

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, JANUARY 9, 2019**

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 January 9, 2019, 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
CHRIS ELIAS – Executive Director of San Joaquin Area Flood Control Agency (SJAFC)

1. **Public Comment.** Dominick Guilli asked if the District was going to be looking into Flood Control – SB5 and the Lower San Joaquin River Feasibility Study issue. President Panzer said this would be discussed later in today’s meeting.
2. **Approval of Minutes.** Minutes of the regular meeting of December 5, 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 December 5, 2018 be approved, as read.

3. **Financial Report.** Review, discuss, and accept financial report. Jean Knight presented the financial report. She reported that the levee subventions monies had arrived this last month in the amount of \$219,019.00 and is reflected on the financial report. She also reported that there were 5 warrants tied to the sediment removal project (mostly for permits) that had been outlawed as the warrants had not been cashed within the 6 month timeframe given by the County. Ms. Knight had checked with the engineers and they reported at the meeting they would like them reissued as they still had the old checks in their office. The Board authorized the warrants to be reissued. They will be written out at this meeting and signed by the Trustees. The January, 2019 Bills report will be revised.

- (a) CalMutual JPRIMA By-Laws Amendment.
Dan Schroeder reported that JPRIMA would like to amend the bylaws that a change can only be made by an 80% vote of its Board Members. There is nothing the District's Board needs to do unless it wants to oppose this. The Board had no opposition. No action was taken.

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

From Engineer's Report.

FEMA Mapping Status: Chris Neudeck presented the engineers report and began with the progress of the Letter of Map Amendment (LOMA) under FEMA Mapping Status. He referred Trustees and staff to Exhibit A., the LVW LOMA Progress Update prepared by engineer Jacob Bejarano and specifically to the LOMA Review Comments referring to a FEMA Comment Letter received 12/17/18 stating that in part numerous applications are requesting structure mapped structures for lots containing multiple structures. He noted that this endeavor would be time consuming and instead preparation of a legal meets and bounds description will be provided to FEMA to clearly delineate the lake boundary. They anticipate submittal of this information by late January. Mr. Neudeck then referred to Exhibit C, a letter dated July 17, 2018, from FEMA to the Chair of the San Joaquin County Board of Supervisors and states that the LOMR issued March 5, 2018 will not become effective on July 18, 2018. In part, the letter states that "the RD1608 levee system is part of a larger and interdependent levee system consisting of adjacent/contiguous systems that are not certified, as well as an unaccredited gate structure at the mouth of Fivemile Slough." Further on, the letter states that "Consequently, even though documents in the submittal package for this LOMR showed that the RD1608 levee system was certified and could be accredited, the FIRM cannot be revised to reflect accreditation at this time." The next paragraph though states that FEMA Region IX will issue an accreditation letter to validate the certification and accreditation of the RD1608 system, as determined through the review of this LOMR. However the FIRM panels will not be updated until the entire interdependent system is accredited. Mr. Neudeck then stated that the information provided is good, but not good as the region is not really accredited. He referred Trustees and staff to the map showing the gate referred to above (underlined). He said, we're there but on unstable ground. They need for clarification and need to get the application cleaned up and get the highlighted area (the gate area) off the map. He did say that this gate does not affect SHIMA tract.

Trustee Panzer's comments: It says presently accredited – at least confirms we are accredited. The information the District initially provided lacked completeness and then Kathy Schaeffer said everything was ok but we had missed 26 items. We were in a holding pattern. However, it appears the District is accredited. If a house burns down, it can it be rebuilt. Mr. Schroeder says there is still the "hanging chad". KSN has discussed this with county and city authorities and the District does need to resolve the issues. If they say it is an issue, they don't want FEMA to come in and say, funding can't be given.

Joe Bryson said there is a homeowner who wants to build a home 4th lot in from Marina. He can't get a permit unless he elevates. There is a difference between new and existing. An empty lot would be new. An existing lot would not have to elevate.

Further work will be done on this matter and Mr. Neudeck will be reporting back to the District.

Sediment Removal Project. Mr. Neudeck referred Trustees and Staff to Exhibit E in the Engineer's Report, where the updates are detailed in the report prepared by Jacob Bejarano. As far as the discharge pipeline, a site Biological Assessment was conducted on 12/3/18 and on 1/3/19. Also an encroachment package has been prepared for submission to RD2119 and draft temporary access letters have been drafted for both Grupe, and Bronco Wine Group, landowner and tenant, respectively. As far as the environmental Assessments and Documentation, updated information shows the Biological Site assessment was performed on November 3rd along Wright Elmwood and along the alternative disposal site at Windmill Cove on January 3rd. The Biological Report update is scheduled to be completed in January.

With respect to the Sediment Removal Project and the government shutdown, it's coming to the 19th day of the shutdown and it may be an excuse that everything will be pushed back. The District needs to get the permits out this year if the shutdown doesn't stop the District. It could seriously affect the Department of Fish and Wildlife. It is noted in the engineer's report that they will use the updated Biological Assessment to complete permits and submit to agencies.

The next item discussed was the Lower San Joaquin River Feasibility Study. There was a meeting held on Monday, January 7, 2019 at SJAFCA with representatives from other local reclamation districts. City and County representatives are to commence discussions on the priorities and location of a Preliminary Engineering Design. Exhibit F: SJAFCA Information Briefing Leadership of Reclamation district's handout dated January 7th was included in the engineer's report. It was felt that Dan Schroeder and Chris Neudeck need to be at the table to recommend getting involved with the feasibility study. Dan Schroeder said page 9 of the handout was prepared by the Federal Government. This is what the CORP did. Panzer said the monies could come in dribbles and drabbles and not all at once and was questioning the amounts to be paid on a study.

