

**MEETING AGENDA FOR
RECLAMATION DISTRICT NO. 1608
BOARD OF TRUSTEES REGULAR MEETING
8:00 A.M. AUGUST 7, 2019
NEUMILLER & BEARDSLEE
3121 WEST MARCH LANE, SUITE 100
STOCKTON, CALIFORNIA**

Call to Order.

Roll Call.

Agenda Items.

1. Public Comment. The public may comment on any matter within the District's jurisdiction that is not on the agenda. Matters on the agenda may be commented on by the public when the matter is taken up. All comments are 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 in accordance with Resolution 2019-04.
2. Approval of Minutes. Minutes of the regular meeting of July 3, 2019.
3. Financial Report. Review, discuss, and accept financial report.
4. Engineer's Report. Request for directions and approvals.
 - (a) Levee Encroachment Permits/Enforcement
 - i. Consider new permits requests from homeowners.
 - ii. Consider Levee Encroachment Standard Violation Enforcement
 - (b) Discussion and Possible Action to Authorize District Engineer to Contract for the Removal of a Eucalyptus Tree at Levee Station 6+50 and Complete Mitigation as Recommended by California Department of Fish and Wildlife.
 - (c) Discussion and Direction regarding Sediment Removal Project.
5. Levee Superintendent Report. Request for directions and approvals.
6. Report by Trustees on meetings attended and up coming meetings. Request for direction.
7. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.
8. Discussion and direction on Short-Term and Long-Range Goals.
9. District Calendar. Discussion and direction.
10. Correspondence.
11. Approval of Bills.
12. Staff Reports.
 - (a) Attorney. The Agenda for this meeting was posted on the window outside the meeting room at 3121 West March Lane, Suite 100, Stockton, California, at least seventy-two (72) hours preceding the meeting.
13. Adjournment.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Jean Knight at 209/948-8200 during regular business hours, at least forty-eight hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours.

**AGENDA PACKET
RECLAMATION DISTRICT 1608
August 7, 2019**

<u>ITEM</u>	<u>COMMENTARY</u>
1.	Self-explanatory.
2.	Please see attached.
3.	Self-explanatory.
5.	Self-explanatory.
6.	Self-explanatory.
7.	Self-explanatory.
8.	Please see attached.
9.	Please see attached.
10.	Self-explanatory.
11.	Self-explanatory.
12.	Self-explanatory.
13.	Self-explanatory.

ITEM 2

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, JULY 3, 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 July 3, 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
ALLISON FINKES, Summer Legal Intern at Neumiller & Beardslee
KELLY FRY, Homeowner
SARA VAN DAELE, Homeowner

1. **Public Comment.** Bob Bentz had a comment. He said today was July 3rd and tomorrow July 4th, and he noticed there was no flag in the conference room nor did the meeting start with a pledge of allegiance like they do with so many of the meetings he attends.
2. **Approval of Minutes.** Minutes of the June 5, 2019 and June 21, 2019 District meetings. After review

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Directors of Reclamation District 1608, the minutes of the June 5, 2019 meeting of Reclamation District 1608 were approved.

Upon motion duly made, seconded (D. MacDonnell/B. Tholborn) and unanimously carried by the Board of Directors of Reclamation District 1608, the minutes of the June 21, 2019 meeting of Reclamation District 1608 were approved.

3. **Financial Report.** Review, discuss, and accept financial report. Secretary Knight presented the financial report. She said this was the end of the District's fiscal year. She reported that levee subventions monies had been received in the amount of \$170,124.00 and noted also

this income was entered in the “assessment” column of the financial report rather than the subventions line item. This will be corrected. She also reported that no engineering expenses were reported as KSN is at the end of their fiscal year and did not have any invoices ready to present to the District at this time. The last item mentioned was that the District received \$37,500 from DWR for the 5 Year Plan. This money although deposited into the District’s general account, will be moved to a 5 Year Plan Account. The invoices presented for expenses (generally by KSN) for this project will be deducted from this special account.

- a. Adopt Resolution 2019-06 Adopting Appropriations Limit for Fiscal Year 2019-2020. Dan Schroeder explained the appropriations limit process to Trustees and staff and detailed how the appropriations information is gathered and then calculated and noted at the end only a fraction of communities maximize out on property taxes. Generally no one is even close to reaching the Proposition 4 limit. After discussion,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that Resolution 2019-06 Adopting Appropriations Limit for Fiscal Year 2019-2020 be approved.

