

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, DECEMBER 6, 2017**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, December 6, 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
DAN MacDONNELL¹

OTHERS PRESENT WERE:

DANIEL J. SCHROEDER
ANDY PINASCO
CHRISTOPHER NEUDECK
JEAN KNIGHT
JOE BRYSON
DREW MEYERS, Former Trustee
DOMINIQUE GUILLI – Homeowner
JUDITH BUETHE, Judith Buethe Communications
RICH KEMP and MAYWELL INONG, Homeowners
Dr. ANTONIO & LILLIAN ARRENDONDO, Homeowners

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. Dominique Guilli spoke and wanted to congratulate Dan McDonnell for his well-run campaign and Brett Tholborn also spoke and said he wanted to recognize that former Trustee Drew Meyers was present at this meeting.

Item 2. Recognition of Former Trustee Drew Meyers. Trustee Panzer asked Drew Meyers to come to the head of the table where he recognized Mr. Meyers for his 12 years of service on the Board of Directors. He wanted to honor him for his time and work on the Board and noted that the District had had some ups and downs, some successes and some disappointments. He noted that the levees had improved dramatically during his tenure and how Trustee Meyers lent much wisdom to the District and played a strong role in planning its activities for financial services. He said he was also instrumental in giving improved access to the levees along with making them safer. Trustee Tholborn mentioned that he appreciated Trustee Meyer's presence at the meeting – always there when we could be and always on time. Trustee Panzer mentioned Trustee Meyers' health issues and was glad to report that he left his position with a full head of hair. They then read the wording on the presented plaque.

Trustee Meyers then spoke and said what an honor it had been to serve the community and this Board. He said he felt the Board made a lot of progress and noted that they had hired Joe Bryson

¹ Dan MacDonnell was sworn into office on December 1, 2017 at the law offices of Neumiller & Beardslee.

and felt the District had incurred a lot of cost savings because of having a District Superintendent such as Mr. Bryson. They also instituted the levee subventions program and he said he was looking forward to next 7-8 years of what the Board will do to serve the public. He said thanks and what a good model the District is on how government works and how government can work efficiency. Pictures were then taken.

Item 3. 2017 Trustee Election Results. Review and discuss. Attorney Pinasco gave a presentation of the election held on November 7, 2017, from 7:00 a.m. to 7:00 pm. at the Mable Barron Elementary School Library. There were 194 voters and 6 rejected ballots that were due mostly to putting a check mark instead of a number. Votes Received: MacDonnell 38,881 and Guilli 2,332.

Item 4. Approval of Minutes. Minutes of the meeting of November 1, 2017. The Trustees reviewed the minutes and

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608, the minutes of the meeting of November 1, 2017, were approved as read.

Item 3. Financial Report. Review, discuss, and accept financial report. The financial report was discussed by Secretary Knight. She went over the report and stated that there was nothing unusual to report but did note that the District received \$5328.00 in interest in October, 2017.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Financial Report be approved as presented.

- (a) Assessment Payment Status of Municipalities. Dan Schroeder presented this item and wanted to report the District was tracking to determine if Lincoln Unified and the City of Stockton were current in paying assessments. These assessments must be paid by a hand-bill prepared by the Attorneys as they do not get billed directly by the County Assessor. He was pleased to report that both Lincoln Unified and the City of Stockton have paid their assessments.
- (b) Audit Report – Review, discuss and approve report and related actions. Dan Schroeder presented this item and said the draft audit was included in the agenda packet for the Trustees opportunity to review. He asked if there were any questions or comments to this rather extensive report. All Trustees said they were satisfied with the draft audit report and directed the Secretary to advise the auditors that the draft can be put into final. Trustee Panzer also signed the representation letter which will be sent back to the auditors. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the draft audit prepared by Croce, Sanguinetti and Vander Veen, Certified Public Accountants, be approved and that a final report be prepared. Trustee Panzer also executed the representation letter that will be returned to the Auditors.

(c) Contract with Bookkeeper – Review, discuss and approve contract with Bookkeeper. This item was discussed more fully by engineer Chris Neudeck and information is included in the written engineer’s report under item III., District’s Financial Accounting. After receiving proposals from JMeek Agribusiness Management and Butterfield + Co., the end result was that it would cost approximately \$14,500 a year with Butterfield + Co., and \$24,000 a year with JMeek Agribusiness Management. The current cost for the District with the District Secretary and Kjeldsen, Sinnock & Neudeck staff totals approximately \$8,900 per year. It was determined that staying with the current set up of the Secretary and KSN working on the bills and subventions application was still the most cost efficient. Therefore,

Upon motion duly made, seconded, (B. Tholborn/D. MacDonnell) and unanimously carried, the Trustees of Reclamation District 1608 voted not to move forward with the proposals for bookkeeping services.

