

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1608  
HELD WEDNESDAY, JANUARY 3, 2017**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, January 3, 2017 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  
RHONDA L. OLMO  
DOMINIQUE GUILLI – Homeowner  
JUDITH BUETHE, Judith Buethe Communications  
RICH KEMP, Homeowner  
Dr. ANTONIO & LILLIAN ARRENDONDO, Homeowners  
BOB BENTZ - Homeowner

**ABSENT:**  
JOE BRYSON  
JEAN KNIGHT

**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. None

**Item 2. Approval of Minutes:** Minutes of the regular meeting of December 6, 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 December 6, 2017, were approved as read.

**Item 3. Financial Report.** Review, discuss, and accept financial report.

Mr. Dan Schroeder said since Jean Knight is on vacation, both of the Financial Reports for December, 2017 and January, 2018 will be presented at the February, 2018 meeting.

- (a) JPRIMA Annual Member’s Meeting on March 16, 2018.

Mr. Schroeder referred to the Notice of JPRIMA Annual Members Meeting email, dated December 8, 2017 in the Agenda packet. The meeting will be held on March 16, 2018, at 10:00 a.m. This meeting is for the purpose of conducting the election of directors and such other business as may properly come before the Authority. Mr. Schroeder stated this is an opportunity for the District's Trustees to vote on who the new members will be. Mr. Schroeder told the Trustees they do not need to attend in order to vote. The Trustees will be given the opportunity to identify anyone whom they wish to nominate. Once the JPA receives the nominations, they will be providing a list of the names. Mr. Schroeder will be providing this list to the Board Members at the February/March Meeting giving them an opportunity to vote. No nominations were mentioned at today's meeting.

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

MICHAEL PANZER, #5997, Trustee Fee .....	100.00
BRETT THOLBORN, #5998, Trustee Fee .....	100.00
DAN MAC DONNELL, #5999, Trustee Fee .....	100.00
JEAN L. KNIGHT, #6000, Secretarial Fee .....	725.00
NEUMILLER & BEARDSLEE, #6001, Inv. # 289263 .....	6,316.26
KJELDSSEN, SINNOCK & NEUDECK, #6002, Inv. #s 22022-22027.....	13,924.39
PAUL E. VAZ TRUCKING, INC., #6003, Inv. #s 53711 .....	104.79
JUDITH BUETHE COMMUNICATIONS, #6004, Inv. # 6193 .....	157.50
CROCE & COMPANY, #6005, Inv. #2009784.....	198.05
BROTHERS LANDSCAPING, #6006, Vegetation Removal, Section 150 .....	990.00
PAUL E. VAZ TRUCKING, INC., #6007, Inv. 53712.....	256.56

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

JOHN EARL FOSTER IV., #1343, 12/1/17 - 12/15/17 .....	537.74
JOE VINCENT PERUCCA, #1344, 12/1/17 - 12/15/2017 .....	502.26
JOE BRYSON, #1345, 12/1/2017 - 12/31/2017 .....	3,419.46
JOHN EARL FOSTER IV, #1346, 12/16/2017 - 12/31/2017 .....	364.48
JOE VINCENT PERUCCA, #1347, 12/16/17 - 12/31/2017 .....	203.41

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

State Government, Payroll Taxes, October Salaries.....	397.50
Federal Government, Payroll Taxes, October Salaries.....	2,372.28

Electronic Payments were made to the following:

Bank of Stockton Visa Card .....	3,426.58
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.

(1) Dr. Antonio and Lillian Arrendondo, 6201 Embarcadero Drive.

Exhibit D is the new application attempting to cover work that was done in excess of the approved plan. The plans identify the three areas of concern. 1. The waterside slope work, which included the unpermitted raised patio around the campfire ring, 2. Two retained planter boxes at the North and South end of the property, and 3. Putting concrete on top of the crown of the levee, and some added aggregate base. With this application, Mr. Neudeck said he could consider the critical elements.

