

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, DECEMBER 5, 2018**

A Regular Meeting of the Board of Trustees of Reclamation District 1608 was called to order at 8:00 a.m. by President Panzer on December 5, 2018, at the law offices of Neumiller & Beardslee, 509 W Weber Avenue, 5th Floor, Stockton, California.

TRUSTEES PRESENT WERE:

MICHAEL PANZER
BRETT THOLBORN
DAN MacDONNELL

OTHERS PRESENT WERE:

DANIEL SCHROEDER
ANDY PINASCO
CHRIS NEUDECK
JEAN L. KNIGHT
JOE BRYSON
DOMINICK GUILLI
BOB GUTIERREZ

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. Guilli had a question about a friend of his who owns the old Le Bistro Restaurant who is interested in doing improvements to it. His questions centered on SB5 as Mr. Guilli said the owner couldn't do anything because of SB5. He wanted to know some details about it and asked, is the District bound by requirements of SB5?

Bob Gutierrez was present at the meeting as he said he represents the owner of the old Le Bistro restaurant and wondered how SB5 tied in with the District. He said he was present at the meeting to learn a little more about reclamation districts. Mr. Schroeder said he could talk to Mr. Gutierrez about this after the meeting.

2. **Approval of Minutes.** Minutes of the regular meeting of November 7, 2018. After review,

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 November 7, 2018 be approved as read.

3. **Financial Report.** Review, discuss, and accept financial report. Secretary Knight presented the financial report and noted the District had received some interest that was higher than budgeted for and also a small amount of assessment money. She had questions about some

entries in the engineering line items and she will work with engineer Neudeck on how to categorize these expenditures. Mr. Guilli had questions about the large amount the District has in reserve and made several suggestions for spending but after speaking was advised that the money set aside in the reserves was earmarked for the sediment removal project which will not only use the reserves but likely go beyond what has been set aside. After discussion ended,

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

- (a) Review and Accept 2017-2018 Audit Report and Authorize Execution of the Letter of Representation. Dan Schroeder presented this item and reported that the audit was a positive report and Trustee Tholborn (a CPA) also said it was a standard report and a good report and as good as it can be. There was some discussion about some Districts being treated as corporations and he worked with 2 that were treated this way. It was not thought that RD1608 would go in that direction. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the 2017-2018 Audit Report be approved and authorized the execution of the Letter of Representation.

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

Referring first to the engineer's report, Mr. Neudeck reported on the following:

I.A. Report on status of installing the Metal Barrier Fence at 14 Mile Slough and Interstate 5. Mr. Neudeck reported he does not have a report on this item as the work has not begun. He is hoping that by January, 2019, he will have more information.

II. A. Permit Requests from Homeowners:

- (1) 6713 & 666 Embarcadero. Chris Neudeck reported on this permit request and initially thought the District should ok the approval of as-built conditions with one condition that the association must diligently keep up with the overgrown vegetation. However, after further discussion, the railing became an issue and at this time, a railing, such as on this property, is not approved within the District's Levee Standards with the condition that the District could remove it if necessary. It was thought that this item should be looked at more closely. Mr. Neudeck said that he had other items he may want to add to amend the standards. At this time, this item will be held off until the February meeting.

II. FEMA Mapping Status.

- A. Review progress of eLOMA application. Chris Neudeck presented this item and directed Trustees and staff to review Exhibit E: KSN Inc. eLOMA status summary dated November 29th prepared by engineer Jacob Bejarano.

III. Sediment Removal Project

- A. Review progress of permitting process with the Board of Trustees. Chris Neudeck reported that he met with the Wright Elmwood Tract Board at the time of RD1608's meeting last month. He referred Trustees and staff to Exhibit F: KSN Inc. Summary of work activities associated with the sediment removal project dated November 30, 2018. He said the meeting was a little tense to start with as Mr. Muzio was not in support of anything to do with RD1608 for various reasons. However, the other 2 trustees and attorney Dante Nomellini did approve the planned work and the matter passed their Board. This will allow the pipe to go over the levee only. Mr. Neudeck reported that Dante Nomellini will work on the agreement. Grupe is the fee title owner and the land is being managed by a vineyard. They worked on a route that was best and it would be good if the District could obtain a temporary easement. This has not yet been done but attorney Schroeder will look into this.

