

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, AUGUST 1, 2018**

The Regular Meeting of the Board of Trustees of Reclamation District 1608 was held Wednesday, August 1, 2018 at the law office of Neumiller & Beardslee, 509 W. Weber Avenue, fifth 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
JOE BRYSON
RHONDA OLMO
DOMINICK GULLI
ROGER AND LINDA FISHER - RESIDENTS
CHISTINE HAMMER - RESIDENT

ABSENT WAS:
JEAN KNIGHT

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.

Mr. Dominick Gulli asked if the District would make a presentation, at their September meeting, relative to the 200-year level of protection (i.e., what's been done, when it will be implemented, cost, etc.)

Mr. Roger Fisher and Ms. Christine Hammer said they would like to know what is causing the delay of the sediment removal in the slough.

2. **Approval of Minutes.** Minutes of the regular meeting of July 11, 2018. After review, President Panzer requested the July 11, 2018 minutes be amended to show Mr. Bo DeLange was in attendance.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the minutes of the regular meeting of July 11, 2018 be approved as read upon correction.

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

Attorney Daniel Schroeder stated due to Jean Knight's absence that she will present the August and September Financial Reports at the September meeting.

4. **Engineer's Report.** Request for directions and approvals.

AB 360 Delta Levee Subvention Program.

A. Review status of KSN Inc. 2018 Annual Levee Inspection to evaluate landowner encroachments and landowner violations notices and corresponding responses from land owners. (*Exhibit A: Current summary of all landowner letters sent and correspondence responses from the landowners. Exhibit B: Summary of Follow-up inspection requirements for District's Superintendent and District Engineer – included in Engineer's Report.*)

Mr. Neudeck said Exhibit A is the current summary of all landowner letters and corresponding responses, and Exhibit B is the follow-up inspection that KSN will be doing with Joe Bryson in order to get compliance and concurrence that the individual landowners met the request of his letters to bring their lots into compliance (mostly related to veg. control.) Mr. Neudeck said as he stated at previous meetings, the overall compliance has been exceptional, and the people that he interacts with sometimes start off on a rough note but always end on an excellent one. Mr. Neudeck said he and Mr. Bryson have developed a good relationship with the landowners where they seem to recognize this need, and are willing to step-up and do the work needed. He said he is down to a couple that need to be addressed with the hold-up being elders being put in rest homes, etc., and he is working through this. He believes by the end of the year everything will be resolved, then the process will start all over again.

B. Review infestation status and need for eradication of Nutria (*Myocastor Coypus*) in Delta Region. Once thought to be eradicated in California in the 1970's. DF&W estimation over 250,000 population in just 5 years' time due to prolife reproduction capabilities. (*Exhibit C: Sample Temporary Entry Permit to conduct Nutria Control on Private lands, Exhibit D: California Department of Fish & Wildlife Nutria educational flyers, and Exhibit E: California Department of Fish & Wildlife Nutria Detection and identification photographs – included in Engineer's Report.*)

Mr. Neudeck referred to the above exhibits indicating Exhibit C was handed out to every landowner along the San Joaquin Drainage Basin (predominately San Joaquin River). He said Counsels in the South Delta have been working with Fish & Wildlife to restructure the entry permit. Mr. Neudeck said KSN recognized the potential for disaster when this came out, given the nature of this particular rodent that had been projected to reach a population of a quarter million animals in five years. Mr. Neudeck said the Dept. of Fish & Wildlife declared an emergency in the State, but are not operating under the emergency provisions. Mr. Neudeck said he has had a number of meetings with them, and has gone legislatively to our lobbyist from the Central Valley Flood Control Association and suggested additional funding be granted. He said this issue has taken on a life of its own, and Fish & Wildlife are in control; however, a number of participating reclamation districts are helping put forth hare traps. Mr. Neudeck said it is important to mention that if you think you see nutria that determination needs to be made that it is not a beaver or a muskrat. Phone numbers and contacts are provided in the engineer's report if you think you see a nutria, or Mr. Neudeck said

anyone can call him and he will notify Fish & Wildlife. Nutria are very destructive and can reproduce very fast and in large quantity. This is a very serious threat and will be tracked closely.

(a) Consider new permits requests from homeowners.

1. 3753 Hatchers Circle, Index No. 95 Lot 1986, APN 098-020-64,
Owner – Nancy Sloan – Request permit to revise wood fence.