- b. Adopt Resolution 2019-07 Certifying Assessments to be Collected and Establishing a Procedure for Collection. Dan Schroeder explained the Proposition 218 process that sets the ceiling for what can be collected by the County from property owners within the District. The District can request equal to the limit or less than the limit each year. The last Proposition 218 hearing was held in the 2010-2011 fiscal year. After a decision is made, the District has to annually inform the county what assessments to charge. Every year to date, the District has assessed 100% of what was approved. The Resolution will go with the assessment role to the County to collect taxes. Dominick Guilli said he thought the District should lower the assessment by 50%. Attorney Schroeder said the District has the monies held for the sediment removal project and Trustee Panzer explained budget and line items that showed reserves and the need to maintain the current assessment levee with the sediment removal work that will be done in the near future. After discussion,

It was moved, seconded (D. MacDonnell/ B. Tholborn) and unanimously carried by the Board of Trustees of Reclamation District 1608 that Resolution 2019-07 Certifying Assessments to be Collected and Establishing a Procedure for Collection be approved.

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

- a. Levee Encroachment Permits/Enforcement
 - i. Consider new permits requests from homeowners. No New Permits
 - ii. Consider Levee Encroachment Standard Violation Enforcement. (See Engineer's Report, I. Plan Review.)

- b. Adopt Resolution 2019-08 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2019-2020. Annual CEQA exemption. Dan Schroeder presented this item and reported that this Notice is done annually. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board Trustees of Reclamation District 1608 that Resolution 2019-08 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2019-2020 be approved.

- c. Discussion and Possible Action to withdraw authorization for the District Engineer to prepare a Letter of Map Amendment for North and South Lake systems. (See II. FEMA Mapping Status in Engineer's Report below.)

- d. Sediment Removal Project
 - i. Discussion and Possible Action to Approve Solano Archaeological Services Proposal to Conduct a Section 106 Compliant Cultural Resources Inventory to Determine if Cultural Resources are Present in the Lincoln Village West Sediment Removal Project Area of Potential Effects. (See Engineer's Report below under III. Sediment Removal Status for discussion and action.)

 - ii. Discussion and Direction regarding Sediment Removal Project. Discussed with above action. See below under Sediment Removal Project.

Chris Neudeck began the engineer's report. Items below reference his handout:

I. PLAN REVIEW:

Chris Neudeck addressed items A. and B. on his report. In general, he noted that the engineers and Mr. Bryson are getting wonderful responses for levee homeowners. He said, people are very responsive and most are quite cooperative. There is one outstanding issue and that is the routine nature of trimming vegetation. He said that because it regrows and lots out there cleared with the rainstorm about a month ago and then re-sprouted, there is a need for a consistent and routine cleaning up of vegetation.

Exhibit A. of item A. contains a list titled "Lincoln Village West Violation/Remedy Tracking 2019." This list identifies the current list of homes that are being monitored for mostly

vegetation violations. In Exhibit B., of Item B. is a proposed letter that will go out in the middle of July to every levee lot owner. Mr. Neudeck feels this is good communication. He again reiterated that he is extremely pleased with the cooperation they are getting and mentioned that there was a period when KSN came on board 3 years ago and things were a little bit in disarray. He is pleased to say that is not the case now. Trustee Panzer noted that the tour/levee inspection that the Board and staff took on June 21st, showed that the levee is really in excellent order. He said that since Joe Bryson has been Superintendent, the levee is in tip top order and expects to keep it that way. Engineer Neudeck also said that one thing working well is Joe's assistance with vegetation control. He said people turn to Joe to check on the process of what to do. Some are with permit conditions and want to keep the file updated and Joe is extremely helpful in meeting with folks and working with them. He noted that when property owners first get the communication, they think they are in trouble. The letters, upon the first read, are difficult and often state that they are not in violation but need to improve their practices. Mr. Neudeck also noted it is good for him to meet people along the levee and explain permit compliance and what they need to do to keep the vegetation under control. After review, Trustee MacDonnell said he liked the letter and thought it was brief and to the point.

