

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD WEDNESDAY, AUGUST 7, 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 August 7, 2019, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Suite 100, Stockton, California.

TRUSTEES PRESENT WERE:

MICHAEL PANZER
DAN MacDONNELL

OTHERS PRESENT WERE:

ANDY PINASCO
CHRIS NEUDECK
JEAN L. KNIGHT
JOE BRYSON
BOB BENTZ
ELVIA TRUJILLO
BRANDON MILLER, Summer Legal Intern at Neumiller & Beardslee

ABSENT WERE:

BRETT THOLBORN
DANIEL SCHROEDER

1. **Public Comment.** Trustee Panzer brought to the attention of all present that he had brought a flag to the meeting. The flag is little, has a small stand and will be kept in the drawer in the Board Room. This was the result of a comment made by resident Bob Bentz at the July meeting. It was also brought to the attention of everyone that Levee Superintendent is a hero according to the Next Door application on either a computer or a smart phone. The posting said "Credit where credit is due. The homeless camp on the Levy (sic) next to the dog park is gone within 24 hours of our neighbors notifying them. Great job. Cost ? Maybe 5 minutes of Joe the Levy Supervisor's time." ... "So why in heck can't the Mayor, City, Cal Trans the DA get off their arse and do the same???" ... "Homeless camp at Ben Holt exit to freeway after multiple calls by multiple constituents to the Mayor, City Council and Cal Trans over 3 weeks nothing has happened. Can the City hire Joe to clean them out since the millions of wasted tax payer dollars aren't doing squat!!!!?" There was more information about encampments with one being by Home Depot – 11 tents and 100 yards of garbage. They even got Councilman Canepa involved.

2. **Approval of Minutes.** Minutes of the regular meeting of July 3, 2019. After review,

Upon motion duly made, seconded (D. MacDonnell/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the minutes of the regular meeting of July 3, 2019 be approved.

3. **Financial Report.** Review, discuss, and accept financial report. Secretary Knight presented the Financial Report for the period ending July 31, 2019. She noted that the engineer expenses were for two months as because of their fiscal year ending June 30th, they were not able to distribute the invoices early enough to be included at the last District meeting. She also noted that there had been an interest credited to the District's account but it had not been included within this report. It will appear on the September meeting's financial report. This is the first financial report for the new fiscal year. After review,

It was moved, seconded (D. MacDonnell/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Financial Report, as presented, 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 permit requests.
 - ii. Consider Levee Encroachment Standard Violation Enforcement. See below in report from Engineer.
 - (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. See below in report from Engineer.
 - (c) Discussion and Direction regarding Sediment Removal Project. See below in report from Engineer.

I. DELTA LEVEE SUBVENTIONS PROJECT:

- A. Review the removal of a Eucalyptus Tree in District's Levee at Levee Station 6+50 adjacent to 7052 Bridgeport Circle. Seek Board of Trustees authority to remove. See Exhibit A for details on condition and estimated expense. Chris Neudeck presented this item. Exhibit A includes a memo that details issues with respect to the eucalyptus tree that has been dropping limbs and leaves on the levee, as well as in the backyard of the bordering property owners. This has become a safety and liability issue and the property owners are also worried about possible property damage from falling limbs. The report details the site meeting between Dave Carr of KSN and Kalia Schuster of the California Department of Fish and Wildlife. A written approval was received for the 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 the cost will be \$5,793 total, with the District's 25% share at \$1,448. Joe Bryson received a quote of \$7,000 for the tree removal. It is anticipated that the District will seek reimbursement of the \$7,000 as an encroachment and get 75% of that back. However, there is no guarantee that

DWR will pay for it with the unique circumstances. However, the engineers recommend removal of the tree from a safety perspective. The tree is not falling over but probably seeking water and sending roots towards the water and it is not good to have that big of a tree on the levee. Trustee Panzer said he is all for removing the tree and is in hopes also of being reimbursed. Mr. Neudeck said the District will get reimbursed for the mitigation costs. After further discussion,

It was moved, seconded, (D. MacDonnell/M. Panzer) and unanimously carried by the Trustees of Reclamation District 1608 that the District Engineer do the necessary work to have the eucalyptus tree removed and the mitigation done as recommended by the California Department of Fish and Wildlife.

