

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, MAY 1, 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 May 1, 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
DOMINICK GUILLI
BOB BENTZ
ELVIA TRUJILLO

1. **Public Comment.** Mr. Guilli gave an update on the San Joaquin County Feasibility Study.
2. **Time Limit for Public Comment.** Adopt Resolution 2019-04 Adopting Time Limit for Public Comment. Dan Schroeder presented this item. He noted the resolution states that public comments shall be limited to a maximum of 3 minutes for general public comments on items within the District's subject matter jurisdiction and 3 minutes before or during the Board's consideration of each agenda item, subject to the sole discretion of the Board President to allow additional time for a comment. It was also noted that the public doesn't necessarily have a right to have answers to questions, but just to ask questions. The first general comments are for items not on the agenda. After discussion,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that Resolution 2019-04 Adopting Time Limit for Public Comment be approved as presented.

3. **Approval of Minutes.** Minutes of the regular meeting of April 7, 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 April 7, 2019 be approved as read.

4. **Financial Report.** Review, discuss, and accept financial report. Secretary Jean Knight presented the Financial Report. She also gave an explanation to the question asked at the April 7th meeting with respect to the assessment monies collected being so much higher than budgeted. Upon research, it was discovered that when monies received from the Department of Water Resources for levee subventions reimbursements were deposited into the District's account with the County, the money was listed under the line item entitled Assessments. After this was discovered, Secretary Knight corrected the line item on the District's Financial Report to reflect the correct money received for assessments (subventions monies have separate line item) and after doing so, stated it was close to what was budgeted for assessments.

Other items with respect to the financial report were discussed and Secretary Knight noted that since the levee superintendent gets paid once a month on the 1st, this check did not show on the Financial Report that had the same date since the report was finalized prior to the day's meeting. 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 as presented.

- a. 2019-2020 Budget Proposal – Review and possible action. Attorney Schroeder, along with Andy Pinasco, presented a proposed budget for the 2019-2020 fiscal year. Each line item was discussed and an opportunity was given to make changes or leave as is. Attorney Schroeder will finalize the budget as adjusted and forward on to the Board and staff for further review. If changes need to be made during the period between the meetings, the attorney will be notified and at the June meeting, a proposed final budget will be presented.

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

From Engineer's Report:

- I. Plan Review.
 - A. Review status of Annual Levee Inspection of the District's Levee system and consideration of the condition of the landowner gates in the Southwest Quadrant. Chris Neudeck gave an update on this item and said he thinks the gates are actually in very good shape and well kept up. They are not set up to the weight of the wood and there is some uniqueness to this design and the idea was to fix the connection point on an as needed basis. In actuality, Mr. Neudeck said, there is a dualness to the gates as each gate has two properties. The District needs to have a

standard that the gate is going to open and close without any complication. He said the current Standard is a little bit weak. The frame has held up and the District probably needs to come up with a design of functional repair like \$15,000 a year and repair as needed. The phrase, "reasonably well constructed except standard for hinges" most appropriately described the current condition. Most gates have wood sides and the weight is starting to wear on the hinges. Mr. Neudeck wants to get a welder out to look at them. Joe Bryson said if the District does the work, it will be much more reasonable as they will be able to do multiple gates at a lower cost. There are no polls bending. The District needs a dependable gate because of the District staff going in and out. Another suggestion was getting parts that were anti corrosive. Dominick Guilli also asked if the County had any regulation on fences on levees and suggested the District may want to research this.

- B. Review plan review application from Mr. Rob Becker of In Shape Health Club for the removal and replacement of 100 feet of failing retaining wall and the relocation of a chain link fence on the slope.

6545 Embarcadero Drive
Mr. Bob Becker
In Shape Health Club

The engineers presented Exhibits B, C and D with respect to this request and suggested approval. After discussion,

It was moved, seconded (B. Tholborn/D. Meyers and unanimously carried by the Trustees of Reclamation District 1608 that the removal and replacement of 100 feet of failing retaining wall and the relocation of a chain link fence of the slope be approved.

- C. Embarcadero West. Review the status of the Embarcadero west condominiums compliance with conditions of their permit:

6713 & 6669 Embarcadero
Ms. Diane Eppler Agent for
Embarcadero West Condominium Association.

As noted in the engineer's report, the engineers are recommending acknowledgement of compliance with the Board of Trustees conditioned Permit and requesting Chairman Panzer's signature on the Permit. Since this had been approved previously and the railing removed, as evidenced by Exhibits provided by the Engineer, Trustee Panzer can now sign the permit. Therefore

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 the Permit for 6713 and 6669 Embarcadero, previously submitted by Ms. Diane Eppler, as Agent for Embarcadero West Condominium Association, is now formally approved, and the signature of Board President Panzer on the Permit was authorized.

II. AB360 – Delta Levee Subventions Program

A. Chris Neudeck reported on the security fence construction at 14-Mile Slough and Interstate 5 and stated that Sandoval fencing is almost done with the installation of the steel security fencing on the east side of Interstate 5 at 14 Mile Slough. The gate for the fence was due to be done before this meeting date. Photos of the fencing were provided in the Engineer's Report.

