

**AGENDA FOR  
RECLAMATION DISTRICT NO. 1608  
BOARD OF TRUSTEES REGULAR MEETING  
8:00 A.M. OCTOBER 2, 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.
  - a. Minutes of the September 4, 2019 meeting of the Trustees.
  - b. Minutes of the September 20, 2019 meeting of the Trustees.
3. Financial Report. Review, discuss, and accept financial report.
4. Engineer's Report. Request for directions and approvals.
  - (a) Consider new permits requests from homeowners.
  - (b) Levee Encroachment Standards enforcement
  - (c) Discussion and Direction regarding Sediment Removal Project.
5. Subventions Agreement. Adopt Resolution 2019-11 Approving and Authorizing Execution of Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2019-2020
6. Trustee Election.
  - a. Discussion and Possible Action Regarding Candidate Statements.
  - b. Discussion and Possible Action Regarding Location of Polling Place for District's 2019 Trustee Election.
7. Levee Superintendent Report. Request for directions and approvals.
  - (a) Review District Emergency Supplies.
8. Newsletter. Discussion and direction.
9. Report by Trustees on meetings attended and up coming meetings. Request for direction.
10. Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.
11. Discussion and direction on Short-Term and Long-Range Goals.

*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 Elvia Trujillo 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.*

12. District Calendar. Discussion and direction.

13. Correspondence.

14. Approval of Bills.

15. 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.

16. 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 Elvia Trujillo 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  
October 2, 2019**

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

# ITEM 2.a.

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES  
FOR RECLAMATION DISTRICT 1608  
HELD WEDNESDAY, SEPTEMBER 4, 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 September 4, 2019, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Stockton, California.

TRUSTEES PRESENT WERE:

MICHAEL PANZER  
BRETT THOLBORN  
DAN MacDONNELL

OTHERS PRESENT WERE:

DANIEL SCHROEDER  
ANDY PINASCO  
JOE BRYSON  
ELVIA TRUJILLO  
JACOB BEJARANO  
JUDITH BUETHE  
DOMINIC GULLI

ABSENT

CHRIS NEUDECK

1. **Public Comment.** There was no public comment.
2. **Approval of Minutes.** Minutes of the regular meeting of August 7, 2019. After review:

Upon motion duly made, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board Trustees of Reclamation District 1608, the minutes of the regular meeting of August 7, 2019 were approved as presented.

3. **District Secretary.** Discussion and Possible Action to Appoint District Secretary and Approve Agreement for Secretarial Services. With the resignation of Secretary Knight, an Agreement for Secretarial Services was presented to the Board to appoint Elvia Trujillo as incoming District Secretary. Attorney Schroeder reviewed and discussed the terms of the agreement with the Board and explained that this agreement would be up for review April 2019 allowing for any changes to be made at that time.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608, to appoint Elvia Trujillo as District Secretary for Reclamation District 1608.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608, that the Agreement for Secretarial Services between Reclamation District 1608 and Elvia Trujillo be approved as presented.

4. **Professional Services Agreement.** Discussion and Possible Action to Approve an Agreement for Professional Services to Assist and Advise District Secretary in Carrying out the Duties of District Secretary. An Agreement for Professional Services between Reclamation District 1608 and Secretary Jean Knight was presented to the Board. Attorney Schroeder explained that this agreement will allow the District to retain outgoing Secretary Knight as a consultant to assist and advise incoming Secretary Trujillo during the transition.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Trustees of Reclamation District 1608, that the Agreement for Professional Services between Reclamation District 1608 and Jean Knight be approved as presented.

5. **Financial Report.** Review, discuss, and accept financial report. Secretary Trujillo presented the Financial Report for the period ending August 31, 2019. She noted that the interest credited to the District's account that was accidentally left out of last month's financial report is reflected in this month's report. After review,

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.

6. **Engineer's Report.** Request for directions and approvals. The District Engineer provided a written and oral report. See below.
- a. Levee Encroachment Permits/Enforcement. See below in report from Engineer.
    - 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 Direction regarding Sediment Removal Project.  
See below in report from Engineer

**From Engineer's report:**

I. DELTA LEVEE SUBVENTIONS PROJECT

- A. Review the status of a Eucalyptus Tree in District's Levee at Levee Station 6+50 adjacent to 7052 Bridgeport Circle with Larry's Tree Co. *EXHIBIT A: Contract Documents and project details,*

Jacob Bejarano from KSN presented this item and gave a status update. He made reference to Exhibit A which includes the contract for removal of the eucalyptus tree between the District and Larry's Tree Care, documents detailing

communication between KSN and Kalia Schuster from the California Department of Fish and Wildlife, and pictures of the eucalyptus tree and its location. Mr. Bejarano informed the District that Joe Bryson should be receiving a copy of the contract and that work was scheduled to begin this Friday, September 6, 2019. The California Department of Fish & Wildlife has spoken with Dave Carr and has reviewed the plan and given written approval for removal of the tree with the requirement of a 3:1 Riparian Forest mitigation cost following removal. In Exhibit A, the July 30, 2019, memorandum from Tessa Marlow, Engineer Manager, lists the amounts that are estimated for the cost of mitigation: *The tree is .031 acres and will require .093 acres of mitigation; bulk credits from Westervelt ... will cost \$5,793, with the District's 25% share at \$1,448.* The contract will be shared for \$7,000.