Chris Elias then spoke and said that this is a federally authorized project. Public has a good return on investment of 70% and we pay 30%. We are committed to protecting the area. 4.2M was given to CORPS. Full design – pre-engineering design. It was thought the District can influence their thought. A contribution can depend on how Districts want to put their money. Each may have their own way and they are considering having a workshop. This last Monday was a working group. They had presidents of each group. Chris Neudeck said regionally, we have to have a solutions. We need to move our flood risk down. This is an opportunity to explore and consider. There is an investment of Dan Schroeder and Chris Neudeck's time. There is also a 10% cost share with State and Federal interest in it. Dan Schroeder said that one thing that caught his attention is that the Army Corps of Engineers wants to do this work. Trustee Panzer stated that the District at this time is committed to this project. Dominick Guilli stated that he felt reservoir storage was very important and we should always maintain the reservoirs. A nugget that should be focused on. Mr. Guilli says he feels this has to be at a 200

year flood level protection. It was noted that this is the first time the Districts have had federal monies. There will be lots of challenges and issues. Is it going to reach 200 level, 400 level protection? It will reduce our flood risk but there will be expenses for this protection.

- (a) Notice To Show Cause Hearing In Order To Determine If District Counsel Should Commence Appropriate Court Proceedings Due to Failure to Comply with Levee Encroachment Standards and/or Revoke Encroachment Permits - Mr. Morgan & Susan Mayfield, 4149 Fort Donaldson Drive, Index No 127, Lot 22200 APN 098-420-16. Joe Bryson suggested that his helper go help them at their expense

There was more discussion and consideration on revoking the Mayfield's permit. There is a real problem with clear inspectability. The land is on the slope of the levee. They do not own the land. It was suggested that the letter state that absent their complete compliance, their permit will be removed and they will not be able to have anything on the slope. The next meeting will continue on this matter and if they don't comply the permit will be rescinded. The Trustee's direction was to continue the notice to show cause at the February meeting and send a letter to the Mayfields.

- (b) Consider new permits requests from homeowners.
1. 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. Dr. Panzer suggested that the District take down the railing. The District can't allow under the District Standards. There was a motion that the District notify the property owners that they need to remove their railing to get in compliance with the District Standards. Therefore,

It was moved, seconded (D. MacDonnell B. Tholborn) and unanimously carried by the Trustees of Reclamation District 1608 that the District notify the property owners that they need to remove their non-conforming handrails to get in compliance with the District Standards.

- (c) Discussion and Direction regarding Sediment Removal Project. – see above.
- (d) Resolution 2019-01 Authorizing and Directing Filing of Notice of Exemption for Sediment Removal Maintenance. Dan Schroeder presented this item. He said the District needs to comply with CEQA. If adopted, it would authorize the District's engineer to file notice of exemption so the project can move forward. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the Resolution 2019-01 Authorizing and Directing Filing of

Notice of Exemption for Sediment Removal Maintenance by approved.

5. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson discussed his superintendent's report. He also handed out a picture of tree that went down across the levee road. The tree landed between houses and didn't damage the homes but it did take out forty feet of the District's fence. It took two full dumpsters to clean this up. He also reported that there was a lot of storm damage.
 - (a) Approve Contract with Harlan Services, Inc. regarding Annual Weed Control Services. Mr. Neudeck reported that Harlan Services is similar in cost to Dickinson Weed Spray, the District's former weed spraying company and he felt the price was reasonable at \$12,250.00 per year. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the Contract with Harlan Services, Inc., for Annual Weed Control Services, be approved.

6. **Trustee Compensation.** Review. Dan Schroeder presented this item. Currently the Trustees are being paid \$235 a meeting as adopted last year. The annual review for compensation is January of each year. At this time, there is an opportunity to leave the compensation the same or to change it. If there were to be a request to change it, it would be limited to a 5% to increase. The Trustees agreed to an increase of 5% so this item will be brought back in February to adopt a 5% increase in Trustees compensation. With this review,

It was moved, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Trustees of Reclamation District 1608 that it is the desire of the Trustees to increase their compensation by 5%. Action for this change will be enacted at the February, 2019 meeting.

7. **Meeting Location.** Changing the Location of Regular Meetings. Dan Schroeder reported that this will be the last District meeting at 509 W. Weber Avenue address as the law firm of Neumiller & Beardslee is moving to 3121 W. March Lane, Suite 100, Stockton, CA on January 14, 2019. The District meetings will be moved to that location starting with the next meeting of the District.
8. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** Michael Panzer attended a meeting on Monday, January 7th with respect to The Lower San Joaquin River Feasibility Study.
9. **Discussion and direction on Short-Term and Long-Range Goals.** It was decided to add The Lower San Joaquin River Feasibility Study to Long Term Goals.
10. **District Calendar.** Discussion and direction. No report.

11. Correspondence. No correspondence.

12. Approval of Bills. The Bills to be Paid List for January, 2019 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.

13. 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.

14. Adjournment. The meeting adjourned.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jean L Knight", with a stylized flourish at the end.

Jean L Knight
District Secretary