III. FEMA Mapping Status:

A. Review progress of LOMA application relative to the District's interior lake drainage system. Chris Neudeck gave an update and referenced Exhibit J that states the KSN submitted the updated FEMA metes and bound description and received duplicate comments to 2 submittals. The engineers are currently seeking clarification of the comments. Mr. Neudeck stated at the meeting that if they are passing over a structure – they have to certify they are not going over the structure. The docks are fixed and a question – are they connected in any way to the house, was asked. If they are, then the house is disaccredited. There is also an issue with stairs and the touching to the bulk head and there are concerns that if the water goes up the stairs, it will reach the house. The engineers need to look further at this matter and Mr. Neudeck is going out in a boat to get a better perspective.

IV. Sediment Removal Project.

A. Review progress of permitting process with the Board of Trustees. Chris Neudeck reported that everything is moving along quickly and they are hoping the District will be close to being on schedule to getting this project in the next work window in 2020.

Chris Neudeck reported on another item not within the Engineer's Report and that was a matter with regard to the Marina and their building of a floating platform for rental equipment – kayak's and paddle boards. It's an aesthetic issue –it's a relatively large structure 15 x 30 feet and sits over on the gas stop. The response at the meeting was that it is not the District's problem and to have the owners please speak with Marina personnel as they need to handle this type of issue. Trustees Panzer said that the condominiums do have a view easement. He said the homeowners are not happy with the look of the structure and the fact that they look out their windows and see it.

- a. Consider new permits requests from homeowners. (See engineer's report above)
- b. Retaining Wall Repair (See engineer's report above)
 1. In Shape Club
6545 Embarcadero Drive
Stockton, CA 95212
- c. Discussion and Direction regarding the Sediment Removal Project. (See engineer's report above)
- d. Discussion and Possible Action regarding endorsement of design for Lower San Joaquin River California Flood Risk Reduction Project and provide direction to staff. RD2074 prepared a letter dated April 16, 2019 to the Central Valley Flood Protection Board that was distributed at the meeting. Attorney Schroeder thought the letter was well written in a diplomatic fashion. RD2074's counsel, George Hartman, was supportive in endorsing and moving forward but RD2119 does not feel this way. In discussion, it was felt that staff and trustees endorse the concept but do have certain issues. It was suggested that the attorney prepare a similar letter but will bring up several conceptual design issues that need to be addressed if the project is to move forward. After discussion,

It was moved, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Trustees of Reclamation District 1608 that counsel be authorized to write a similar letter to RD2074's letter to the Central Valley Flood Protection Board but to address conceptual design issues that need further discussion.

- e. Discussion and Possible Action to approve position opposing AB 273 and provide direction to staff. Attorney Schroeder presented this item and said they are hoping that "we can kill this bill". It deals with de-authorizing trappings of furbearing rodents. It has to go before the Senate and ultimately before the governor. After discussion, it was suggested that attorney Schroeder write a letter to the State Assembly - Susan Eggman's office, and indicate its opposition. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608 that the District's Engineer and the District's Attorney draft a letter to be sent to Assembly member Susan Eggman in opposition to AB273 and authorize the President's signature.

6. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson went over his levee superintendent report. On line item 13, he reported that three holes were found on the landside levee by I-5 and Mr. Storage. KSN inspected the holes and found what was believe to be rain water in them. The holes will be filled and compacted and checked in the future.
7. **Report by Trustees on meetings attended and up coming meetings.** No meetings attended.
8. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** No report.
9. **Discussion and direction on Short-Term and Long-Range Goals.** After discussion, it was decided to add Gate Maintenance Policy – Southwest Quadrant – Short Term Goal.
10. **District Calendar.** Discussion and direction. A review of the District calendar notes that a tour of the levee system is due. Attorney Schroeder’s secretary, Elvia Trujillo, will be coordinating the dates with staff and trustees. He also noted that the Fish and Wildlife Maintenance Agreement renewal is coming up and on June 15th, the District is to provide notice/make available to the public, documentation/materials regarding determination of Appropriations. A contract for the annual audit should also be arriving from the auditors in June and the final budget will be presented at the June meeting.
11. **Correspondence.** None, except as presented.
12. **Bylaws.** Discussion and Direction regarding amending District Bylaws Article IV to adopt Rosenberg’s Rules of Order and update address. Dan Schroeder presented this item and said that the Roberts Rules of Order are not well suited for public agencies and that Rosenberg’s Rules or Order conform more to public municipalities. Instead of using the Roberts Rules of Orders, it was suggested that the District now use Rosenberg’s Rules of Order. Until several years ago, that is all the Districts had to use but now Rosenberg’s Rules are available and were created by a person more familiar with municipalities. The District Bylaws also need to be updated to make a change in the meeting location address. Both of these actions will be handled by amending the District Bylaws.
13. **Approval of Bills.** The Bills to be Paid List for May, 2019 was presented. One additional bill was received after the report was prepared. It was for Liability and Auto Insurance and the Bills to be Paid list will be amended to reflect this change. Upon review,


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 May, 2019 as amended, was approved.

14. 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.

15. Adjournment. The meeting adjourned at 9:50 a.m.

Respectfully submitted,



Jean L Knight
District Secretary