- B. Review the status of the three (3) gate repairs along the Southwest Quadrant of the District's levee between the Theil, Davies, Mamaril & Legkov properties @ 3746, 3738 & 3730 Fourteen Mile Drive respectively. *EXHIBIT B: Contract Documents and Map of properties.*

Jacob Bejarano reported that the contract for the repair of the three gates in the southwest quadrant of District between stations 117+00 and 153+00 has been awarded and work is scheduled to start today. The completion of the contract is yet to be determined. The contract with Dino & Son Ditching Service has been included in Exhibit B of the Engineer's Report.

- C. Review the District's Draft Final Claim for Fiscal Year 2018/19 and seek signature from Chairman for submittal to DWR. *EXHIBIT C: Draft Final Claim Summary for Fiscal Year 2018-19.*

Jacob Bejarano referenced Exhibit C, the Draft Final Claim for the District under the Delta Levee Subventions Program for fiscal year 2018-2019 and gave the following summary:

Total Final Claim	\$290,746.94
Less District share (2,500/mile @3.6 miles)	\$9,000.00
Total Eligible	\$281,746.94
<b>Maximum Reimbursement = 75% of Eligible</b>	<b>\$211,310.25</b>

Jacob Bejarano reported that this represents the numbers in the subventions reimbursement application which will be submitted to the Department of Water Resources. This is an annual submission under the levees subventions program.

## II. PLAN REVIEW

- A. Review status of Annual Levee Inspection of the District's Levee system, and review Second Notice letters to Landowners for vegetation management.

*EXHIBIT D: Second Notice for vegetation management to Todd and Anna Bowman at 7050 Bridgeport Drive.*

Jacob Bejarano referenced Exhibit D that includes the first and second notices sent to the Bowmans related to their violation of the District's Encroachment Standards as they relate to vegetation management that District Engineer has been trying to get repaired and would like this item at next agenda. A Notice to Show Cause letter will be sent to the Bowmans.

*EXHIBIT E: Second Notice for vegetation management to Charles and Farley Staniec at 6347 Embarcadero Drive.*

Jacob Bejarano reported that District Engineer has reached out once again to the Staniecs as to their violation of District's Encroachment Standards and feels that this is the last chance to provide them with. District Engineer is hopeful that Mr. Staniec will reply and comply.

President Panzer asked Joe Bryson about this issue. Joe Bryson reported that Mr. Staniec is working in the Bay Area six days a week and that he has offered assistance to Staniec but has not heard back. Joe Bryson has also been trying to get together with the Bowmans as there is a lot of ivy on the property. This item will be agendized for the next Board meeting.

## III. SEDIMENT REMOVAL PROJECT

- A. Review progress of permitting process with the Board of Trustees. *EXHIBIT F: KSN Inc. Summary of work activities associated with the sediment removal project dated August 28, 2019.*

Jacob Bejarano presented an update on status of permitting and referenced Task 4 of Exhibit F, a monthly status memorandum/email. Approval was obtained from the Central Valley Flood Control Boards. As to the State Lands Commission, the application is under review and it has been agendized for October 24, 2019. There typically is a fee involved and Engineer is hoping to report back on this in the November meeting.

As to the status with the California Department of Fish & Wildlife, they submitted the draft Lake Streambed Alteration Agreement. KSN has prepared a response to modify unnecessary conditions as CDFW likes to put in new requirements. CDFW is reviewing KSN's response and District Engineer estimates a response back by mid-September.



With respect to the Corps of Engineers, two consultations need to happen. National Marine Fisheries Service Section 7 determination to proceed with permit is one; Engineer received comments and responded. No status update as to when the District will hear back. Next, is Section 106 cultural review documentation, the amount of \$18,000 may or may not come to play. This amount was previously approved at a District Board meeting but the recent approval to contract with SAS for the cultural review documentation will be held until the District Engineer receives a response from the Corps of Engineers and they typically are not very quick to respond.