II. FEMA MAPPING STATUS

Mr. Neudeck presented this item, along with details contained by a June 20, 2019 Memorandum from KSN Engineer Jacob Bejarano to Chris Neudeck. Mr. Neudeck reported that FEMA is not in favor of a simplistic process to get this issue resolved. At this point, with so much time taken by the District, the Engineers feel the District needs to abandon the process. As they have come to realize, if there is a deck, dock, or stairs attached to a residential structure, if it has any attachment to the lake itself, FEMA treats it as though the entire structure is within the flood plain. The language stated in the memo states: "FEMA's latest round of comments focused on how the metes and bounds line crosses decks and docks. FEMA requires that any element such as a deck, dock, or stairs, which are directly attached to a structure, must not cross over the lake bulkhead and be supported by a pier in the lake and requests that KSN certify that this condition does not exist. In order to do so a boat survey was conducted with the findings are attached as Exhibit A." The pictures in the Exhibit were discussed showing how various decks were built with these houses.

Mr. Neudeck said the dilemma they are faced with is they were asked to solve a problem and not create one. It is his recommendation that Kelly Fry and Sara Van Daele talk to an engineer and to ask the Board for the District to provide additional information, as needed, to that engineer. If the property owners don't have a mortgage, they will not be required to have flood insurance. If they do, a mortgage will mandate they have flood insurance. For many of these residences, their deck is the back yard. He doesn't want to burden those folks because of this unique condition they have. If the District abandons the work, then the homeowners can go ahead and work with an engineer on their own property. If the homeowners do not do, it will not affect the District. It's a federal matter and the engineers haven't discussed it with them.

Kelly Fry said she came to the District about 2 years ago. At that time, she provided all the addresses affected by this issue. It appears that the law mapping effort was done around 2003-2005. Ms. Fry said she would like the map. Evidently, their mapping right now doesn't show a problem. There were 12 houses at that time. If in condo association, and the owner had a mortgage, the association had to get flood insurance. The association has to be involved in this. The burden is going to fall on these people with the decks.

When this situation was brought to the District, at that time, the District did not need to do anything. The District could have said it didn't want to take on the problem and the property owners could do it themselves. The District did, however, decide to see how it could help. Now, however, the District has data that the property owner can use. Looking at the issues, the decks tie into the house. If there is a gap between the deck and the house, it would be dis-attached. That could be the solution in that the deck is a free standing unit. There has to be a gap. They could be talking about remodeling 11 or so houses. At this time, that's the only solution engineer has, is that it has to be unattached. The suggestion is independence – it is doable and may require another level of piers. The District now wants to bow out and not bring this to the attention of FEMA.

Kelly Fry would like the District to provide this information to lake front property owners so they are aware of the situation. After further discussion, the following action took place:

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board Trustees of Reclamation District 1608 that the District withdraw authorization for the District Engineer to prepare a Letter of Map Amendment for North and South Lake systems and that the District Engineer provide needed information to the affected property owners.

Attorney Schroeder said if Kelly Fry knows the property owners, she can let them know they can contact Chris Neudeck.

III SEDIMENT REMOVAL PROJECT

Chris Neudeck reported, and with information contained in the engineer's report in Exhibit D., that the USACE has recently become more emboldened to ensure compliance with federal requirements for cultural and historic preservation through a Section 106 consultation. Even though it appears that there are no historic buildings or indication of any ancient burial sites, the USACE will delay the processing of the project until consultation is completed. KSN has found an Archaeologist service, Solano Archaeologist Services (SAS), to prepare the report on short order to maintain progress. The effort, including SAS fees, are estimated to be approximately \$18,000. There are some mixed feeling about this process, as Mr. Neudeck found out through another USACE representative that the District may be fine without doing this. However, in order to proceed with this project, it is recommended that the District go ahead with

the authorization should the work need to be done. Right now, this is Out of Scope work. Therefore,

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried, the Board of Trustees of Reclamation District 1608 authorized approval of Solano Archaeological Services Proposal to conduct a Section 106 Compliant Cultural Resources Inventory to determine if cultural resources are present in the Lincoln Village West Sediment Removal Project Area of Potential Effects at a cost of approximately \$18,000.

