

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1608  
HELD WEDNESDAY, FEBRUARY 7, 2018**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, February 7, 2018 at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, 5<sup>th</sup> Floor, Stockton, California, at the hour of 8:00 a.m.

**TRUSTEES PRESENT WERE:**

MICHAEL PANZER  
BRETT THOLBORN  
DAN MacDONNELL

**OTHERS PRESENT WERE:**

DANIEL J. SCHROEDER  
ANDY PINASCO  
CHRISTOPHER NEUDECK  
JEAN KNIGHT  
JOE BRYSON  
DOMINICK GUILLI – Homeowner

**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. Dominick Guilli distributed a letter identified as 2/7/2018 Written Public Comments. He requested that this letter, including attachments, be included with the minutes of the meeting and said it was because the information contained in the attachments have a significant effect on the environment and the public at large. The attachment to the letter includes a notification to interested parties of the approval of the Lower San Joaquin River Flood Risk Management Feasibility Study Report and said that interested parties have 30 days in which to comment on the Final Environmental Impact Statement as it is being filed with the Environmental Protection Agency and is being made available to interested parties for review and comment. He said “Please read it” and is asking that the District respond with written comments. He is asking that the District respond as, he said, the public can’t respond.

President Panzer also reported that former Trustee James Bluck passed away.

**Item 2. Minutes of the regular and special meetings of January 3 and 5, 2018.** 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 Regular Meeting of January 3, 2018 were approved and upon motion duly made, seconded (/D. MacDonnell/B. Tholborn) and unanimously carried by the Board of Trustees of Reclamation District 1608, the minutes of the Special Meeting of January 5, 2018 were approved as read.

**Item 3. Financial Report. Review, discuss, and accept financial report.** Secretary Knight presented two sets of financial reports. The 1<sup>st</sup> report was for the fiscal period ending December 31, 2017 and the 2<sup>nd</sup> for the fiscal period ending January 31, 2018. She reported that for the 2<sup>nd</sup> report the District received \$118,074.46 in property taxes and \$152,172.15 in assessments. After review, the Trustees approved the financial report as presented.

**(a) Adopt Resolution 2018 Establishing Policy For Reimbursement Of Trustee Expenses.** Dan Schroeder presented this item and said the attorneys have been working on stipends and reimbursements for events. He noted that small Districts have not set aside any policies for these types of expenses and this resolution, along with Attachment A, the Reimbursement of Expenses Necessarily Incurred in the Performance of Trustees Duties, will help do so. He noted that this document creates the structure necessary to implement the policy and said at the next meeting there will be a report where one incurred their expenses to see how the policy works. Trustee Panzer said he thought the District already had some sort of a policy but Mr. Schroeder said no, it did not. After discussion,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2018-01, Resolution Establishing Policy for Reimbursement of Trustee Expenses be approved.

Later on in the meeting, attorney Schroeder spoke a little more about the above issue citing the Civil Grand Jury questionnaires that went out several years ago about the operations of special districts such as Reclamation District 1608. Although technically they can't force the District to do anything, it was felt that working together with a financial policy so everyone is being accountable for is a good thing and creating a system that is functional but reduces the potential for theft as much as possible is what he will be working on. He said he would be coming up with a title for the financial policy and will likely be presenting it at the April meeting.

**(b) Discussion and direction regarding Trustee Stipend.** Brett Tholborn had earlier brought this up for more discussion. He thinks that the current rate of stipend, \$100 per day of service (in practice, it is a meeting) is low and felt the amount was a bit archaic. Various ways to make changes were discussed by Attorney Schroeder. One way is to draft an Ordinance setting out the new fee schedule and then this Ordinance would be published in the newspaper for a number of weeks and then there would be a public hearing and there could be a referendum. The cost would be minimal to publish in the newspaper. He asked the Trustees if they were interested in proceeding with this idea and the response was yes. Trustee Tholborn thought \$300 for a day of service for the meeting would be a good amount. If there was an additional meeting, it was felt that this meeting (or day of service) would be kept at the \$100 a day. Mr. Schroeder said he would bring the draft ordinance back either the next District meeting or the following meeting.