District Engineer is currently working with the California Water Resources Control Board to receive the concurrence that a 404 Permit will not be necessary. Water board approved to move forward to dredge and received authorization. There will be additional requirements such as environmental monitoring. This is basically complete with the exception of environmental monitoring.

7. **Levee Superintendent Report. Request for directions and approvals.** Joe Bryson gave a written and oral report. He reported on the homeless situation and the trash left by the homeless. Joe Bryson has called Joe Golden from *The Record* and has also gotten in contact with Councilmembers regarding the homeless problem. President Panzer noted that a fence has been torn away by the homeless. Joe Bryson further reported that although crack filling and black topping on the levee roads was done, more work is needed. He also noted that all the ducks that he used to see in the water are all gone and believes it is due to the high toxicity level in the water. Dominic Gulli asked if 5-Mile Slough was being sprayed and Joe Bryson replied that it was not being sprayed at this time.
8. **Report by Trustees on meetings attended and upcoming meetings.** No meetings have been attended. President Panzer made reference to the email sent out by Elvia Trujillo as to the 2019 Preseason Flood Coordination Meeting being held on Wednesday, October 16, 2019.
9. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** None
10. **Newsletter.** Judith Buethe was present to discuss the newsletter and solicit guidance in addition to context that should be included in the next newsletter. President Panzer asked for suggestions as to any items of interest. The following suggestions were made:
  - Homeless issue.
  - Reminder about another levee inspection to get vegetation cleared to be prepared before the winter season.

- Update to sediment removal project. Should commence this summer and just waiting for permits with Fish & Wildlife which is the biggest hang up at this time.
- Reminder that homeowners should not be concerned if they see Joe Bryson and his truck on the levee as he is doing his job in inspecting the gates and the levee.
- Pictures of the levee improvements such as blacktop pictures. This reinforces that the district is using money wisely.
- Nutria update.
- Pictures of the removal of tree.
- Pictures of what not to do on the levees.

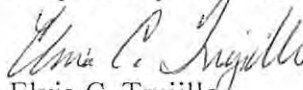
A draft newsletter will be presented at the next meeting. The final newsletter should be ready by October/November.

11. **Discussion and direction on Short-Term and Long-Range Goals.** No discussion.
12. **District Calendar.** Discussion and Direction. Attorney Dan Schroeder reported that the only item in September has to do with elections and that notices have been published.
13. **Correspondence.** No additional correspondence.
14. **Approval of Bills.** The Bills to be Paid List for August 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 August 2019 as presented, was approved.

15. **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.
16. **Adjournment.** The meeting adjourned at 8:50 a.m.

Respectfully submitted,

  
Elvia C. Trujillo  
District Secretary

# ITEM 2.b.

**MINUTES OF THE SPECIAL MEETING OF BOARD OF TRUSTEES**  
FOR RECLAMATION DISTRICT 1608  
HELD FRIDAY, SEPTEMBER 20, 2019

A Special Meeting of the Board of Trustees of Reclamation District 1608 was called to order at 8:00 a.m. by President Michael Panzer on September 20, 2019, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Stockton, California.

TRUSTEES PRESENT WERE:

MICHAEL PANZER  
BRETT THOLBORN

OTHERS PRESENT WERE:

ANDY PINASCO  
JOE BRYSON  
ELVIA TRUJILLO

ABSENT

DAN MacDONNELL  
DANIEL SCHROEDER  
CHRIS NEUDECK

1. **Public Comment.** There was no public comment.
2. **Trustee Election.** Discussion, approval and direction regarding the Election of Trustee.
  - a. Selection of November 5, 2019, election date and polling place within or near the District pursuant to Water Code § 50730 or selection of mail ballot election by adopting Resolution pursuant to Water Code Section § 50707.

Attorney Andy Pinasco presented this item informing the Board that there were three nomination petitions with two seats. He explained that the election can be conducted either by mail or at a voting precinct. The question is whether the district wants a precinct or mail ballot. If a voting precinct is selected, then the election will be held on November 5<sup>th</sup>; if the election is conducted by mail, then it will be on November 6<sup>th</sup>. He further explained that doing a mail ballot is more expensive since the mailing would comprise of more parts and pieces. For purposes of comparison, Reclamation District 1614 has approximately 5,000 residents and their cost for a mail ballot election was \$23,000. In 2017 when Reclamation District 1608 conducted a precinct election, the cost was \$12,000. President Panzer mentioned that past voting precincts have been at Mable Baron School and at a homeowner's association location. Andy Pinasco stated that he has reached out to the Registrar of Voters to cover all requirements and that there is a list of polling places within the district that includes Mable Baron School and four to five residences. He has left a message for Shane Concklin who is the principal at Mable Baron School but has not heard back. President Panzer and Trustee Tholborn considered whether the election should be conducted by mail or at a polling place and decided on a precinct location with the

election date of November 5, 2019. The Board will consider polling locations at the Board meeting in October.

