

**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.

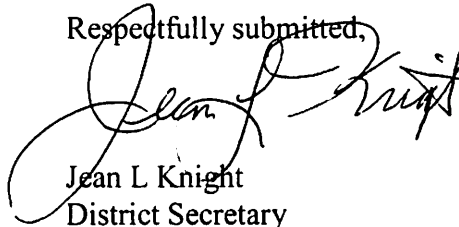
- 5. Public Hearing: Adopt Resolution 2019-09 Resolution Amending Article II and Article IV of the District By-Laws to Remove References to Former Trustees, Change the Place of Meeting, and Change Parliamentary Rules.** The Public Hearing opened at 9:11 a.m. by attorney Andy Pinasco. Mr. Pinasco addressed 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