Mr. Neudeck recommends not allowing the planter boxes and fire pit area. Allowance of a deck is ok. He said the concrete on the levee is not allowed in standards (decomposed granite is allowed). Mr. Neudeck rejected the planter boxes, fire pit raised area, and concrete on crown. All other items were allowed. Mr. Neudeck's recommendation is that a letter be drafted to the Arrendondos suggesting the removal of the retained portions on the waterside, and the removal of the concrete with the option to continue the treatment of the added aggregate. Discussion was held between the board and the applicants and alternatives were discussed.

Mr. Neudeck said he would address the alternatives for the fire pit. He said the Arrendondos would need to submit a new permit. Dr. Arrendondo invited Mr. Neudeck to come out to his property to further discuss the guidelines and his suggestions. Mr. Neudeck said before he sends him a final letter he will bring with him a draft of what will be written so that they can go over it point by point.

After no further questions or discussion, Trustee MacDonnell said that the district should not deviate from their standards and go with the District Engineer's recommendations.

Upon motion being duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 the new permit that was applied for is rejected with the exception of the added aggregate and the lawn on the landward/water ward side of the levee.

(2) Rich Kemp and Maywell Inong, 3834 Fourteen Mile Drive.

Mr. Neudeck said Mr. Kemp has provided an application to place a removable fence and reconstruct the rotted deck along the waterside slope. Mr. Neudeck is recommending approval of the removable fence, and said it is a concept that is a step further than what has been previously recommended. Mr. Neudeck stated Mr. Kemp is aware of the fact that he is concerned about putting encroachments on and near the slope. Mr. Kemp also has additional items he would like to get brought back before the board.

Discussion was held and President Panzer stated it appears Mr. Neudeck is ok with the Permit Application. He asked for questions from Mr. Kemp. Mr. Kemp stated he had concerns with the Superintendent's knowledge of the standards.

Upon motion being duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Mr. Kemp's Application for Approval of Plans and/or Encroachment Permit be approved.

(3) Rich Kemp and Jonathan English Properties, 3834 & 3842 Fourteenmile Drive.

Mr. Neudeck is skipping this item and said it will be covered later in his report.

(b) Sediment Removal Project – See below.

(c) Approval of Contract to Repair Levee Crown Subsidence Area in North West Levee Near Marina Property - Held over.

Engineer's Report:

- I. AB 360 Delta Levee Subvention Program – Mr. Schroder mentioned that this is a typo and is repeated at Item V.
- II. PLAN REVIEW – permits. discussed above
- III. FEMA MAPPING STATUS

Mr. Neudeck said he does not have an approval at this point. He referred to Exhibit G and said he was under the impression that it was ready to go. He explained the picture included in this exhibit which is the eastern tie in of the district's levee to high ground, and without levee analysis. He referred to his presentations over the last six months and said there has been a couple of fits and starts with the application for the letter of map revision. The last substantial one being done without levee analysis in order to reestablish the map that FEMA would otherwise publish. Effectively, this was done but not in the manner that was consistent with their standards. Mr. Neudeck said he went back and redid "the without levee analysis" and utilized the software package that he was required to use. He said he will have an exhibit done by the end of this week that will be clearer and he will do some overlays. He said when the colors clash in the picture it makes it difficult to differentiate the zones. Once he has the new exhibit he will be able to demonstrate to FEMA why the differentiation occurred and give them the gis layer that is accurate. Mr. Neudeck said there is not threat of the district being put in the hundred-year flood. He hopes to have this issue resolved by the next board meeting. Further discussion was held as to what the current colors are referencing.

IV. SEDIMENT REMOVAL PROJECT.

Trustee Tholborn left the room because of his conflict of interest. Mr. Neudeck reported on this item and referred to Exhibit H in the Engineers Report which is a status update. He said the status is not significantly different with the exception of looking at having another spoils area in the pocket in the event the one with the quark follows through. So far, things are strong and he can move in this direction, but he now has started to contact the Machado family who own Windmill Cove. He said the Machado family want dredging done. He said he is going through some of the elements associated with getting clarification. Mr. Neudeck will be meeting with them later this month. The assessment report is complete, and Mr. Neudeck has done the analysis and field work. He is now preparing a biological assessment. Mr. Gulli said he has touched on the issue before regarding the parallel path issue in regard to clam shell dredging to dispose of the material. He feels it would be no problem to use a clam shell and put it on a barge and dump it into a levee. He said if a home is needed off a barge it all could be placed on his

levees in the delta with no charge. Mr. Neudeck said Mr. Gulli's point was well taken and he will give some consideration.