II. Plan Review

A. Review status of Annual Levee Inspection of the district's Levee system. Exhibit B, "Lincoln Village West Violation/Remedy Tracking 2019" details the status of the annual levee inspection. Chris Neudeck presented this item and with the listing as presented, stated that the engineers will be following up with a letter to only two of the residents on the list. Those will be Todd and Anna Bowman at 7050 Bridgeport Circle and Charles & Farley Staniec at 6347 Embarcadero Drive.

III. Sediment Removal Project

Chris Neudeck directed trustees and staff to Task 4 of Exhibit "C" of the engineering report, a memorandum from Jacob Bejarano to Mr. Neudeck that gives details about the Permitting stage. They are hoping that the Corps of Engineers will support the staff's decision but he noted that the Corps is not always good for what they say. With respect to the archeologist on staff who is not permitted, she was not hired to do this work but she does have knowledge. The word continues to be to not spend the \$18,000 at this time. They will incur expenses on the monitoring side and monitoring expenses are going to be more than previously thought. Mr. Neudeck said it seems like things are moving along and thinks the District will get it completed by the end of the year. They hope to get the bid work done by the end of the winter and they need to get contracts in advance for work to start next August.

5. **Levee Superintendent Report.** Request for directions and approvals. Joe Bryson gave his report. He reported that Mr. Bruce Davies got Canepa to go out to the encampment by In Shape. He also reports that there are otters seen and people think the dredging is happening. He noted that a lot of people want to rebuild docks and want to sell their houses after dredging is done. They think they will get more money after this work is done. With respect to a letter written by the City of Stockton regarding flood insurance, Mr. Bryson said a lot of people are calling him with respect to the letter. Mr. Neudeck is going to look at the letter regarding flood insurance. Since Reclamation District 1608 is not in a flood zone and

insurance is not mandatory, the premium should only be about \$400 a year but other in areas where it is required, it can be \$1,800 or more.

Chris Neudeck reported on a meeting that took place regarding the homeless encampments on the levees. Many agencies were present including the State Water Quality Control Board, Coast Guard, DA's office, Sheriff's and state and local agencies who met with Assemblyman Jim Cooper about a new bill, AB 137, that would enhance protections along levees and bypasses, as well as make it illegal to put up encampments on the structures, Assemblyman. Cooper authored this bill which would also prohibit people from altering the stability of levees or bypasses, as well as prohibit people from living and camping on the structures. The legislation would make it a misdemeanor charge. Chris Neudeck said at this point, we can block them but can't relocate them. We can enforce our trespassing rights but we have to get law enforcement involved with removing the encroachers.

6. **Report by Trustees on meetings attended and up coming meetings.** Request for direction. None.
7. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** No report.
8. **Discussion and direction on Short-Term and Long-Range Goals.** No changes.
9. **District Calendar.** Discussion and direction. Andy Pinasco went over the District election that is coming up in November. Trustees Panzer and Tholborn's terms end the first Friday in December. Also a newsletter is due to be out in October so Ms. Buethe will be contacted to attend the next meeting.
10. **Correspondence.** Secretary Jean Knight handed out a letter of resignation from the District Secretary position. It will be effective at the September meeting and more information will be provided at that meeting. Secretary Knight will be on vacation in September and away from the meeting and Elvia Trujillo, the incoming Secretary, will be present.
11. **Approval of Bills.** The Bills to be Paid List for August 2019 was presented and reviewed and,

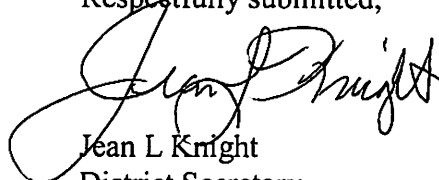
Upon motion duly made, seconded (D. MacDonnell/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Bills to be Paid List for July 2019 be approved.

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.** The meeting adjourned at 8:57 a.m.

Respectfully submitted,



Jean L Knight
District Secretary