

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD TUESDAY, AUGUST 29, 2017**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Tuesday, August 29, 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
BRETT THOLBORN

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
ANDY PINASCO
CHRISTOPHER NEUDECK
JEAN KNIGHT
JOE BRYSON
DAN MC DONNELL – (homeowner)

ABSENT WAS:

DREW MEYERS

Item 1. Public Comment. Under Government Code Section 54954.3, members of the public may address the Board on any issue in the District’s jurisdiction. The public may address any item on the agenda as it is taken up. Trustee Panzer brought up the flooding in the Houston, Galveston, and Corpus Christi areas in Texas due to Hurricane Harvey and said this is something we all need to keep in mind and the damages that can occur when these kind of weather conditions occur. Just a reminder that these kinds of things do happen and the District needs to be vigilant in doing its part.

Item 2. Approval of Minutes. Minutes of the regular meeting of July 12, 2017. After review,

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the regular meeting of July 12, 2017 were approved as read.

Item 3. Financial Report. Review, discuss, and accept financial report. Jean Knight presented the financial reports. She noted that they were for the first two months of the new fiscal year and include the new budget with new line items. One question arose as to assessment monies reported and Ms. Knight said she would check with the Auditor’s office.

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Financial Reports be approved.

- (a) Report on RD 17 Litigation Appeal. Dan Schroeder reported on this item and said that the Supreme Court opted not to take on the matter. Below is an excerpt from the May 3, 2017 meeting minutes discussing the lawsuit status at that time.

Mr. Schroeder discussed a lawsuit between Manteca Unified School District vs. Reclamation District 17 dealing with Proposition 218. The school district did not want to pay Proposition 218 assessments and filed the lawsuit against Reclamation District 17 who was having a Proposition 218 hearing. The school district prevailed in Superior Court. However, Reclamation District 17 appealed this decision and won the appeal. There could be a chance this decision could be appealed to the State Supreme Court but Mr. Schroeder said the school district would need to file a Petition and he is of the opinion that the Supreme Court would not accept the Petition.

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

August 3, 2017 (Secretary took warrants to Trustees for approval and signature)

JEAN L. KNIGHT, #5938, Secretarial Fee, Two Meetings	725.00
NEUMILLER & BEARDSLEE, #5939, Inv. #286121	2,249.37
PAUL E. VAZ TRUCKING, INC., #5940, Inv. #s 50429 & 50430.....	14,593.96
DINO & SON DITCHING SERVICE, #5941, Inv. #17-72.....	6,295.00
PG&E, #5941, Electrical.....	32.81
KJELDTSEN, SINNOCK & NEUDECK, #5931, Inv. #s 21271-21277.....	8,743.69
PAUL E. VAZ TRUCKING, INC., #5944, Inv. #s 50604, 50605, 50592 & 50893	14,627.37

August 29, 2017 (Meeting)

MICHAEL PANZER, #5945, Trustee Fee	100.00
DREW MEYERS, #5946, Trustee Fee	
BRETT THOLBORN, 5947, Trustee Fee	100.00
JEAN L. KNIGHT, #5948, Secretarial Fee	725.00
NEUMILLER & BEARDSLEE, #5949, # 286682	1,640.81
CROCE & COMPANY, #5950, Inv. # 06783.....	414.75
KJELDTSEN, SINNOCK & NEUDECK, #s 21410-21415.....	9,388.00
PAUL E. VAZ TRUCKING., INC., #5952, Inv. #s 51072-51-75, 51159-51160 & 51430-51437.....	23,833.72
PG&E, #5953, Electrical, Stone River.....	22.64
S/M LANDSCAPE AND MAINTENANCE, #5954, Clearing/Gravel Work	350.00

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

July, 2017

FERNANDO FLORES, #1318, 7/1/17 - 7/15/15	332.15
MICHAEL MURRIETA, JR., #1319, 7/1/17 - 7/15/17	294.78
JOE BRYSON, #1320, 7/1/17 – 7/31/17 Salary.....	3,487.64

FERNANDO FLORES, #1321, 7/16/17 - 7/31/17300.92
 MICHAEL MURRIETA, JR., #1322, 7/16/17 - 7/31/17380.35

August, 2017

FERNANDO FLORES, #1323, 8/1/17 - 8/15/17121.25
 MICHAEL MURRIETA, JR., #1324, 8/1/17 - 8/15/17433.71

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

State Government, Payroll Taxes, July Salary.....298.43
 Federal Government, Payroll Taxes, July Salary.....1,903.30

Electronic Payments were made to the following:

Bank of Stockton Visa Card2,037.58
 State Compensation Insurance Fund, Workers Compensation premium569.58

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

- (a) Consider new permit requests from homeowners.
 - 1. 6201 Embarcadero Drive, Index No 17, Lot 1159, APN 098-370-01, permit for landscaping requested. Mr. Neudeck said that drawings of the property are not adequate and they are frustrated and said at this time, they could not approve the permit request and did not wish to do a conditional request as was suggested in the engineer’s report. At this point, due to the inadequacies of the permit and drawings, it was decided that the District consider holding a special meeting to discuss this permit request along with the agenda item relating to the sediment removal project, as attorney Schroeder mentioned that this agenda item could not be discussed at this meeting as Trustee Meyers was not present and Trustee Tholborn has a conflict. The Trustees present thought this could work out and Attorney Schroeder’s secretary communicate with the Trustees and staff to schedule this meeting.
 - 2. 3837 Fort Donelson Drive, Index No. 112, Lot 2253, APN 098-080-43, permit for a fence requested. The engineers have recommended approval of this permit application for an open type, see through fence construction on the toe of the levee. Therefore,

Upon motion duly made, seconded (B. Tholborn/M. Panzer) and unanimously carried, the Trustees of Reclamation District approved the permit for an open type, see through fence construction on the toe of the levee at 3827 Fort Donelson Drive, Index No. 112, Lot 2253, APN 098-080-43 for David and Nancy Oberholtzer.