Mr. Schroeder addressed the Sediment Removal Project in the Newsletter at this time asking for changes. He said in paragraph one to edit it telling the reader that the district is working with the permitting agencies in order to move forward, and a further newsletter will be provided to identify the start date of the project. Mr. Neudeck said in the second paragraph to strike "by hydraulic dredge". Mr. Schroeder said to delete paragraph three.

At this time, Trustee Tholborn returned to the meeting.

## V. DELTA LEVEE SUBVENTIONS PROGRAM

Mr. Neudeck gave an update of the Streambed Alteration Agreement. He said they are five-year agreements and the districts agreement has expired. He has received a final agreement and it is adopted and included in Exhibit I. He provided a historical background on how the district has worked with Fish & Wildlife. He said this is the standard protocol that allows the district to perform routine maintenance activities such as spraying, gravel repair, road repair, rock, and certain trimming (trimming up for inspectability not removing). Mr. Gulli said that under item 2.16 it states "under removal of trees" that the root system shall be left undisturbed. He feels Mr. Neudeck should check into the trees that are being removed and make sure they are in compliance. Mr. Gulli feels the wording under 2.16 needs to be addressed. Mr. Neudeck will look into this.

Mr. Neudeck referred to Exhibit J (Review and approve all-weather road repairs). He reiterated that he mentioned at the last meeting that he anticipated this work would be less than the \$25K so he has not gone out to formal bid. He is working with the contractor that he believes is reasonable and he brought contracts today for approval/signature. The work is set to not exceed \$18,565.00. Mr. Neudeck would like to get this work done within the next two weeks. Since this item is not on the Agenda, a Special Meeting will be held on January 5, 2018 at 3:00 p.m. to further discuss/approve this item. Further discussion and comments were heard.

**Item 5. Levee Superintendent Report.** Request for directions and approvals. No report.

**Item 6. Trustee Conflict of Interest.** Review trustee conflict of interest regarding sediment removal project. Mr. Schroeder said as reported at the last meeting, the board directed staff to prepare a Request for Reconsideration be made to the Fair Political Practices Commission (FPPC) to look at the conflict they had determined for Trustee Tholborn regarding the sediment removal project to have them reconsider. He said the basis of the application would show that the dock is being used, and is not affected by the dredging because the sediment removal project is going to be further waterway away from the dock. He anticipates having this request submitted to the FPPC this month. He will provide copies and keep the board up-to-date at subsequent meetings.

**Item 7. Newsletter.** Discuss timing for the next Newsletter.

Mr. Schroeder told Trustee Tholborn that the sediment removal language was discussed while he was absent.

President Panzer asked for questions/comments about the remainder of the newsletter. Trustee Tholborn referred to operational plan and asked Ms. Buethe to put a space after the heading. She said she would also put a space after the Questions? Comments? heading.

Mr. Schroeder asked that the picture of the egret be removed and to put a face page of the emergency operation plan in its place.

The Trustees asked that the Newsletter be published this month.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the Newsletter be published this month upon the requested changes being made.

**Item 8. Report by Trustees on meetings attended and upcoming meetings. Request for direction.** None.

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

(a) December 2017 Newsletter. – None – previously reported.

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

**Item 11. District Calendar. Discussion and direction.** Trustee Tholborn asked that Trustee Stipends be added to next month's agenda. Form 700's will be distributed in a few weeks.

**Item 12. Correspondence.** No correspondence to note.

**Item 13. Approval of Bills.** The bills, as presented, were approved.

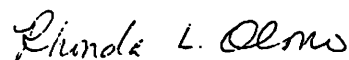
**Item 14. Staff Reports.**

(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 15. Adjournment.**

The meeting was adjourned at 9:30 a.m.

Respectfully submitted,



Rhonda L. Olmo  
Acting District Secretary