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

MICHAEL PANZER, #6008, Trustee Fee, Two Meetings.....	200.00
BRETT THOLBORN, #6009, Trustee Fee .....	100.00
DREW MEYERS, #6010, Trustee Fee, Two Meetings.....	200.00
JEAN L. KNIGHT, #6011, Secretarial Fee .....	725.00
NEUMILLER & BEARDSLEE, #6012 Inv. # 289971 .....	3,290.60

KJELDEN, SINNOCK & NEUDECK, #6013, Inv. #s 22215-22222.....	34,533.30
CROCE & COMPANY, #6014, Inv. # 2009856.....	350.20
RHONDA OLMO, #6015, Secretarial Services, Special Meeting.....	250.00
BUSINESS PRINTING SERVICE, #6016, Inv. #18532.....	282.31
JUDITH BUETHE COMMUNICATIONS, #6017, Inv. #6202.....	907.50
PG&E, #6018, Electrical.....	42.82
CROCE, SANGUINETTE & VANDERVEES, #6019, Inv. #06783.....	3,575.00
JUDITH BUETHE COMMUNICATIONS, #6020, Inv. # 6214.....	1,451.95
ANIMAL DAMAGE CONTROL, INC., #6021, Inv. 624.....	1,200.00
ROBERT BURNS CONSTRUCTION, INC. #6022, Inv.#s 4873-1 & 4873-2.....	24,500.00

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

JOHN EARL FOSTER IV, #1348, 1/1/2018 – 1/15/2018.....	179.05
JOE VINCENT PERUCCA, #1349, 1/1/2018 – 1/15/2018.....	120.24
JOE BRYSON, #1350, 1/1/18 – 1/31/18.....	4,239.36
JOE VINCENT PERUCCA, #1351, 1/16/18 – 1/31/18.....	108.70
JOHN EARL FOSTER IV, #1352, 1/16/18 – 1/31/18.....	281.36

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

State Government, Payroll Taxes, January Salaries.....	279.06
Federal Government, Payroll Taxes, January Salaries.....	1,728.60

Electronic Payments were made to the following:

Bank of Stockton Visa Card.....	4,224.45
State Compensation Insurance Fund, Workers Compensation premium.....	569.58

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

- (a) Consider new permits requests from homeowners. None.
- (b) Approval of Contract to Repair Levee Crown Subsidence Area in North West Levee Near Marina Property. Still pending.

From Engineer’s Report.

**Plan Review: Pending Permit Requests from homeowners; Dr. Antonio & Lillian Arrendondo, 6201 Embarcadero Drive, Stockton.** Chris Neudeck gave a verbal report and said he was working on a letter to the Arrendondo’s that would be going out shortly. He noted he had met with them recently and the meeting went well and he wanted to clarify things by writing a written report. He will present the letter at the next District meeting but thought the letter would be going out shortly. In the letter he will note the following:

1. They are approved to place lawn on the levee waterside slope of their lot.
2. They are approved to place artificial turf on the levee landside slope of their lot as noted by Mr. Neudeck.

Mr. Neudeck also noted that provided the District receives a revised set of plans with a new encroachment permit application the following will be agreed to:

1. They will be allowed to leave the fire ring on the levee waterside slope.
2. They will be allowed to transfer the fire ring and concrete pavers to the levee landside slope
3. They may be allowed to construct a deck in the area of the Fire Pit on the levee waterside slope provided it is in accordance with the District's Encroachment Standards; and
4. Their 2/7/18 submitted application and plans were not approved and need revision and resubmittal.

It was also agreed that with respect to the concrete surfacing of the levee crown, Mr. Neudeck has, at this time, agreed to delay enforcement on this encroachment until such time the District has completed its revisions to its Encroachment Standards. The District standards are currently being reviewed and one of the elements that they are considering is the type of allowable surfacing of the levee crown in the Southwest Quadrant. The District is currently considering allowance of concrete slab surfacing, providing the concrete slab surfacing is properly designed to handle the load of large earthmoving loaded trucks that use the roadway for levee access.

Mr. Neudeck also said that he has asked (and he too will do) that the Arrendondos please document what each says. There's also an issue with mail not going to the home address and some issues with mail being received by them at their Post Office Box.

**III. FEMA Mapping Status.** Mr. Neudeck referred trustees and staff to Exhibit A in the engineer's report where it notes that his firm has contacted the FEMA case manager and inquired as to the status of the LOMR. The FEMA case manager has received internal comments from their Quality Control Department and anticipates the LOMR approval by the end of this week.

When questioned about this issue and the LOMR, Mr. Neudeck was given direction to respond that the District is in a pending condition with FEMA as far as flood zones and that they can change at any time. However, FEMA so far has held off and the District submitted further information to them.