Upon motion duly made, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608, the District's election will be a polling place election to be held on November 5, 2019.

b. Selection of hours of poll(s) for the election pursuant to Water Code § 50705.

Andy Pinasco informed the Board that 10:00 a.m. to 4:00 p.m. by default are the hours of the polls. The next two choices are 7:00 a.m. to 7:00 p.m. or 7:00 a.m. to 8:00 p.m. President Panzer and Trustee Tholborn discussed the hours of 10:00 a.m. to 4:00 p.m. indicating that it would be difficult for residents to vote within these hours. The Board decided that 7:00 a.m. to 7:00 p.m. be the hours at the poll.

It was moved, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Trustees of Reclamation District 1608, that the precinct hours be from 7:00 a.m. to 7:00 p.m. on November 5, 2018.

c. Adopt Resolution approving recommendations to San Joaquin County Board of Supervisors for appointment of Election Board pursuant to Water Code § 50700.

Andy Pinasco presented Resolution 2019-10 to the Board and explained that in order to conduct the election, an Election Board is required. The Election Board is comprised of an inspector and two judges. The inspector and two judges make sure every person that is voting has the credentials to vote, that the ballots go in the election box, and count the votes. The Board recommends individuals and Board of Supervisors appoints. He further explained that with this resolution the Board would be nominating Elvia Trujillo, Rhonda Olmo and Andy Pinasco to the Election Board. The resolution further memorializes direction to staff for preparing appropriate notices, authorizes District Engineer to produce the assessment roll, and authorizes District Engineer and Legal Counsel to produce notices and documents necessary to conduct election.

Trustee Tholborn asked who can vote and Mr. Pinasco responded that they will have to verify that those voting are landowners and will have to sign a document which is verified with the assessment roll. The number of votes is based on the size of your parcel and proxies will be available in this election.

Upon motion duly made, seconded (B. Tholborn/M. Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608, that Resolution 2019-10 *Nominating Individuals to the Election Board, Authorizing Preparation of the Certified Assessment Roll, and*

*Direct Officials to Prepare Appropriate Notices and Documents for 2019 District Trustee Election* be approved as presented.

d. Preparation and certification of appropriate tax roll pursuant to Water Code § 50701.

The District Engineer is directed to prepare the certified roll for the 2018/2019 tax year for purposes of determining how many votes each voter has. Andy Pinasco explained that preparation and certification of the tax roll was delegated and covered in Resolution 2019-10 and that no further motion was needed.

e. Publishing of Election Notice pursuant to Water Code § 50732.

Andy Pinasco informed the Board that the Notice of Election will be published for four consecutive weeks prior to the election and the notice will include the precinct location and hours.

f. Direction to District Engineer regarding election.

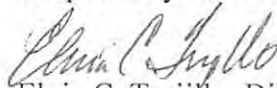
Andy Pinasco presented this item. The board is to consider whether to send out an informational mailing to the landowners with instructions as to where to go and how to vote. By the next Board meeting, the District should know whether the election can be held at Mable Baron School. Attorney Pinasco mentioned that he is checking with facilities management at 3121 W. March Lane to see if it was a possibility to hold the election at this location. Trustee Tholborn stated that having the election within the District would be better for the residents. At the October Board meeting, it will be decided whether to include candidate statements and, by then, the location of the polling place will be determined. The Board will provide direction to District Engineer at the October Board meeting upon obtaining additional information.

3. **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.

4. **Adjournment.** The meeting adjourned at 8:15 a.m.

Respectfully submitted,



Elvia C. Trujillo, District Secretary

# ITEM 5

**RECLAMATION DISTRICT NO. 1608  
RESOLUTION 2019-11**

**RESOLUTION APPROVING AND AUTHORIZING EXECUTION OF  
DELTA LEVEE MAINTENANCE SUBVENTIONS PROGRAM WORK AGREEMENT  
FISCAL YEAR 2019-2020**

WHEREAS, the Board of Trustees ("Board") of Reclamation District 1608 ("District") has reviewed, and desires to enter into, that certain Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2019-2020 ("Agreement"), between the District and the Reclamation Board of the State of California ("Reclamation Board");

NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

1. The Agreement is approved, and the President of the Board is authorized and directed to execute the Agreement, and cause it to be presented to the Reclamation Board with a certified copy of this Resolution.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 1608 at a meeting thereof held on this 2<sup>nd</sup> day of October, 2019, by the following vote,  
TO WIT:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSTENTION: \_\_\_\_\_

ABSENT: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1608  
A Political Subdivision of the  
State of California

By: \_\_\_\_\_  
MICHAEL PANZER, President

ATTEST:

\_\_\_\_\_  
ELVIA TRUJILLO, Secretary



CERTIFICATION

I, ELVIA TRUJILLO, Secretary of Reclamation District No. 1608, do hereby certify that the foregoing is a full, true and correct copy of a resolution of Reclamation District No. 1608 duly passed and adopted at a regular meeting of the Board of Trustees thereof held on the 2<sup>nd</sup> day of October, 2019.

