DREW MEYERS, #5882, Trustee Fee (two meetings).....	200.00
BRETT THOLBORN, #5883, Trustee Fee	100.00
JEAN L. KNIGHT, #5884, Secretarial Fee	690.00
NEUMILLER & BEARDSLEE, #5885, Inv. #282555	2,699.72
Void, #5886.....	
CROCE & COMPANY, #5886, Inv. # 2006551	619.33
PG&E, #5887, Electrical.....	23.03
FOOTHILL MATERIALS, #5888, Inv. # 69615	2,164.63
NATIONAL FLOOD INSURANCE PROGRAM, #5889, Fee for Reviewing and Processing Requests.....	9,000.00

Timesheets for the following employees were submitted and checks in payment of same, were approved:

February, 2017

GABRIEL P. BANKS, #1303, February 1-15, 2017 Semi-Monthly Salary	807.35
CALIFORNIA STATE DISBURSEMENT UNIT, #1304, Income Withholding Order (Gabriel P. Banks)	185.62

State and Federal Payroll Taxes scheduled to be paid on line, were approved

CA State Government, Payroll Taxes, February Salary	754.01
Federal Government, Payroll Taxes, February Salary	3,702.96

Item 4. Engineer’s Report. Request for directions and approvals.

- a) Consider new permits requests from homeowners. – No permits presented; however, see special meeting of March 1, 2017 minutes.
- b) Consider Proposal for Engineering and Surveying Scope for the Lincoln Village West Lake Mapping. – see below.

Engineer’s Report:

1. FEMA Mapping Status: Chris Neudeck reported on this item. In the engineering report are 3 Exhibits (A, B, & C). Exhibit B is the boundary map for Lincoln Lake and North Lake where it identifies the areas that were mapped incorrectly. In the present situation, properties where the boundaries were drawn incorrectly are inaccurately placing portions of these residences within a Zone A floodplain. Because of this, any of these properties, if they were to sell and be financed by a federally backed mortgage, would need to get flood insurance. Mr. Neudeck had earlier reported that the District had about \$14,000 extra in budget for the FEMA mapping project. (Letter of Map Revision). However, a letter was received from FEMA which changed that situation.

At this point, this meeting was recessed to handle items within the agenda of the Special Meeting. Therefore,

Upon motion duly made, seconded, (D. Meyers/B. Tholborn) and unanimously carried, the Board of Trustees of Reclamation District 1608 recessed the Regular Meeting of March 1, 2017 in order to open the Special Meeting of March 1, 2017.

The Special Meeting was adjourned and the Trustees and staff returned to the Regular Meeting for the rest of the agenda items.

The agenda was returned to item 1.A. on the Engineer's Report.

As noted earlier, Mr. Neudeck reported that he thought the District had about \$14,000 left in the LOMR budget for help cover costs for the Letter of Map Revision Amendment. In the engineer's report, under Exhibit A., is a proposal for the Correction of FEMA Zone A boundaries within Lincoln West Village. Since that time, however, the District has received (and approved) the \$9,000 for the review fee for the District's responses to FEMA's comments. Along with that expense, will be the anticipated expense of approximately \$5,000 to \$6,000 to respond. When asked, the \$9,000 review fee will not come out of the same budget.

Trustee Meyers made a comment that the additional expense on the review fee and the additional work to respond to comments was not anticipated. He noted that the homeowners, at the Proposition 218 assessment hearings, suggested the District do the dredging. He says now we are proposing to spend money for other things. He said the District needs to know where it is on a cash basis and discuss anticipated projects. He said for the \$28,000, what benefit does the District get?

Mr. Neudeck responded. He said this was not an anticipated expense and that for flood insurance, costs are increasing at about 18% a year. It's a new proposal but generally aligns in the same realm and is unique to the lake owners association. If this does help with the District's overall accreditation process, Trustee Panzer said he would be in favor of it. The response to this is that the District is not responsible for interior drainage. The District had to certify to FEMA it was not responsible for interior drainage. Attorney Schroeder reiterated that the District does not have a duty. Its options are to do nothing to doing entire thing or doing a cost share with homeowners. A question arose, if the District did participate in the cost or cost sharing, would it be a gift of public funds? Mr. Schroeder responded that he didn't think so. Ms. Laskey, in speaking for the property owners said that several hundred people would be affected if costs needed to be shared or imposed on them. Mr. Tholborn's response was that the District is trying to get the outside accredited and he feels it should make the inside accredited as well.

At this time, Engineer Gulli spoke and said that he would do the engineering work proposed by the District engineers for \$19,000 instead of the proposed \$28,000. A question from Bob Bentz, would the City of Stockton be responsible? The response was no.

After discussion,

It was moved, seconded (B. Tholborn - aye/M. Panzer - aye, D. Meyer - no) and carried, by the Board of Trustees of Reclamation District 1608 that the District's Engineer was authorized to include within the LOMA the Correction of FEMA Zone A boundaries

within Lincoln West Village so long as the amount for additional Engineering and Surveying Scope for the Lincoln Village West Lake Mapping does not exceed \$28,000.

At this time, Mr. Gulli said he protested the award of the work since he says it is a public contract project and the work is over \$25,000 and he said the work must go out to bid.