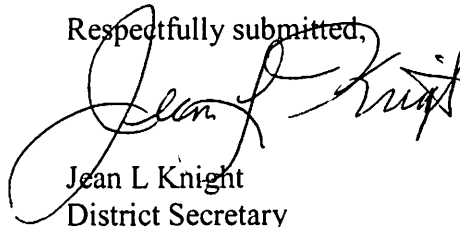
5. **Public Hearing:** Adopt Resolution 2019-09 Resolution Amending Article II and Article IV of the District By-Laws to Remove References to Former Trustees, Change the Place of Meeting, and Change Parliamentary Rules. The Public Hearing opened at 9:11 a.m. by attorney Andy Pinasco. Mr. Pinasco addressed the changes that were suggested be made to the District's Bylaws also included within the proposed Resolution 2019-09. After presentation and discussion and asking for public comment and addressing a question of the difference between Rosenberg's Rules of Order versus Roberts Rules of Order, the public meeting closed at 9:14 a.m. with the direction that the resolution be adopted. Therefore,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that Resolution 2019-09 Resolution Amending Article II and Article IV of the District By-Laws to Remove References to Former Trustees, Change the Place of Meeting, and Change Parliamentary Rules be approved.

6. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson distributed and went through the Superintendent's Report. He did noted that Lake Lincoln is a mess with respect to the bulkhead. He has received a lot of calls from people he knows in the area. With respect to Item 7, and the type of station Caltrans is going to install, Mr. Bryson wasn't sure what the representative meant. Pictures will be taken. Joe Bryson also reported that the homeless are getting to be a problem and also taggers. The workers keep painting over and over the same thing.
7. **Report by Trustees on meetings attended and up coming meetings.** Request for direction. Director Tholborn mentioned there's meeting next week. Village West – talking about the water level in 5 mile slough. He is not going to go as it doesn't deal with levees.
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.** No report.
10. **District Calendar.** Discussion and direction. The next meeting will be on August 7th. Trustee Tholborn reported he would be in Scotland and not at the meeting. Trustees Panzer and MacDonnell said they would be in attendance so a quorum would be met.
11. **Correspondence.** None.
12. **Approval of Bills.** The Bills to be Paid List for July 2019 was presented and reviewed and,
- Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Directors of Reclamation District 1608 that the Bills to be Paid List for July 2019 be approved.
13. **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.
14. **Adjournment.** The meeting adjourned at 9:25 a.m.

Respectfully submitted,



Jean L Knight
District Secretary

ITEM 4.b.



Stephen K. Sinnock, P.E.
Christopher H. Neudeck, P.E.
Neal T. Colwell, P.E.
Barry O'Regan, P.E.

2153-9020
04-001

FILE MEMORANDUM

July 30, 2019

To: RD 1608 Board
Subject: Vegetation Control 2019
Project: Levee Station 6+50, 7052 Bridgeport Circle
From: Tessa Marlow, Environmental Manager

In early June 2019, homeowners at 7052 Bridgeport Circle contacted Joe Bryson to inspect a eucalyptus tree at levee station 6+50. The eucalyptus tree is located on District property and has been dropping limbs and leaves on the levee, as well as in the backyard of the bordering property owners. The constant dropping of extensive debris has become a safety and liability issue, and is extremely concerning to the property owners as they are worried about possible property damage from falling limbs.

Dave Carr of KSN met with Ms. Kalia Schuster of CDFW on site and received written approval for removal of the tree, with the requirement of a 3:1 Riparian Forest mitigation cost following removal. The tree is .031 acres and will require .093 acres of mitigation; bulk credits from Westervelt are still available and will cost \$5,793 total, with the District's 25% share at \$1,448.

Joe Bryson received a quote of \$7,000 for cost of removal.

Dave C. Carr

From: Schuster, Kalia@Wildlife <Kalia.Schuster@wildlife.ca.gov>
Sent: Friday, June 21, 2019 2:40 PM
To: Dave C. Carr
Subject: Eucalyptus

Hi Dave,

If you are dealing with the eucalyptus tree under the Program, I recommend trimming the tree to avoid debris falling into the resident's yard. If you plan to remove it, we would ask you to mitigate 3:1 either on site or through credits.

Please note I am not in any way saying the tree should not be taken out if it presents any inkling of a danger to the resident. That is entirely your call. However, as the tree seems to be on the levee itself (and outside the property line of the resident, please confirm) I am assuming you are dealing with it under the Program, hence my suggestions.

*Kalia Schuster
Environmental Scientist – Delta Levees Program
California Department of Fish and Wildlife
2109 Arch Airport Road, Suite 100
Stockton, CA 95206
209-234-3446 - Phone*







Stephen K. Sinnock, P.E.
Christopher H. Neudeck, P.E.
Neal T. Colwell, P.E.
Barry O'Regan, P.E.