Dated: \_\_\_\_\_, 2019.

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ELVIA TRUJILLO, Secretary  
Reclamation District No. 1608

**Delta Levee Maintenance Subventions Program  
WORK AGREEMENT  
Fiscal Year 2019-2020**

This Agreement is entered into as of the \_\_\_\_\_ day of \_\_\_\_\_, by and between **The Central Valley Flood Protection Board** of the State of California, hereinafter referred to as the "Board" and **Reclamation District No. 1608**, a political subdivision of the State of California, hereinafter referred to as "Local Agency."

WHEREAS, Part 9, commencing with Section 12980 of Division 6 of the California Water Code establishes a program for State financial assistance to local agencies responsible for maintenance of nonproject and certain project levees in the Sacramento-San Joaquin Delta; and

WHEREAS, The Central Valley Flood Protection Board approved the Delta Levee Maintenance Subventions Program 2016 Guidelines, dated August 26, 2016; and

WHEREAS, Part 9 requires local agencies to enter into an agreement with the Board to perform maintenance and improvement work as approved by the Board in accordance with administrative provisions and criteria adopted by the Board; and

WHEREAS, the Local Agency has submitted and the Board has approved levee maintenance and improvement plans in accordance with those provisions and criteria; and

WHEREAS, on November 24, 1997, as required by California Water Code Sections 12307 and 78543, the Board, the Department of Water Resources, hereinafter referred to as "DWR" or "Department," the Department of Fish and Game, now known as the California Department of Fish and Wildlife (CDFW), and The Resources Agency executed Amendment No. 1 to the Memorandum of Understanding, requiring projects or plans to be consistent with a net long-term habitat improvement program in the delta; and

WHEREAS, in November, 1999, CDFW issued the "Fish and Wildlife Enhancement Guidance Document" to ensure net long-term habitat improvement; and

WHEREAS California Water Code Section 12987 provides that CDFW ensures expenditures must be consistent with a net long-term habitat improvement program and have a net benefit for aquatic species in the Delta; and

WHEREAS, the Local Agency, DWR, and CDFW agree that the Local Agency has completed or is in the process of completing all of the requirements of California Water Code Sections 12987 and 79050 in its previous agreements with the Board.

NOW, THEREFORE, IT IS HEREBY AGREED THAT:

1. This Agreement covers the performance, inspection, reimbursement, and cost sharing of maintenance and improvement work performed on nonproject and eligible project levees by the Local Agency from July 1, 2019 to June 30, 2020.
2. The Local Agency shall accomplish the annual routine maintenance and rehabilitation work specified in the application prior to June 30, 2020. Local Agency shall be responsible for providing a registered engineer for appropriate direction and supervision of work described in the Local Agency's application to ensure that the work complies with accepted engineering and construction practices. Increased oversight by the Local Agency's engineer is expected with regard to any levee rehabilitation work.
3. No employee, officer, employer, or agent of the Local Agency shall participate in the selection, award, or administration of a contract for which reimbursement will be sought if a conflict of interest, real or apparent, would be involved. The Local Agency shall comply with all applicable laws on conflict of interest including, but not limited to, Public Contract Code (PCC) sections 10335.5 et seq., PCC sections 10365.5 et seq., PCC sections 10410 et seq., and Government Code sections 1090 et seq. and 81000 et seq.
4. The Local Agency shall be responsible for environmental compliance that may be necessary for the maintenance and improvement work covered by this Agreement including, but not limited to, compliance with the California Environmental Quality Act, the California Endangered Species Act, and obtaining a Streambed Alteration Agreement (Fish and Game Code Section 1600 et seq.) The Local Agency agrees to comply with all applicable State, federal, and local laws including, but not limited to, any environmental protection and habitat improvement required pursuant to California Water Code Section 12987. Prior to any payments to the Local Agency, pursuant to this Agreement, the Local Agency shall submit to DWR and CDFW, an acceptable habitat improvement program component which includes any mitigation and enhancement required by CDFW, which is consistent with a net long-term habitat improvement program. If a net long-term habitat improvement component is not agreed upon by the parties hereto and CDFW, then all payments made pursuant to this Agreement shall be subject to reimbursement by the Local Agency.
5. Work that is subject to the California Environmental Quality Act (CEQA) shall not proceed under this Agreement until documents that satisfy the CEQA process are received by DWR and DWR has completed its CEQA compliance review. Work that is subject to a CEQA document shall not proceed until and unless concurred with by DWR. Such concurrence is fully discretionary and shall constitute a condition precedent to any such work for which it is required. Once CEQA documentation has been completed, DWR will consider the environmental documents and decide whether to continue to fund the project or to require changes, alterations or other mitigation.