IV. High Water Event/Floods of 2017

In both January February, the District experienced King Tides – high astronomical tides that were closely watched with work coordinated between the engineers with Joe Bryson and Gabe Banks doing routine levee inspections. They were geared and ready but nothing so far has developed. Chris Neudeck said the District is not yet out of the woods. The San Joaquin system will be high well into July. He reported on the levee breach south of the City of Manteca at the San Joaquin River. There have been many trees falling but no problems structurally. Barge access would be the way to go as the key point, he says, is “access, access, access,” Mr. Neudeck was very impressed with Mr. Bryson’s work during this flood event.

Item 5. Levee Superintendent Report. Request for directions and approvals. Mr. Bryson went over the March superintendent’s report and noted items with discussion following. He noted there were lots of downed trees with the flood event and there was a twenty-four hour levee patrol. He said that there was a lot of interest in dredging from the homeowners and thinks that is good. Mr. Schroeder reported on an item he was personally aware of when he saw flashing light through his drapes and noted that Mr. Bryson was patrolling and saw standing water and felt he needed to investigate. He noted he has a sump pump that pushes out the water but his neighbor doesn’t and that is what Mr. Bryson was looking at. He liked that he was paying good attention.

Drew Meyers also commented on the efforts of Mr. Bryson, Mr. Banks and Mr. Neudeck have made over these last few years and the fact that there was little damage shows that their efforts have made a difference.

Item 6. Adopt Resolution 2017-01 Amending The Reclamation District 1608 Records Management Policy Records Retention Schedule. Mr. Schroeder presented this item and said that the Records Management Policy Records Retention Schedule must be updated with respect to ballots relating to Proposition 218 hearings. The ballots need to be kept for 2 years following the date of the public hearing. After discussion,

It was moved, seconded (B. Tholborn/D. Meyers) and unanimously carried by the Board of Trustees of Reclamation District 1608 that Resolution 2017-01 Amending the Reclamation District 1608 Records Management Policy Records Retention Schedule be approved.

Item 7. Newsletter. Judith Buehe was present to obtain ideas for the next newsletter. Mr. Bryson asked if it was possible to write something in the newsletter that states lot owners on Fort Donelson and Hatcher are not doing lot clean-up as they should. He says they will not trim and he cannot look at their backyard because of the overgrown vegetation. Many times, he walks down to the fence area and as well as taking time, he still cannot see. A notice to the lot owners

to keep vegetation away from their fences is needed as visibility of the levee toes is critical. Pictures of before and after would be best.

Another suggestion for an article would be to say how successful the District was with the recent levee event and to emphasize that District had success because of all the work that the District has done. It is imperative to continue to keep vegetation trimmed and just be observant.

Mr. Gulli mentioned tree removal and said he felt that the homeowners should be responsible for the removal/clean-up of the tree removal. Mr. Bryson responded and said that this was the case and the homeowners were being billed for the work. The recent flood event caused Superintendent Bryson to contact the tree removal service and he noted that the owner of the business said he would give the same price to homeowners as he does to the District. It would be a good time to emphasize trees and tree care. Also, a note to bring up the sediment removal plan and how important it is.

Item 8. Report by Trustees on meetings attended and upcoming meetings. Request for direction. Drew Meyers attended at TAC meeting. He reported that the presentation of the flood event was excellent.

Item 9. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.

(a) Review and Update Sediment Removal Project Projected Costs – no report, except for what has been reported in these minutes.

(b) Develop Long term Expenditure Plan. No discussion at this meeting; however Mr. Neudeck did note that they are still waiting to hear more information about the levee subventions program and how it will tie in with the funding of the District's sediment removal program. Mr. Neudeck noted there is a tremendous amount of support involved for the levee subventions program. He said the flood event brought it to the attention of the Stewardship Council and legislature. He won't have much information until the bill is introduced. He said there are a lot of good people working on the Districts' behalf. He noted that the work on this was supposed to start in June and it's already begun.

Item 10. Discussion and direction on Short-Term and Long-Range Goals. Discussion. No changes.

Item 11. District Calendar. Discussion and direction. No discussion.

Item 12. Correspondence. None.

Will Price introduced himself and noted that he is a new board member of the newly formed Lake Lincoln Association. He said their association needs to learn more about Reclamation District 1608 and either a District representative should come to one of their meetings or they need to have someone attend a Reclamation District 1608 meeting.

Item 13. Closed Session.

- (a) PUBLIC EMPLOYEE PERFORMANCE EVALUATION
Title: Levee Superintendent

(b) PUBLIC EMPLOYEE PERFORMANCE EVALUATION

Title: District Secretary.

Item 14. Report out of Closed Session. All Trustees were present were at the Closed Session. No reportable action.

Item 15. Employment Agreements. Discussion and possible action regarding amendments to Levee Superintendent and District Secretary. Joe would like to consider increasing Gabe Banks' salary \$1.00 or \$2.00 an hour. Dan will agendaize this for the next meeting. Another idea would be that the District could have a salary range instead of a flat figure.

Item 16. Approval of Bills. The bills, as presented, were approved.

Item 17. Staff Reports.

(a) Attorney. The Agenda for this meeting was posted on the window outside the meeting room at 509 West Weber Avenue, Stockton, California, at least seventy-two (72) hours preceding the meeting.

Item 18. Adjournment. The meeting was adjourned at 10:40 a.m.

Respectfully submitted,

Jean L. Knight
District Secretary