IV. Flood Safety Plan Annual Refresher. Review of the District's Emergency Operation plan and Flood Contingency map along with Flood preparedness protocols. Chris Neudeck gave a Power Point Presentation on the District's Flood Safety Plan. It was an annual refresher. There were questions along the way through the presentation and one of those was "who has authority to carry out the emergency declaration with the County? Ron Baldwin is not working with the County anymore and is on staff at Kjeldsen, Sinnock & Neudeck. It appears at this point the best way to make this happen is to go to the Chair of the Board of Supervisors and have them declare it. As a side note with respect to the sediment removal project, Mr. Neudeck reported that the dredging will be near the docks but the engineers are not dredging underneath the docks. Some of the homeowners are asking and Mr. Neudeck is responding that removing the docks will not be necessary and the District's permit does not cover that.

Another note from the presentation was that next September, the plan will be reviewed again. A question about In Shape City and it being the command center led to a discussion about the attorneys working on an agreement and the current owners' attorneys coming back wanting several thousand dollars a year and the District's attorneys saying this doesn't make sense. Other potential command centers could be 24 Hour Fitness and Mable Barron School. When this is revisited in September, the District will need to talk more about this.

There was also discussion about NIMS training. Dana Carey and Ron Baldwin could work on this and more training will hopefully come about for two of RD1608's Trustees. It should be within the next 45 days or going into the spring time. The District needs to work on certifications. Dan Schroeder and Chris Neudeck will be working on this.

- (a) Consider new permits requests from homeowners.

1. 4149 Fort Donaldson Drive. Index No 127, Lot 22200 APN 098-420-16 Owners Mr. Morgan and Mrs. Susan Mayfield – Seeks removal of vegetation and installation of gravel. The Mayfields are not getting the work done. Mr. Neudeck reported he had made every attempt to make them comply. The attorney will now send the Mayfields an Order to Show Cause letter.
2. 6669 & 6713 Embarcadero Dr, APN 098-400-16 & 098-130-22 Owner Embarcadero West Condominiums – Review status of application for existing stairs with railing and other encroachment features located on the landside slope of the District's Levee. Installation of stairwell Railing. Please see engineering report on Page 3 of minutes.
 - (b) Discussion and Direction regarding Sediment Removal Project. See Page 4 of Minutes.
 - (c) Emergency Plan Review. Done by Chris Neudeck. See Page 4 of Minutes.

Dominick Guilli asked about the Letter of Map revision and being in a holding pattern and areas that are out of our District that are causing problems within our District. Mr. Neudeck reported that FEMA is not in a remapping mode and need time to get done and may not get it done soon. The ball is in their court.

Regarding the sediment removal spoils, Mr. Guilli asked if the Port of Stockton approved the placement of the material. Chris Neudeck responded, yes.

5. **Meeting Location.** Adopt Resolution 2018-12 Changing the Location of Regular Meetings. Neumiller & Beardslee. Dan Schroeder presented this item by reporting that the law firm of Neumiller & Beardslee will be moving its physical office and the District's meeting location, to 3121 W. March Lane, Stockton, CA 95219. The move is scheduled to take place after the next Board meeting but in case there is a delay, the resolution sets out that the meeting location may continue at the current location if the new one is not ready. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2018-12 Changing the Location of Regular Meetings. Neumiller & Beardslee be approved.

6. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson went over his Levee Superintendent Report.
7. **Report by Trustees on meetings attended and upcoming meetings.** Request for direction. No report.

8. District Calendar. Discussion and direction.

- (a) Change January 2, 2019 Meeting Date. Two trustees are not available for the January 2nd meeting. It was suggested and agreed upon that the meeting will be held the following Wednesday, January 9th. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the regularly scheduled meeting of January 2, 2019 be moved to January 9, 2019.

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

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

11. District Calendar. Discussion and direction. No report.

12. Correspondence. No correspondence.

13. Approval of Bills. The Bills to be Paid List for December, 2018 was presented and reviewed and,

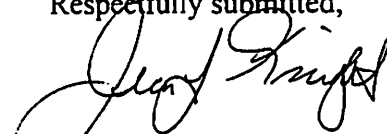
Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608, the Bills to be Paid List for December, 2018 as presented, was approved.

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.

Respectfully submitted,



Jean L Knight
District Secretary