

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD TELEPHONICALLY ON WEDNESDAY, MAY 5, 2021**

A Regular Meeting of the Board of Trustees of Reclamation District 1608 was called to order telephonically at 8:00 a.m. by President Michael Panzer on Wednesday, May 5, 2021, via Toll-Free Dial-In Number: (877) 778-1806.

TRUSTEES PRESENT WERE:

MICHAEL PANZER
BRETT THOLBORN
DAN MacDONNELL

OTHERS PRESENT WERE:

DANIEL SCHROEDER
ANDY PINASCO
CHRIS NEUDECK
JOE BRYSON
ELVIA TRUJILLO
ONE MEMBER OF THE PUBLIC

1. **Public Comment.** There was no public comment.
2. **Approval of Minutes.** Minutes of the regular meeting of April 7, 2021. The Trustees reviewed the minutes. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board Trustees of Reclamation District 1608, that the minutes of the April 7, 2021 Regular Meeting be approved as presented.
3. **Financial Report.** Review, discuss, and accept financial report. District Secretary, Elvia Trujillo, presented a written and oral report. She reported the figures for the year-to-date revenues and expenses were not current as the County's Financial Report with the current figures through April 30, 2021 had not been received in time for this meeting and gave an estimate on the General Fund balance. After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the Financial Report presented at the May 5, 2021 meeting be approved.
- 3.a. Revise 2020-2021 Budget.

Andy Pinasco presented this item. He explained the 2020-2021 Budget is being brought before the Board to request a change in the District's reserve amount. Currently, the District's Board-designated reserve is \$300,000. After today's invoices are paid, the estimated balance is \$166,606. Although the District expects to receive money, it also has \$875,000 in registered warrants. In future

meetings, the District will need to consider how to repay the registered warrants. Staff recommends to reduce the reserve to \$100,000 so the District is not in contravention of the designated Board reserve of \$300,000.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 to approve the 2020-2021 Budget as amended reducing the reserve to \$100,000.

4. **Draft 2021-2022 Budget. Review, discuss, and provide direction on Draft 2021-2022 Budget.**

Andy Pinasco presented this item. He explained the draft budget was prepared by Chris Neudeck and himself and that today's intent of presenting the Draft 2021-2022 Budget is for review and direction. Since the Budget will not be approved at this meeting, there is time to review and think about the figures in this draft in order to be prepared to adopt the budget in June. Mr. Pinasco said this year is called, "gentlemen, tighten your belts" as the District has registered warrants that were incurred with the Sediment Removal Project. Expenses were discussed with two items of note. In the proposed budget for Fiscal Year 2021-2022, line item G11-Registered Warrant Expense has not been in previous budgets but is needed for the registered warrants. Mr. Pinasco also referenced line item G9-Election Costs; there is one seat expiring and that expense needs to be included in case there is an election. In discussing the Income section, Property Taxes and Assessments remain basically the same. Interest income is reflective of the General Fund balance. In previous years, the District has carried a substantial amount, but this time it will be less due to the expenses with the Sediment Removal Project, resulting in a decrease in interest income. In addition, the subventions reimbursement is expected to be half of what has been received in the past because the majority of expenses were for capital projects. Five-Year Plan reimbursement is also expected to be less as this is winding down. Discussion followed as to other line items with no action needed to be taken at this meeting. Mr. Pinasco welcomed any comments and suggestions between now and the next Board meeting.

5. **Engineer's Report. Request for directions, approvals and actions.**

(a) Review status of Annual Levee Inspection of the District's Levee system for 2021. *Please Engineer's Report, Section II.A..*

(b) Consider approval of new permits requests from homeowners at the following addresses:

1. 3860 Fourteen Mile Drive
Dr. Gerald & Mrs. Mary Bock
APN 098-370-08
Review an application for the "as-built" fence installed on existing approved landside retaining wall.
Please see Engineer's Report, Section II.B.a)

2. 3848 Fourteen Mile Drive
Mr. Gerard & Chris Hammer
APN 098-370-11
Review options for maintaining the property owner's parallel fence along the landside hinge point of levee.
Please see Engineer's Report, Section II.B.b)
- (c) Delta Levee Subventions Program
 1. Review status of fallen tree at 3612 Fourteen Mile Drive
Please see Engineer's Report, Section, III.

*From Engineer's Report:
[Note: Section I omitted in original report.]*

II. PLAN REVIEW

- A. Review status of Annual Levee Inspection of the District's Levee system for 2021.

EXHIBIT A: Violation/Remedy Tracking for 2021 Inspection.