#### **V. Subventions Program.**

- A. Review progress of KSN Inc. annual Levee Inspection to evaluate landowner encroachments. Mr. Neudeck wants to put more effort into details of historical records on the lots. He noted that the records are not always clearly reported on what is approved and what is not. He is having an inspector review the files and clarify some of these matters. It should make for better tracking. Some of the files contain "grandfathered" approvals and they are trying to clarify. Questions such as, Is it a permitted or not permitted grandfathered? Is it something that the District should take active enforcement on? The work in the longrun will allow the engineers to get a better handle on the big picture. The Southwest levee is going to be more difficult. He said, engineers don't like bushes. They want to be more careful and as reported, they are reviewing the encroachment standards.

- B. Mr. Neudeck said they are reviewing the need for other minor All Weather Road Repairs in the southwest quadrant. An inspector is coming behind them when they are doing their inspection.

There is a condition that was discovered where there was work done by the City of Stockton and there appears to be a sink hole over an outfall location. Mr. Bryson noticed this and the soil below the crest is moist – might be latent moisture. The City is disturbed with the District calling them about this. If a pipe is leaking, they have to go down and look and it could be 6 – 12” deep. Mr. Neudeck said the District needs to coordinate with the City. He will let Mr. Schroeder know if this needs to be on the next District meeting agenda.

**IV. Sediment Removal Project:** At this time, Brett Tholborn left the meeting at 8:53 a.m. because of his conflict. Mr. Neudeck reviewed the items in Exhibit B. of the Engineer’s report. The exhibit is an update of the project with the tasks of, 1) Project Management & Design; 2) survey & Mapping; 3) Environmental Assessments & Documentation; 4) Dredging operations support & permitting; and 5) construction management. He discussed at what percentage the engineers are with each task and details of this status.

After discussion, Mr. Tholborn returned to the meeting at 9:10 a.m.

**Item 5. Levee Superintendent Report.** Request for directions and approvals. Joe Bryson gave his superintendent’s report and went through all the items.

**Item 6. Trustee Conflict of Interest.** Review trustee conflict of interest regarding sediment removal project. Dan Schroeder presented this item. He said the draft for reconsideration was done by Andy Pinasco for the FPPC. There are changed conditions with the dock and boat access. It was submitted February 1<sup>st</sup>. The time period that the FPPC can respond would be by March 5<sup>th</sup>. If they do nothing, then nothing changes. Dr. Panzer said letter looked brilliant and was very comprehensive. Mr. Schroeder said that Andy did an excellent report. Dominick Guilli made a public records request and he will get a copy of the letter.

**Item 7. Report by Trustees on meetings attended and upcoming meetings.** Request for direction.

- a. December Newsletter – the newsletter has gone out.

**Item 8. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** – No report, already discussed.

**Item 9. Discussion and direction on Short-Term and Long-Range Goals.** No changes.

**Item 10. District Calendar.** Discussion and direction. Finished election.

**Item 11. Correspondence.** No correspondence to present. Mr. Guilli asked if the District got the Notice to parties from him. Mr. Schroeder responded that yes, the District got this.

**Item 12. Closed Session.**

- (a) **PUBLIC EMPLOYEE PERFORMACE EVALUATION**  
Title: Levee Superintendent.
  
- (b) **PUBLIC EMPLOYEE PERFORMACE EVALUATION**  
Title: District Secretary.

**Item 13. Report out of Closed Session.** A closed session was held and all trustees were present. There was no reportable action regarding items 12a and 12 b.

**Item 14. Employment Agreements.** Discussion and possible action regarding amendments to Levee Superintendent and District Secretary. The secretary's current salary is \$675 per month. Brett Tholborn said the cost of living increase for the state of California this last year was 2.6%. The Trustees recommended increasing the salary by 3% or \$20.00 to \$695 per month. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the salary for Secretary Knight be increased from \$675 to \$695 per month, effective March, 2018.

After discussion, the Trustees recommended a 3% increase for Mr. Bryson of \$1.00 an hour from \$36/hr. to \$37/hr. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the salary for Joe Bryson be increased from \$36 an hour to \$37 an hour, effective March, 2018.

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

**Item 16. Staff Reports.**

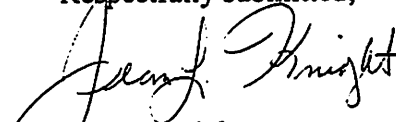
- (a) Attorney. The Agenda for this meeting was posted on the window outside the meeting room at 509 West Weber Avenue, Stockton, California, at least seventy-two (72) hours preceding the meeting.

Mr. Schroeder also reported that it is time for Ethics training. The training will be for 2 hours. They also need to do Sexual Harassment Training. The Ethics training will be in March.

**Item 17. Adjournment.**

The meeting was adjourned.

Respectfully submitted,

  
Jean L. Knight  
District Secretary