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

MICHAEL PANZER, #5983, Trustee Fee	100.00
BRETT THOLBORN, #5984, Trustee Fee	100.00
DREW MEYERS, #5985, Trustee Fee	100.00
JEAN L. KNIGHT, #5986, Secretarial Fee, Election Board fee and Post Office Box payment reimbursement	1,361.00
RHONDA OLMO, #5987, Election Board fee	560.00
NEUMILLER & BEARDSLEE, #5988, Inv. # 288573	4,269.32
KJELDEN, SINNOCK & NEUDECK, #5989, Inv. #s 21910-21917.....	71,629.89
SAN JOAQUIN COUNTY MOSQUITO & VECTOR CONTROL District, #5990, Assessment for July 1, 2017 – June 30, 2018	36.71
CROCE & COMPANY, #5991, Inv. # 2009387	397.83
VOID, #5992	
PAUL E. VAZ TRUCKING., INC., #5993, Inv. #s 52821-52822.....	443.33
PG&E, #5994, Electrical.....	46.41
DICKINSON’S WEED SPRAYING CO., #5995, Pre-emergent and Monthly applications	9,270.00
RECLAMATION DISTRICT 1608, #5996, Transfer to Checking	25,000.00

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

JOE BRYSON, #1334, 10/1/17 – 10/31/17	4,276.95
TIMOTHY CLAY VOYER, #1335 10/16/17 - 10/31/17.....	933.58
JOHN EARL FOSTER IV, #1336, 10/16/17 - 10/31/17	528.12
TIMOTHY CLAY VOYER, #1337, 11/1/17 - 11/15/17.....	242.32
JOHN EARL FOSTER IV., #1338, 11/1/17 - 11/15/17	447.66
JOE BRYSON, #1339, 11/1/2017 – 11/30/2017.....	3,912.65
JOHN EARL FOSTER IV, #1340, 11/16/2017 – 11/30/2017	721.56
TIMOTHY CLAY VOYER, #1341, 11/16/2017 – 11/30/2017	192.02

SAMNANG MAI, #1342, 11/16/17 – 11/30/2017146.63

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

State Government, Payroll Taxes, October Salaries485.60
Federal Government, Payroll Taxes, October Salaries2,644.54

Electronic Payments were made to the following:

Bank of Stockton Visa Card1,389.85
State Compensation Insurance Fund, Workers Compensation premium569.58

Item 5. Engineer's Report. Request for directions and approvals.

(a) Consider new permits requests from homeowners.

- (1) Dr. Antonio and Lillian Arrendondo, 6201 Embarcadero Drive. Starting with approved plans that did not get delivered timely because of an address issue, the work done on the levee was inconsistent with the approved plans. Work done that was not approved included, but was not limited to, concrete surfacing of the levee crown, concrete pavers around the fire pit, retaining structure and level pad around the fire pit, and retained planters in either corner of their lot at the waterside edge of levee crown/roadway. During discussion, the Arrendondos were told that when there are trucks driven on the levee, if there is concrete on the levee, the concrete cracks and crumbles and that the Board has taken the position that they are not going to approve concrete on the levee roads anymore. The Arrendondos feel they have a unique condition in that when the kids play on the levee, the decomposed granite on the levee road gets into their shoes and then is taken into the house. The new hardwood floors are getting damaged by this. The Arrendondos said they would take responsibility for the concrete if it should get damaged when and if a truck needed to drive over it. After discussion of this issue as well as the other improvements that were not listed nor approved in the permit application, it was decided at this time that the Arrendondo's prepare a new permit that identifies all the improvements that were made but not approved in the previous permit and resubmit it to the engineer for review and then to the Board for re-consideration. The Trustees expressed their appreciation to the Arrendondo's for their cooperation in this matter.
- (2) Rich Kemp and Maywell Inong, 3834 Fourteen Mile Drive. This permit application came in late and was not received in time to be placed on this month's agenda for any action. The owners are requesting construction of a removable fence of unknown material at the waterside top of the slope and are also seeking an encroachment permit to reconstruct rotted deck and retaining wall along the edge of the levee crown. At this time, the engineers are not supportive of the permit application and will need to work with the landowners to provide additional detail. The exhibits in the engineer's report include the permit application and pictures show vegetation on the landside of the levee that completely blocks the visibility of the levee. There are photos of old tree stumps from trees that were cut down but the old roots are still here as the prior owner just cut down trees. The engineers want to work with the owners, refine the plans and have the plans brought back to the next meeting. Mr. Kemp asked if he

could fix the deck. He was told that he could repair boards but if they remove it, they would need a new permit to replace it.

(b) Sediment Removal Project – See below.

(c) Emergency Plan Review – Chris Neudeck gave a power point presentation on the Emergency Plan Review. After the presentation, Joe Bryson reported that he let manager know at InShape City that they are a command post for the District and the manager said they had no idea of this designation. Attorney Schroeder said that this is being worked on.

Engineer's Report:

I. AB 360 Delta Levee Subvention Program – Chris Neudeck gave a report. He said there is a need for some levee work north of the Marina property. He said it would cost between \$5,000 - \$10,000 and he will come back in January with an action item for the agenda. Mr. Neudeck also distributed a document entitled "Delta Levee Subventions Program Important Procedures for Claim Eligibility." It is an important document that provides a tool for the subvention program and was done by the staff at Kjeldsen, Sinnock & Neudeck. It's also something for Mr. Bryson to keep in his truck.