2153-9020
04-001

July 30, 2019

Ms. Kalia Schuster
California Department of Fish and Wildlife
Bay Delta Region
2825 Cordelia Road, Suite 100
Fairfield, CA 94534

Re: Reclamation District 1608, Eucalyptus Removal

Dear Ms. Schuster,

Reclamation District 1608 Lincoln Village West will be conducting the removal of a eucalyptus tree at levee station 6+50, due to safety and liability concerns with extensive tree debris. The tree is located on District property and removal will be conducted under the Subventions Program.

The District agrees to mitigating 3:1 of .031 RF for the removal of the tree, and will be purchasing .092 acres of off-site bulk credits through Westervelt following the tree's removal.

Please see attached aerial of the tree's location.

Sincerely,
KJELDEN, SINNOCK & NEUDECK, INC.

Tessa Marlow

w/enclosures

cc:
Christopher H. Neudeck, District Engineer
Joe Bryson, District Superintendent



ITEM 8

SHORT TERM GOALS 2019

1. Sediment Removal Project.
2. Participate in County TAC and stakeholder groups. Status: Ongoing.
3. Work on slumping areas. In progress.
4. Monitor SJAFCA meetings re Calaveras and Fourteen Mile Slough uncertified levees.
5. Vegetation encroachments
6. Annual Levee Inspection.
7. Raising Elevation of South West Levee.
8. Repair/Maintenance of Gates on Crown of Southwest Levee

LONG TERM GOALS

1. CVFP Plan
2. Lower San Joaquin River Flood Risk Reduction Project
3. Renewal of District Assessment

ITEM 9

RD 1608: MASTER CALENDAR

JANUARY

- Annual Review of Trustee Compensation
- Update Levee Property DVD

FEBRUARY

- Send out Form 700s, remind Trustees of April 1 filing date

MARCH

- Yearly Employee Evaluations
- Submit Verification Request Form (VRF) for the Annual Levee Maintenance Project to the California Department of Fish & Game.
- Submit payment to the California Department of Fish & Game for prior year Levee Maintenance Project(s).
- Spring Newsletter

APRIL

- April 1: Form 700s due
- Letter to Property owners on levee regarding levee standards and permit requirements
- Notify School District of Vegetation Control

MAY

- Draft Budget
- Annual Department of Fish & Wildlife Maintenance Agreement Renewal.
- Tour of Levee System

JUNE

- June 15: Provide notice/make available to the public, documentation/materials regarding determination of Appropriations (15 days prior to meeting at which Appropriations will be adopted) (*Government Code §7910*).
- Approve Audit Contract for expiring fiscal year
- Adopt the Final Budget

JULY

- Adopt Resolution for setting Appropriations and submit to County Assessor's Office.

AUGUST

- August 1: Deadline to certify assessments for tax-roll and deliver to County (duration of current assessment: FY 2025).
- Send handbills for collection of assessments for public entity-owned properties

- In election years, opening of period for secretary to receive petitions for nomination of Trustees (75 days from date of election.) (*Cal. Wat. Code §50731.5*)
- Submit End of the Year Financial Report.

SEPTEMBER

- In election years, last legal deadline to post notice that petitions for nomination of Trustees may be received (7 days prior to close of closure.) (*Cal. Wat. Code §50731.5*).
- In election years, closing of acceptance of petitions for nomination of Trustees (54 days from date of election.) (*Cal. Wat. Code §50731.5*).

OCTOBER

- Publish Notice of Election, odd numbered years (once per week, 4 times, commencing at least 1 month prior to election.)
- Fall Newsletter.
- Update District Information Sheet.
- Review District Emergency Supplies
- Emergency Plan Review in 2018 (every three years thereafter)

NOVEMBER

- Election: to be held first Tuesday after first Monday of each odd-numbered year.

DECEMBER

- Review Emergency Plan.
- New Trustee(s) take office, outgoing Trustee(s) term(s) end on first Friday of each odd-numbered year.
- Provide updated version of electronic copies of properties within District

Term of Current Board Members:

Name	Term Commenced	Term Ends
Dan MacDonnell	2017	First Friday of Dec 2021
Brett Tholborn	2015	First Friday of Dec 2019
Michael Panzer	2015	First Friday of Dec 2019

Assessment Expires 6/30/2025

Emergency Operation Plan Review – June 2022

Reclamation District Meetings

- **First Wednesday of each month, at 8:00 A.M.
at the offices of:
Neumiller & Beardslee
3121 W. March Lane, Suite 100
Stockton, California 95219**