Chris Neudeck presented this item. He reported several violation notices had to be sent twice. The homeowners receiving these notices have contacted Chris Neudeck and have either trimmed vegetation in accordance with District Standards or are in the process of doing so. However, there is one homeowner that has yet to contact Mr. Neudeck regarding their violations, Larry and Renata Mamaril. If Mr. Neudeck does not hear from the Mamarils, he will seek action to revoke their permit as he is having to remind them that compliance on a regular basis is required. Mr. Neudeck feels it is not appropriate for the District to incur expenses for reminder letters and expressed it is the homeowner's responsibility to follow the rules and regulations, otherwise permit need to be revoked.

- B. Permit Requests from homeowners:
 - a) 3860 Fourteen Mile Drive
Dr. Gerald & Mrs. Mary Bock
Index No 24, Lot No. 1152
APN 098-370-08
(209) 473-2679
(209) 403-0906

Excerpt from Engineer's Report:

Review an application for the "as-built" fence installed on existing approved landside retaining wall. Seek the Board of Trustees approval for this application. KSN Inc. recommends approval.

EXHIBIT B: April 23, 2021 Encroachment Application "as-built" fence on existing landside retaining wall.

EXHIBIT C: Plans of "as-built" installed mini rose flower beds.

EXHIBIT D: Site Photos of the lot.

Mr. Nuedeck reported on this item. Although the permit is for the fence itself and nothing further, it was noticed by Trustee MacDonnell that Exhibit C shows a redwood walkway across the ground. Discussion followed as to details of the drawing and it is believed that the drawing plan was not implemented as it is not what exists now, nor would it have been approved. It was decided this item should be continued to the June 2021 meeting to allow time to check the property to make sure there are no violations.

- b) **3848 Fourteen Mile Drive**
Mr. Gerard & Chris Hammer
Index No. 27 Lot 1149
APN 098-370-11

Excerpt from Engineer's Report:

Gerard and Chris Hammer want to review with the Board of Trustees options for maintaining the unpermitted parallel fence along the landside hinge point of the levee.

RD 1608's Levee Encroachment Standards do not allow parallel fences along the landside hinge point in the Southwest Quadrant as follows:

No fences parallel to the levee shall be permitted within the District's jurisdiction except as specifically permitted in this paragraph. Parallel open-fabric chain link fences, or open wrought iron fences, kept free of vegetation and of lathe or other coverings, may be allowed between the water's edge and a line ten feet (10') inland from the levee toe, upon issuance of a permit, provided that such fences shall not be located on the crown of the levee, and shall not obstruct the levee road. Further, all such fences shall be so constructed that the fence may be easily removed with ordinary equipment. If such fence is not constructed so as to

be readily removed with ordinary equipment, the District shall have the right to remove it without liability for cost, damages, or replacement in the event removal is necessary, in the District's sole judgement, for access to the land side of the levee, whether an emergency situation exists or not. In all levee areas, parallel fences shall be permitted outside the line ten feet (10') inland from the landward levee toe, upon issuance of a permit.

KSN Inc. supports this guidance entirely and does not recommend that the Board of Trustees offer any variance to this standard.

EXHIBIT E: Site Photos of the lot.

Chris Neudeck presented this item. He reported the homeowners have a parallel fence on the landside edge of the levee crown of their lot which is in violation of the District's Standards. He also informed the Board that a letter was written and sent to the Hammers requesting they remove the fence. Gerard Hammer wanted to present his argument in person but did not feel comfortable doing this virtually. Mr. Neudeck cited the section within the District's guidelines (please see above language) so that there is a clear-cut recommendation. He recommends the Board not reconsider, as this is a levee, not a back yard. Mr. Neudeck seeks board approval to have counsel write a letter and enforce the removal of the fence as the District's Standards are very clear.

Upon motion duly made (B. Tholborn/D. MacDonnell) the Board of Trustees of Reclamation District 1608 authorizes staff to move forward in addressing the violation in accordance with the Levee Encroachment Standards.

It should be noted the District is not conducting in-person meetings due to State and County COVID-19 restrictions.

III. AB 360 DELTA LEVEE SUBVENTIONS PROGRAM

- A. Review status of fallen tree at:
 - a) **3612 Fourteen Mile Drive**
Mr. & Mrs. John & Daniela Burke
Index No. 42, Lot No. 415
APN 098-490-35
John's Cell 209.513.0275
Email: Daniela.Burke@yahoo.com

Chris Neudeck presented this item. He gave a brief report on the background of the fallen tree at the Burke's property and asked Joe Bryson

to give an update on this matter. Mr. Bryson reported the tree is gone, almost all of the wood has been hauled away, and the compacting of the hole that was left by the tree was done by his workers. Since this item has been brought into compliance, Mr. Neudeck does not see the need to bring back to the Board. Discussion followed regarding homeowners to making themselves aware that when they buy these properties, they need to familiarize themselves with the encroachment standards and know their responsibility.

