

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1608  
HELD WEDNESDAY, MARCH 6, 2019**

A Regular Meeting of the Board of Trustees of Reclamation District 1608 was called to order at 8:00 a.m. by President Michael Panzer on March 6, 2019, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Suite 100, 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  
JUDITH BUETHE  
BOB BENTZ  
ELVIA TRUJILLO

1. **Public Comment.** Trustee Panzer reported that behind his house in the levee it is completed matted across with penny wart. A pretty large biomass. He also reported that he noticed that Trustee Tholborn ran the last meeting from 8:04 to 9:04, only one hour. He said he didn't think he'd ever done it in that short of time.
2. **Approval of Minutes.** Minutes of the regular meeting of February 6, 2019. 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 February 6, 2019 be approved as read.

3. **Financial Report.** Review, discuss, and accept financial report. Secretary Knight presented the financial report. She discussed the assessments credited to the District's account this last month and said the District account had more toward this category than had been budgeted for. She noted she had called the Auditor's office and their records show their assessments were similar to last year but monies had come in from other sources. The conclusion is that the direct assessments (those that are generated by the District to some property owners, such as Lincoln Unified School District) must have come in and increased this amount more than had been expected. Trustee Panzer comments that it is the first time that cash on hand is over 2 million dollars. The

Engineer said that it won't be long before that fund reduces in size (once the sediment removal begins). After discussion,

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

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

(a) Consider new permits requests from homeowners.

1. 3743 Hatchers Circle, APN 098-020-590-000

Owners Mr. Kevin & Mrs. Danielle Worley – Review applicant for installation of an in ground swimming pool. See below in engineer's own report.

(b) Sediment Removal Project

Chris Neudeck reported that the sediment removal project is ready to move forward. Details of the project are listed in Exhibit E of the Engineer's Report. He said that the fatal flaw this year is if the District can get a permit to do the work this calendar year. Due to the 2 week government shutdown, it is causing 6-9 month delays on all actions. This project is not in their line of work yet. The engineers will know relatively soon. If there are not delays, they could be dredging this fall. The two actions that need to take place are set out above.

1. Authorize President to execute Reclamation District No. 684 encroachment permit.

An encroachment permit, included within the agenda packet, need to be executed. There was discussion about the Reclamation District No. 684 Encroachment Permit. After discussion,

It was moved, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Trustees of Reclamation District 1608 that the Encroachment Permit be approved and that the President be authorized to sign it on behalf of the District.

2. Authorize President to approve additional premium amount for increasing District's umbrella policy from \$3 million to \$4 million - see action below in engineer's report. Attorney Andy Pinasco presented this item and said with the additional work for the sediment removal project, the District needed to increase its umbrella policy from \$3 million to \$4 million. The \$4 million will only take effect when the District needs to go to this amount. After discussion,

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

additional premium amount for increasing its umbrella policy from \$3 million to \$4 million. The \$4 million will only take effect when the District needs to go to this amount.

**From Engineer's Own Report:**

I. PLAN Review

- A. Mr. Kevin & Mrs. Danielle Worley  
3743 Hatchers Circle  
Index No 90, Lot 1981  
APN 098-020-590-000

Review application for installation of an in ground swimming pool. The Worleys submitted two plans. The first plan was for a pool that was closer to the residence, but it turns out that he had a high pressure sewer pipe in that area. After reconsideration, it was determined (similar to other homes in the area) that the pool was better positioned if it was further behind the house but still within the required distances from the levee. It will be 22 feet off the toe of the levee and on the eastern property line. The owner has been very forthright and worked well with the engineers and they also submitted a land survey because of the issues. The Board was okay with the plans and wanted to make sure the 2 conditions noted on the application were included in the proposal. They did note that the owners may need to dewater as the water table is a slight bit lower in Five Mile Slough than it is in Fourteen Mile Slough. As a side note, the Worleys ended up putting a drive through garage to the backyard. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) that the permit request for an in ground pool for Kevin and Danielle Worley at 3743 Hatcher Circle, Stockton, CA 95219, Index No 90, Lot 1981, APN 098-020-590-000 approved with the condition that the owners 1) comply with Reclamation District 1608 Levee Encroachment Standards; and 2) submit new application for any future encroachment within 10 (10) feet of levee toe.

- B. Review Status of Annual Levee Inspection of the District's Levee system and consideration of on-going O&M by individual lot owners along the levee. Chris Neudeck reported that the annual levee inspection has been completed and he will be submitting the report at the next meeting. His general observation is that compliance is substantially better and the land owners are acknowledging RD1608 staff are out keeping an eye on the area within the District. In the two years the engineers have been with the District, it's been a steep curve to get to this point and Engineer Neudeck said he is pleased and likes seeing this compliance.

## II. FEMA MAPPING STATUS

Engineer Neudeck reported he is disappointed in FEMA. He said he has the LOMR process down but doesn't think FEMA does. Kjeldsen, Sinnock & Neudeck did a whole metes and bounds for the entire perimeter of the lake for them to map it and to get detail. They ran into troubles this last week and are trying to get a status report. He said they need to know exactly where we are and getting outside people to talk to you is difficult. He was finally able to talk to Eric Simmons, a senior staff person and then Mike Clancy, a consultant side senior level.