6. When reference is made herein to criteria or administrative procedures adopted by the Board, it is intended to include all addenda and supplements to said criteria or procedures.

7. Upon completion of the work agreed to be funded, the Local Agency shall submit a final claim completion report and notify DWR and CDFW for a joint inspection of the work. The Local Agency shall cooperate in the conduct of all inspections, including inspections by DWR, pursuant to California Water Code Section 12989, to monitor and ascertain compliance with and progress toward meeting the standards in the State's Flood Hazard Mitigation Plan for the Sacramento-San Joaquin Delta (DWR Office of Emergency Services, dated September 15, 1983), as updated or amended. To be eligible for reimbursement, the work shall be completed in the fiscal year for which application was made and approved.

8. In accordance with California Water Code § 9140, if Local Agency is responsible for the operation and maintenance of a project levee, or if Local Agency operates and maintains a nonproject levee that also benefits land within the boundaries of the area benefited by the project levee, Local Agency shall prepare and submit to DWR, on or before September 30<sup>th</sup> of each year, a report of information for inclusion in periodic flood management reports prepared by DWR relating to the project levee. The information shall include all of the following:

- a. Information known to the Local Agency that is relevant to the condition of the project levee.
- b. Information identifying known conditions that might impair or compromise the level of flood protection provided by the project levee.
- c. A summary of the maintenance performed by the Local Agency during the previous fiscal year.
- d. A statement of work and estimated cost for operation and maintenance of the project levee for the current fiscal year, as approved by the Local Agency.
- e. Any other readily available information contained in the records of the Local Agency relevant to the condition or performance of the project levee, as determined by the Board or DWR.

9. In accordance with California Water Code § 9650, if Local Agency receives funding from the State to upgrade a project levee that protects an area in which more than 1,000 people reside, the Local Agency responsible for the project levee and any city or county, including charter cities or counties, protected by the project levee shall enter into an agreement to adopt a safety plan within two years. The safety plan shall be integrated into any other Local Agency emergency plan and shall be coordinated with the state emergency plan. The local entity responsible for the operation and maintenance of the project levee shall submit a copy of the safety plan to DWR and the Central Valley Flood Protection Board. No advances or reimbursements shall be made by the State for a levee covered by this paragraph until it receives the Agreement from all necessary entities. The safety plan shall include all of the following elements:

- a. A flood preparedness plan that includes storage of materials that can be used to reinforce or protect a levee when a risk of failure exists.
- b. A levee patrol plan for high water situations.
- c. A flood-fight plan for the period before the state or federal agencies assume control over the flood fight.
- d. An evacuation plan that includes a system for adequately warning the general public in the event of a levee failure, and a plan for the evacuation of every affected school, residential care facility for the elderly, and long-term health care facility.
- e. A floodwater removal plan.
- f. A requirement, to the extent reasonable, that either of the following applies to a new building in which the inhabitants are expected to be the essential service providers:
  - 1.) The building is located outside an area that may be flooded.
  - 2.) The building is designed to be operable shortly after the floodwater is removed.

10. The Local Agency, its Engineer, contractors, subcontractors, and their respective agents and employees required for performing any work shall act in an independent capacity and not as officers, employees, or agents of the State. The Local Agency is solely responsible for planning, design, construction, maintenance, and operation of its levees. Any inspection, review or approval by the State is solely for the purpose of proper administration of State funding and shall not be deemed to relieve or restrict the Local Agency's responsibility for the safety and integrity of its levees. The Local Agency shall cooperate in the conduct of any State review or inspection.

11. The Local Agency shall be responsible for compliance with competitive bidding, prevailing wage provisions, contract administration laws, and all applicable labor laws including, but not limited to, Public Contract Code Section 20920, et seq., California Water Code Section 50907; and Labor Code Section 1720 et seq. and 1770 et seq. Prior to awarding a contract for a public works project funded in whole or in part under Proposition 50, Proposition 84, or any other source of funding so requiring, the Local Agency shall adopt and enforce a labor compliance program pursuant to Labor Code Section 1771.5. The Local Agency must comply with California Labor Code Section 1773.3 (Duty to notify the California Department of Industrial Relations (DIR) when awarding a contract for a public works project. Construction work performed by Local Agency forces may be exempt from competitive bidding and shall be reimbursed pursuant to the equipment rates established by Caltrans (annual labor surcharge and equipment rental rates) and the Delta Levees Subventions Program. These equipment rental rates are available on the internet at <http://www.dot.ca.gov/hq/construc/>.