II. FEMA mapping status: (Engineer’s Report)

Mr. Neudeck reported on the request made by FEMA through Daven Patel, MT-2 Technical Manager, that San Joaquin County is affected by the revision requested by the District. FEMA is asking that the engineers provide community acknowledgment in the form of a letter stating that the county has reviewed the revision request and understands the effects of the revision on flooding conditions in the community, and that any existing or proposed structures to be removed from the Special Flood Hazard Area, the area that would be inundated by the flood having a 1-percent chance of being equaled or exceeded in any given year (base flood) are reasonably safe from flooding and in the alternative, that an Application/Certification Form 1, entitled "Overview & Concurrence Form," signed by a county official. This whole request concerns the engineers as the last time this kind of thing was requested, the County asked for a peer reviewer and it took 6 months. Mr. Neudeck states, we are on the finish line and he gets this type of comment from the County. He noted that Mr. Buckman is the deputy director (John McGuire was laid off and is no longer there) and also said that the only person there is a Junior who doesn't understand the whole process. He said, it's just another hold-up and questions such as what to do you want me to transmit – do they want them electronically or hard copy. Also, who is going to pay for the peer reviewer? These concerns will be addressed further by the engineers and a report back on the status will be forthcoming.

III. Sediment Removal Project. Not discussed at this meeting – see above. (Engineer's Report)

IV. Southwest Levee Raising Project – Mr. Neudeck asked if the District wanted to start identifying these improvements. He said that maybe an appraiser would be helpful as there could be a problem with diminishment of property value. He needs help in directing him moving down this path. Will most be docks that will get replaced? Will they allow docks with rock underneath them? Do we build the dock or does homeowner do it and District reimburse? He said he needs to have a workshop with counsel and would like to move on this and that the District has to keep this on the front burner along with the sediment removal project. Dan Schroeder and Chris Neudeck said they will be meeting and discussing in further detail.

- (b) Authorize engineer to proceed with sediment removal project consultant contracts to perform design, survey, mapping environmental conditions and permitting.
- (c) Discussion and direction regarding sediment removal project disposal site issues.

Both of the above items will be discussed at a special meeting to be arranged for 1-2 weeks from this meeting.

Item 5. Levee Superintendent Report. Request for directions and approvals. Joe Bryson presented the report. On item 4., Plymouth and Swain – the fence was cut. Also there was a lot of graffiti under the freeway. He reported on some AT&T cable in ground and it goes up above. Is it still permitted, is it a hazard for the District - should he work around it? He doesn't want to chop off people's phones. It was suggested he get a photo and more information and ask Johnny Mack what he recalls. On Item 10, it is within District's easement and also make sure homeowner consents to work

Item 6. Subventions Agreement. Adopt Resolution 2017-06 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2017-2018. Dan Schroeder reported on this item. If Trustees choose to participate in the Levee Subventions Program, he is asking that the District allow Trustee Panzer to sign documents. After discussion,

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2017-06 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2017-2018 be approved and that President Panzer execute the documents on behalf of the District.

Item 7. CEQA Exemption. Adopt Resolution 2017-07 Authorizing and Directing Filing of Notice of Exemption For Routine Maintenance, For Fiscal Year 2017-2018. After discussion

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2017-07 Approving and Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, for Fiscal Year 2017-2018 be approved.

Item 8. District Website. Approve contract with MAYACO to update District website. Dan Schroeder reported on this item and said that the District's website is becoming unmanageable because of the amount of documents. It needs to be made easier for constituents to navigate it. He asked attorney Pinasco to do some research. A bid came in at a not to exceed \$2,500 to update the website. If a District has a website, the agendas have to have the most current agenda on the top of the list. Websites also need to be ADA compliant – in a design that meets the current standards of the ADA. The law firm of Neumiller & Beardslee currently does the monthly updates of the website. After discussion,

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Trustees of Reclamation District 1608 that the proposed contract to update the District website with MAYACO be approved with a cost not to exceed \$2,500.

Item 9. Report by Trustees on meetings attended and upcoming meetings. Request for direction. No report.

Item 10. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings. No report.

Item 11. Discussion and direction on Short-Term and Long-Range Goals. No additional changes.

Item 12. District Calendar. Discussion and direction. Mr. Schroeder noted that the District is up to date for the hand bills for assessments due the District from public agencies. Looking at the calendar, it was noted that this year is an election year. Trustee Meyers' term will be expiring. There will be no regular meeting in September. The next regular meeting will be the first week in October.

As noted above, the Sediment Removal and permit application for Arrendondo will be handled through a Special Meeting to be scheduled for September and will require the presence of Trustee Meyers as Trustee Tholborn has a conflict of interest as reported in prior meetings.

Item 13. Correspondence. None.

Item 14. Approval of Bills. The bills, as presented, were approved.

Item 15. 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 16. Adjournment.

The meeting was adjourned at 9:15 a.m.

Respectfully submitted,

Jean L. Knight
District Secretary