Engineer Neudeck reported that the District did not perform an annual levee inspection last year. Under Exhibit B of KSN report, there is a Levee Inspection Report that will be able to be used during inspections. The cost estimate for the inspection should be around \$17,000. When asked, Mr. Neudeck said their firm is starting to use drones and have some now. Some of their staff is licensed and for some of the levees they inspect, they plan on using the drones in December.

II. Plan Review – permits. Discussed above.

III. District's Financial Accounting. Discussed above.

IV. FEMA Mapping Status. – On Exhibit O of the engineer's report, Mr. Neudeck pointed out that an inquiry was made to FEMA as to the status of the LOMR. They were told that a case manager informed them that they will process the LOMR and attachments over the next few weeks with anticipation of a formal response to follow. He said when that happens the response will go to the County and City and hopefully District will get a copy of it.

V. Sediment Removal Project. Trustee Tholborn left room because of his conflict of interest. Mr. Neudeck reported on this item and pointed to Exhibit P. in the Engineer's Report. The exhibit listed a summary of work activities associated with the sediment removal project dated 12/4/17. It was discovered that some of the sampling done by the consultants was found not to be disposable. They haven't learned of anything objectionable but they would have to let the sediment seep into the ground by having a large pond. This would be instead of decanting water back into the river. The next steps are to begin discussions with the Port. Discussions were held to determine a CEQA path and plans were made. However, because of

some potential complications and underlying issues, along with continuing with the Port, it was also felt that identifying and assessing a back-up disposal site in the event that the Port facility cannot be used is going to be considered. A potential site that was previously used may be available and those discussions will start soon.

At this time, Trustee Tholborn returned to the meeting.

Item 5. Levee Superintendent Report. Request for directions and approvals. Joe Bryson gave his superintendent's report. On item 2. of the report, he said there are two new homeowners on the levee. One is the residence at 3509 Stone River Circle, the former Davidson home. The new owners, Eugene and Mary Cruz, would like to have a swimming pool on the property. Mr. Bryson asked that Kjeldsen, Sinnock & Neudeck come out to the site to inspect. There was also some question about the last time the Levee Encroachment Standards were revised – March 1, 2013. It was decided that Mr. Bryson and Mr. Neudeck will take a look at them. Mr. Bryson went through the rest of his report.

- (a) Approve Dickinson's Weed Spraying Co., contract for 2017-2018. The cost is \$9,270 total. Pre-emergent application for \$3,870.00 and monthly inspections and re-sprays are for \$450 a month or a total of \$5,400. After review

It was moved, seconded (B. Tholborn/Dan MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the contract with Dickinson's Weed Spraying Co., for a Pre-emergent application for \$3,870 and monthly inspections and re-sprays for \$450 a month or total of \$5,400 be approved.

Item 8. Trustee Conflict of Interest. Review trustee conflict of interest regarding sediment removal project. Dan Schroeder presented this item. It was thought beneficial to revisit this item with Brett Tholborn having a conflict and attorney Andy Pinasco did some research. At the time that the original conflicts were determined, both Trustee Panzer and former Trustee Meyers came back with the fact that their docks were assessable and useable. However, when Trustee Tholborn's property was analyzed, it was found that his dock was not usable and it was found that if the sediment removal project was done, it would make it assessable and usable. If there was a change in the law or a change in the facts, there could be a review as one of these would have needed to change. One change did happen and that the original dock was dilapidated and now it is a 70 foot working dock. The Tholborns put a different dock there and now Mr. Neudeck said that a dredging project would not affect the dock and there's no longer any correlation between the dock and the sediment removal project. It was felt that a request for reconsideration be made to the Fair Political Practices Commission. It is likely that during this reconsideration, pictures of the new serviceable dock will need to be presented. Trustee Panzer would like to see this being revisited with the request that Trustee Tholborn being able to participate in the discussions with respect to the sediment removal project. Therefore,

It was moved, seconded (M. Panzer/Dan MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the trustee conflict of interest regarding the sediment removal project be reconsidered and a request be made to the Fair Political Practices Commission.

Item 9. Newsletter. Discuss timing for the next Newsletter. Discussion took place between Judith Buethe and the Trustees and staff regarding timing and items to report. One would be a report in the change of Trustees with Trustee Meyers leaving office and Trustee MacDonnell being elected and to get a photo. Also to be discussed could be the annual encroachment inspection. Other items were discussed at the November meeting. Also mention the new website and also to remind property owners if they want to do improvements to first contact the levee superintendent to get the permits. This will be started on right away.

Item 10. Report by Trustees on meetings attended and upcoming meetings. Request for direction. No reported items.

Item 11. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings. – No report, already discussed.

Item 12. Discussion and direction on Short-Term and Long-Range Goals. No changes.

Item 13. District Calendar. Discussion and direction. Finished election.

Item 14. Correspondence. No correspondence to present.

Item 15. Approval of Bills. The bills, as presented, were approved.

Item 16. 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 17. Adjournment.

The meeting was adjourned at 10:30 a.m.

Respectfully submitted,


Jean L. Knight
District Secretary