12. The Local Agency shall maintain records and books relating to the costs and quantities of labor and materials used, purchased, or contracted for in the performance of its levee maintenance and improvement work. The Local Agency shall maintain all receipts, accountings, books, invoices and records, pertaining to its levee work for a period of 10 years after the work has been performed or the expenses incurred. The

Board and DWR shall have full and free access at all reasonable times to these books and records with the right at any time during office hours to make copies thereof. The Board, DWR, and the California State Controller's Office shall have the right to conduct audits, from time to time, of the Local Agency's expenditures for levee maintenance and improvement, the purpose of such audits being to assure that subvention funds are being properly used, that payments are not being made under other assistance programs for the same work, and that the Local Agency is seeking the most reasonable terms in its use of State funds. The Local Agency shall cooperate fully in any such audit.

13. The Local Agency shall be eligible for reimbursement for work satisfactorily completed in accordance with the following:
- a. Rural Levees – an area that is not urban.
    - 1.) No costs shall be reimbursed until the local agency has spent an average of \$1,000 per levee mile for all of its rural nonproject and eligible project levees;
    - 2.) The local agency shall be reimbursed up to 75 percent of eligible costs incurred in excess of \$1,000 per levee mile for all of its nonproject and eligible project levees.
  - b. Urban Levees – an area in which 10 percent or more of the land area within the project area is used for residential use.
    - 1.) No costs shall be reimbursed until the local agency has spent an average of \$2,500 per levee mile for all of its nonproject and eligible project levees;
    - 2.) The local agency shall be reimbursed up to 75 percent of eligible costs incurred in excess of \$2,500 per levee mile for all of its nonproject and eligible project levees.
  - c. If, in any year, the total eligible costs incurred exceed the State funds available, the Board shall apportion the funds among those levees or levee segments identified by DWR as being most critical and beneficial, considering the needs of flood control, water quality, recreation, navigation, habitat improvements, and fish and wildlife.
  - d. The Local Agency acknowledges that pursuant to California Water Code Section 12986, DWR shall require the Local Agency to provide information to DWR that may include, but not be limited to, a detailed engineer's report prepared pursuant to subdivision (b) of Section 4 of Article XIID of the California Constitution, audited financial statement, or an assessment commissioner's report.

- e. The Local Agency acknowledges that the information or study shall be the basis for DWR's determination of the maximum allowable reimbursement. The Local Agency agrees to return to DWR any reimbursements paid to the Local Agency that are in excess of the maximum allowable reimbursement, based on an updated study of the agency's ability to pay.
- f. Local Agency shall apply for federal disaster assistance whenever eligible.

14. State expenditures under this Agreement shall not exceed **\$288,000** subject to the availability of funds. The Local Agency estimated reimbursement approved by the Board on June 28, 2019 is **\$45,059**. The maximum approved advance amount, limited to 75% of the approved estimated reimbursement is **\$33,794**. The Board may increase the estimated reimbursement and advance amounts if information that warrants an increase becomes available.

15. Advanced payments or progress payments may only be made to Local Agency after DWR and CDFW determine the following approval requirements have been met by the Local Agency:

- An AB 360 program *Advance Payment Information Form* is approved in writing by CDFW and DWR.
- A joint CDFW and DWR inspection is completed, as needed, and CDFW has evaluated the extent of the potential impacts associated with the funded project activity.
- Documentation is submitted to DWR confirming that eligible deductible expenditures exceed the \$1,000 per levee mile criteria.
- A schedule and appropriate bidding and contract documentation are submitted to DWR for projects requesting advanced funding.

16. To comply with the net long-term habitat improvement program and to have a net benefit to aquatic species as required by California Water Code Sections 12987 and 79050, in the event levee maintenance or improvement activities result in the loss of fish or wildlife habitat, the District agrees to fully mitigate this loss at a time, site and manner subject to CDFW approval.

