

**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