Mr. Neudeck said this request is a simple revision to a redwood fence (application, drawing, and photos shown in Exhibits F - H.) Ms. Sloan now wants to change to a wrought iron fence with see through capabilities. Mr. Neudeck agrees with this change. His recommendation is to provide the authority (with no special conditions) by which Ms. Sloan will be allotted the opportunity to change the wood fence to a wrought iron fence giving complete visibility. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that approval of the application for the wrought iron fence, with complete visibility, be granted without special conditions.

2. 4275 Five Mile Drive, APN 098-140-19
Owner Mr. Daryl Verkerk – Seeks permit regarding sprinkler system.

Mr. Neudeck reported that he is still waiting for vegetation clean-up before considering Mr. Verkerk's permit. He stated Mr. Verkerk is working on it.

(b) Consider revoking approval of homeowners permit request.

1. 6201 Embarcadero Drive, Index No 17 Lot 1159, APN 098-370-01
Owners Dr. Antonio and Lillian Arrendondo – March 23, 2018 Permit Approval of relocated non-permitted fire pit to the landside levee slope. Owners have failed to execute conditional documents as required in the permit.

This item was dropped as the homeowner signed the necessary documents needed.

(c) Consider Levee Encroachment Standard Violation Enforcement

1. 3825 Fort Donelson Drive, APN 098-410-210-000, Index No 110, Lot 2237
Owner Mr. Lance Turner – Excessive vegetated cover requiring clearing for inspectability.

Mr. Bryson reported he is having problems locating Ms. Turner. Mr. Pinasco will work with his Trust Department to see what he can find.

(d) Public Hearing Re: Order to Show Cause Regarding Violation of Levee Encroachment Standards.

1. 6231 Embarcadero Drive, APN 100-020-08, Index No 12, Lot 1918, Owner George W. Zehender - Excessive vegetated cover requiring clearing for levee inspections, failure to comply with May 11, 2018 Notice of Violation.

Mr. Bryson reported that the problem has been addressed.

(e) Discussion and Direction regarding Sediment Removal Project.

Mr. Neudeck provided an update as to where the District is relative to why the work is not being scheduled for this construction season. The Board is aware of the details of developing a sediment disposal pond. The District is on their second and third alternative, which is looking at a site to dispose of the sediment. The first site was on the North end of Fourteen Mile Slough (historically used by Lincoln Village West Marina – the City of Stockton’s old treatment facility.) That site turned into a wetland, which excludes deposition of material. The second site is a site that the Corp. of Engineers utilizes on the Port of Stockton property. The third site is an individual property owner that is downstream on the San Joaquin River. Mr. Neudeck is evaluating the second and third options. This evaluation is requiring a four to six months delay due to new studies and new negotiations. Mr. Neudeck is now prepared to develop and finalize categorical exemption documentation with one exception. The exemption is due to the problem with running pipe from Fourteen Mile Slough across Wright-Elmwood Tract over to Roberts Island. The dilemma being he represents Wright-Elmwood Tract, and he is very conscious of the position that they could take; i.e., they could deny access which would leave him with no options. Mr. Neudeck said he is sensitive to the personalities of whom he is working with. He is trying to be diplomatic and hopes in September he will have approval to cross Wright-Elmwood Tract. Comments were made by Mr. Gulli and further discussion was held.

(f) Update on FEMA Levee Certification.

Mr. Neudeck said he received a letter from FEMA on July 18, 2018 (Exhibit I in Engineer’s Report.) He said the letter is notifying the City and the County, who are the community officials, where he was copied as the applicant’s agent that they are not willing to revise the Federal Insurance Rate Map. Mr. Neudeck stated he felt somewhat misled by FEMA through the process. He said he spent an inordinate amount of time walking this through the FEMA review process. He stated this went on for 18 months, and FEMA kept asking for more information and Mr. Neudeck followed through with their concerns. He said FEMA confirmed the levees were fine except for the 5 Mile Slough structure. He said he had discussed the 5 Mile Slough structure for a period of time with FEMA. He said FEMA asked for, and he provided, operational criteria, surveys, and plans. He said FEMA did not ask for a full accreditation, structural and geotechnical analysis, etc. He said he was only going to spend the amount of money he is requested to spend when he thinks the operational aspects of it are adequate. Mr. Neudeck had a conference call with them yesterday. After discussing the map issue with the Board, he believes that the scoping of the structure should resolve the issue. There is also the issue of several lots around the lake, and he is in the process of determining whether an amendment to the Letter of Map Revisions would be one amendment or per lot, which would greatly increase the cost. Mr. Neudeck said the map FEMA provided has not been updated, and he will work to address those issues. Comments were made by Mr. Gulli and discussion was held.

5. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson presented his superintendent's report. Of special note:

- Item 5 (twenty-foot crack on land side of levee, East Grupe Park): Mr. Neudeck stated that this time of year when it is this warm that the soil will sink and swell and that is what is occurring. He said the crack is nominal and an inspection report was done and it is being observed. Nothing is threatening the structural integrity.
- Item 7 (repaired three fences): Mr. Schroeder stated it should be considered replacing these fences with something more durable. Mr. Neudeck said he is looking into a security fence with a channel iron with Caltrans. He is waiting to get the application approved.
- Item 8 (hyacinth): Mr. Neudeck said San Joaquin County is not going to remove any further hyacinth from San Joaquin Slough. This leaves no responsible entity to step in. He said he attended meetings with the community on Five Mile Slough conditions upstream and Siegfried is doing a study as to what is going to go on with that drainage basin.
- Item 14 (letter to homeowner on Seagull regarding trash): Mr. Schroeder asked that Mr. Bryson take some pictures of the conditions to send to Mr. Neudeck so that Mr. Neudeck can send a letter with pictures attached to the homeowner.

Mr. Neudeck and Mr. Bryson reported on the recent erroneous Nextdoor Website Posting.

6. **CEQA Resolution.** Adopt Resolution 2018-09 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, for Fiscal Year 2018-2019.

Mr. Schroeder reported that every year the District has to file an environmental document regarding the operation and maintenance under the subvention contract. Resolution 2018-09 is the environmental document, and he said that typically an environmental study would have to be done in order to determine whether there were impacts, mitigations, etc. For ongoing operation and maintenance, the District does not have to as it is exempt. In order to protect the District annually at this time of the year, he recommends that this Resolution be approved recognizing the exemption and authorizing the District's Engineer to file the exemption. This is the same Resolution as last year with the dates changed. After discussion and review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2018-09 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance, for Fiscal Year 2018-2019 be adopted.

7. **Ordinance 18-02.** Introduce and Waive the first reading of Ordinance No. 2018-02 Providing Informal Bidding Procedures Under the Uniform Public Construction Cost Accounting Act (Section 22000, Et Seq., of the Public Contract Code).

Mr. Pinasco provided a follow-up report. He said this ordinance establishes an informal bidding regulation that is required by the Uniform Act that the Board opted into at their last meeting. This is a requirement of the Act for the District to have an informal bidding ordinance, and this ordinance establishes that. To adopt the ordinance, it is a two-step procedure that is required of two meetings. At today's meeting he is introducing the ordinance and the Board has the decision to either read the ordinance aloud, or to waive any readings today, or any further readings at the following meeting. Mr. Pinasco recommended that the District waive any readings unless they want

to hear it in its entirety. Mr. Pinasco said at the next meeting the Board will be presented with the same ordinance again and will consider adoption. If the ordinance is adopted, it will take effect 30 days after its adoption. After discussion and review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Ordinance 18-02 be introduced by title and waive any further readings.

8. **Report by Trustees on meetings attended and upcoming meetings.** Request for direction. No report.
9. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** There was nothing other than what was reported on at the meeting.
10. **Discussion and direction on Short-Term and Long-Range Goals.** No changes were made.
11. **District Calendar.** Discussion and direction. No report.
12. **Correspondence.** June 29, 2018 Memo from Kjeldsen, Sinnock, and Neudeck re Fee Schedules for 2018/2019.
13. **Approval of Bills.** The Bills to be Paid List, as presented, was reviewed and,

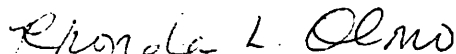
It was moved, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Trustees of Reclamation District 1608 that the Bills to be Paid List be approved.

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.

15. **Adjournment.** The meeting adjourned at 9:40 a.m.

Respectfully submitted,



Rhonda L. Olmo
Acting District Secretary