17. Each Local Agency must comply with the requirements of the Delta Stewardship Council (DSC) regarding Covered Actions. If the Local Agency determines any activities are a Covered Action under Water Code Section 85057.5, the activities are required to be consistent with the regulatory policies of the Delta Plan. The Local Agency must certify consistency with the Delta Plan by submitting a Certification of Consistency to the DSC prior to performing covered activities. Information regarding Covered Actions and Certification of Consistency may be found on the DSC's website at the following locations:

1. Covered Actions: <http://deltacouncil.ca.gov/covered-actions>
2. Certification of Consistency:  
[http://coveredactions.deltacouncil.ca.gov/certification\\_process.aspx](http://coveredactions.deltacouncil.ca.gov/certification_process.aspx)

18. If DWR finds that work under this Agreement has not been satisfactorily performed, or where advances exceed actual reimbursable costs, the Local Agency shall promptly remit to DWR all amounts advanced in excess of reimbursable costs (California Water Code Section 12987). In the event that Local Agency has an outstanding obligation with DWR pursuant to this paragraph, DWR may seek such reimbursement from the Local Agency by any appropriate means including but not limited to, collecting any amount owing to the Local Agency from DWR or the Board under the Delta Flood Protection Program.

19. The Local Agency shall indemnify and hold and save the State of California, the Board, DWR, and all other agencies or departments of the State and their employees, free from any and all liability for any claims and damages (including inverse condemnation) that may arise out of this Agreement, including but not limited to, those arising from the planning, design, construction, maintenance and operation of levee rehabilitation measures for this Project and any breach of the terms of this Agreement. Local Agency shall require its contractors to name the State, its officers, agents and employees as additional insured's on their liability insurance for activities undertaken pursuant to this Agreement. Local Agency shall also require its contractors to have applicable performance and payment bonding in place before commencing work. The Local Agency's indemnity and related obligations under this Agreement also extend to any similar Department indemnity and related obligations with the U.S. Army Corps of Engineers for emergency assistance, response and rehabilitation of Local Agency's facilities and the Local Agency hereby expressly assumes those obligations.

20. No waiver of any breach of this Agreement shall be held to be a waiver of any other or subsequent breach, and no excuse of any condition or covenant shall be held to be an excuse of any other condition or covenant, or the same condition or covenant at a subsequent time.

21. This Agreement may be amended in writing by the mutual consent of the parties hereto.

22. The AB 360 Program Funding Claim Information Form with information detailing areas of work on the levees shall be submitted prior to any consideration for reimbursement.



23. All final claims associated with this Agreement shall be submitted by November 1, 2020. DWR requires that all habitat and mitigation requirements under this Agreement shall be completed to the satisfaction of CDFW no later than three years from the date of this Agreement absent a waiver of this requirement by DWR in writing. In the absence of this waiver, failure to complete habitat and mitigation requirements within the three year period will result in forfeiture of reimbursement under this Agreement and future agreements within the Delta Levees Program, until mitigation and habitat requirements are complete. It is the responsibility of the Local Agency to request this waiver of DWR.

**THE CENTRAL VALLEY  
FLOOD PROTECTION BOARD  
State of California**

By: \_\_\_\_\_  
Executive Officer

Date: \_\_\_\_\_

**THE DEPARTMENT OF  
WATER RESOURCES  
State of California**

By: \_\_\_\_\_

Date: \_\_\_\_\_

**APPROVED AS TO LEGAL FORM  
AND SUFFICIENCY:**

By: \_\_\_\_\_  
Assistant Chief Counsel

Date: \_\_\_\_\_

**RECLAMATION DISTRICT NO. 1608**

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Date: \_\_\_\_\_

By: \_\_\_\_\_

Print Name: \_\_\_\_\_

Print Title: \_\_\_\_\_

Date: \_\_\_\_\_

**ITEM 6.b.**

June 5, 2019

## MEMORANDUM

**TO:** Andy Pinasco, Reclamation District No. 1608  
**FROM:** Melinda Dubroff, Registrar of Voters  
**SUBJECT:** Polling Locations in Reclamation District No. 1608

Thank you for your inquiry regarding the list of polling locations within Reclamation District No. 1608. Below is a list of the facilities, addresses and contact information. Should you have further questions, please contact Alicia Stevens, Precinct Operations Supervisor, directly at [astevens@sjgov.org](mailto:astevens@sjgov.org) or 209468-2894.

Facility Name	Address	Contact Name	Contact Phone
Mable Barron School – Library	6835 Cumberland Pl	Shane Conklin	209-953-8795
Garcia Residence	2907 Plymouth Ct	Ruben Garcia	209-453-2311
Peck Residence	3218 Sheridan Way	Jim Peck	209-952-6291
Lang Residence	6838 Cumberland Pl	Jeraldene Lang	209-951-7550
Larsen Residence	3817 N Monitor Cir	Deborah Larsen	209-470-3636
Lucchesi residence	3822 N Monitor Cir	Dan Lucchesi	209-951-9840

# ITEM 11

## **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 12

## 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 2019 (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:**

<b>Name</b>	<b>Term Commenced</b>	<b>Term Ends</b>
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**