What has happened since the last meeting was the Lake Boundary Metes and Bounds Descriptions were completed and submitted to FEMA on February 28<sup>th</sup>. FEMA commented on the metes and bounds description and requires that we identify the land to be removed rather than focusing on the lake boundary. Kjeldsen Sinnock has met with FEMA reviewers to determine their exact requirements and will resubmit an updates metes and bounds description of affected lots surrounding the Lake per FEMA requirements. Kjeldsen, Sinnock is looking to wrap this up in the next several days. They would still like SJAFCA to look at this on a regional basis. He said it has taken much longer than ever anticipated. There is a SJAFCA meeting the afternoon of this meeting. Mr. Neudeck and attorney Schroeder will be there as well as Trustee Dan MacDonnell. It is an open public meeting,

## III. SEDIMENT REMOVAL PROJECT (see above in agenda)

5. **Levee Superintendent Report. Request for directions and approvals.** Joe Bryson gave his superintendent's report. He noted there has been high water tide and thinks we'll see higher with snow melt. He noted with respect to the gates for the levee inspection there were bad locks on about 10 of the locks. Chris Neudeck will be starting to write homeowners to bring their gate into compliance and make the swingable. On item 15, in Mr. Bryson's report, he said the costs of repairing the cut fences could amount to 5 or 6 thousand dollars.
6. **Public Hearing. Ordinance Increasing the Compensation for Meeting Attendance**
  - (a) **Adopt Ordinance 2019-01 Establishing Trustee Compensation for Meeting Attendance.** Attorney Andy Pinasco discussed the process for the public hearing and said the District needed to open the public hearing for the consideration of establishing compensation for meeting attendance of the Trustees. Trustee Michael Panzer opened the public hearing at 9:52 a.m. He asked if there were any questions. The increase for the Trustees could not be more than 5% per year which would amount to \$11.75 per meeting for a total of \$246.75 per meeting. Resident Bob Bentz had a question about this procedure and asked how it came about. The question was responded to that the District was responsible for publishing the notice for two consecutive weeks in The Record. His only response was that we get what we paid for. After this question and answer, the public hearing was closed. At this time the action was presented and

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that Ordinance 2019-01 Establishing Trustee Compensation for Meeting Attendance be approved.

7. **Insurance.** Delegate authority to approve proposal to renew District's JPRIMA Insurance Policy for the 2019-2020 policy year. Andy Pinasco presented this item. He also reported that the liability premium for the District went down about \$600. The policy contains the District liability policy and the auto (truck) policy. Two invoices are presented and although the liability went down \$500, the auto went up 5%. After discussion,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Trustees delegated authority to Secretary Jean Knight to renew the District's JPRIMA Insurance Policy for the 2019-2020 policy year.

8. **Report by Trustees on meetings attended and up coming meetings.** Request for direction. Dan MacDonnell reported that he had attended the February 6<sup>th</sup> SJAFCA meeting. He had noted that they elected a public person onto their Board and increased the board from 8 to 9 for voting purposes. Chris Neudeck said the process to get someone onto the Board was pretty rigorous. Trustee MacDonnell also said he would be going to today's SJAFCA meeting.
9. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.**
  - (a) Newsletter. – It was suggested the District send out a letter to property owners who are on levee and talking about levee encroachment standards. Then it was suggested this information could be included in the newsletter. Another item that was discussed was the sediment removal timing. It can be language that states there were delays due to the government shutdown and permitting may delay the sediment removal from 2019 to 2020. Language about the beavers would also be helpful and Mr. Schroeder suggested language similar to the June 2017 newsletter. Other items included maintenance of the gates, permit procedures and also to present a positive newsletter stating that the annual levee inspection found noticeable improvement from previous years. It will also note that those who were not in compliance would be getting a letter from the engineers.
10. **Discussion and direction on Short-Term and Long-Range Goals.** Nothing to change.
11. **District Calendar.** Discussion and direction. There was discussion that for weed spraying, the District now needs to get a permit and one of the requirements is that the District needs to notify schools within the Reclamation District. This has to be sent

before April 1<sup>st</sup>. Joe Bryson is going to contact our agriculture sprayer, Valley Green Pest Control, to take care of contacting the schools.

**12. Correspondence.** None

**13. Closed Session.**

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

**14. Report out of Closed Session.** A closed session was held. All Trustees were present. There was no reportable action regarding items 13a and 13b.

**15. Employment Agreements.** Discussion and possible action regarding amendments to Levee Superintendent and District Secretary. Trustee Panzer suggested a \$2.00 an hour increase for Joe Bryson. That would equal 5%. After discussion,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the First Amended and Restated Employment Contract for Joe Bryson be amended to increase his salary from \$37.00 an hour to \$39.00 an hour.

**16. Secretary Knight's Employment Agreement** was discussed and the Trustees felt an additional 5% would be good for her also. The increase will come in the way of increasing the vehicle allowance for Ms. Knight from \$50 a month to \$85 a month.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the First Amended and Restated Contract for Secretarial Services be amended to increase her vehicle allowance from \$50 to \$85 a month.

**17. Approval of Bills.** The Bills to be Paid List for March, 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 March, 2019 as presented, was approved.

**18. Staff Reports.**

(a) Attorney. The Agenda for this meeting was posted on the window outside the meeting room at 3121 West March Lane, Stockton, California, at least seventy-two (72) hours preceding the meeting.

19. **Adjournment.** The meeting adjourned at 9:55 a.m.

Respectfully submitted,

A handwritten signature in black ink, appearing to read "Jean L. Knight". The signature is written in a cursive style with a large initial "J" and "K".

Jean L Knight  
District Secretary