6. **Adopt Resolution 2021-01 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2021-2022.**

Dan Schroeder presented this item. He reported the Board is presented every year with a resolution directing the District Engineer to file the Notice of Exemption for routine maintenance to existing levee improvements. This resolution is identical to prior years with the exception of the dates. Mr. Schroeder recommends the Board of Trustees adopt this Resolution.

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608, that Resolution 2021-01 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2021-2022 be adopted.

7. **Levee Superintendent Report. Request for directions and approvals.**

Mr. Bryson presented an oral and written report. In addition to the items in his written report, Mr. Bryson also reported a new homeowner wanted to put up a fence and had no idea a permit was required to do that or to do any other improvements in the back yard. He informed the homeowner of the requirements.

8. **Report by Trustees on meetings attended and upcoming meetings. Request for direction.**

8.a. **Trustee MacDonnell Report on Virtual Briefing Session sponsored by California Department of Water Resources.**

Trustee MacDonnell reported attending the Department of Water Resources virtual snowmelt briefing. In summary, it is going to be a very dry year with above normal temperatures. Unfortunately, this will result in fire hazards and might surpass the conditions experienced last year. President Panzer commented we might see more cracks on the levee due to extended high heat.

9. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** No Report
10. **Discussion and direction on Short-Term and Long-Range Goals.** No discussion.
11. **District Calendar.** Discussion and direction.

- a. Next meeting June 2, 2021

Dan Schroeder commented on the letter to property owners regarding the levee standards and permit requirements listed in the district calendar. Chris Neudeck suggested sending the letter in August or September since the annual inspection was recently done and homeowners received letters. Discussion followed and it was agreed September is a good time to send the letter before the arrival of wet weather. President Panzer directed staff to amend the calendar by moving this item to the August/September meeting.

12. **Correspondence.** No correspondence of note.

13. **Approval of Bills.** After review,

It was moved, seconded (B. Tholborn/D. MacDonnell) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the List of Bills to be Paid presented at the May 5, 2021 meeting be approved.


14. **Staff Reports.**

Dan Schroeder reported he is eagerly watching state and county COVID-19 reports and guidelines in terms of having in-person meetings. Although the County is still in the red, he is optimistic the County could soon move to orange. Once that happens, the District may be able to meet in person if required distancing guidelines can be followed.

(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.

15. **Adjournment.** The meeting adjourned at 9:15 a.m.

Respectfully submitted,


Elvia C. Trujillo
District Secretary

Reclamation District 1608
Bills to be Paid - May 5, 2021 Board Meeting

NAME	Date	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Michael Panzer (5/5/2021 Regular Mtg)	5/5/2021	Trustee Fee	\$272.04				
				\$272.04	6481		
Brett Tholborn (5/5/2021 Regular Mtg)	5/5/2021	Trustee Fee	\$272.04				
				\$272.04	6482		
Dan MacDonnell (5/5/2021 Regular Mtg)	5/5/2021	Trustee Fee	\$272.04				
Attendance at 4/2021 DWR Virtual Briefing	4/20/2021		\$272.04				
				\$544.08	6483		
Elvia Trujillo (April 2021)	5/5/21	Secretary Fee	\$874.19				
				\$874.19	6484		
PG&E (Landview & Seagull)		0950847867-5	\$0.00				
PG&E (Stone River)	4/22/2021	2999432760-8	\$10.60				
				\$10.60	6485		
Neumiller & Beardslee	4/14/2021	316336	\$1,868.60				
				\$1,868.60	6486		
Kjeldsen Sinnock & Neudeck	4/26/2021	30160	\$1,432.30				
	4/26/2021	30161	\$1,361.25				
	4/26/2021	30162	\$87.50				
	4/26/2021	30163	\$4,176.64				
	4/26/2021	30164	\$245.00				
	4/26/2021	30165	\$447.00				
				\$7,749.69	6487		
Express Employment Professionals	3/10/2021	25146044	\$117.75				
				\$117.75	6488		
BPM	4/30/2021	36262718	\$5,884.85				
				\$5,884.85	6489		
Reclamation District 1608 (Transfer to Checking Account)	5/5/2021		\$40,000.00				
				\$40,000.00	6490		

