

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD ON WEDNESDAY, AUGUST 3, 2022**

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 3, 2022, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Suite 100, Stockton, California.

TRUSTEES PRESENT

MICHAEL PANZER
DAN MacDONNELL
DOTTIE LOFSTROM

OTHERS PRESENT

CHRIS NEUDECK
ANDY PINASCO
JOE BRYSON
ELVIA TRUJILLO
KIM FLOYD
CHARLES HASTINGS
DOMINICK GULLI
BOB BENTZ

1. **Public Comment.** There was no public comment.

At 8:02 Agenda Item 6 was moved up. Please refer to Agenda Item 6 for details.

2. **Approval of Minutes.** Minutes of the July 6, 2022, District meeting. The Trustees reviewed the minutes. After review,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, that the minutes of the July 6, 2022, Board Meeting be approved.

3. **Financial Report.** Review, discuss, and accept financial report. District Secretary, Elvia Trujillo, presented two financial reports. The first report was the final report for Fiscal Year 2021/2022 where she indicated the District received income from property taxes. The second report was the first financial report for Fiscal Year 2022/2023. She also gave an update on the payment of registered warrants. After review,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board of Trustees of Reclamation District 1608 that (1) the Final Financial Report for Fiscal Year 2021-2022 be approved as presented, and (2) that the first

Financial Report for Fiscal Year 2022-2023 be approved as presented.

4. **Prop 218 Assessment. Discussion and possible action on the following items:**
- a. **Report on Tuesday, July 26, 2022, Public Outreach workshop meeting.**
Attorney Andy Pinasco presented this item. He noted Ms. Floyd was present at that meeting and would be discussing next agenda items.
 - b. **Review estimated timeline of tasks for Prop 218 effort.**
Kim Floyd explained the timeline that resulted from the July 26, 2022 meeting and went over the tasks involved.
 - c. **Authorize Kim Floyd Communications to prepare Property Public Outreach Newsletter for Prop 218 Assessment.**

Kim Floyd explained the importance of informing the public what Reclamation District 1608 does and why the improvements made possible by the Prop 218 effort are of value. She said it is also important to do public opinion research to learn how people feel and why. The best way to gather this information is through stakeholder interviews which will be done by the end of September. Ms. Floyd will be working with Chris Neudeck and Andy Pinasco for any information that may need to go to the Board. She added that through the public outreach newsletters, the homeowners will know what is Reclamation District 1608 and what it does. Trustee Lofstrom suggested to temporarily move the newsletters to Kim Floyd Communications for this project. After discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to Authorize Kim Floyd Communications to prepare the Public Outreach Newsletters for the Prop 218 election.

- d. **Approve updates to District website proposed by Kim Floyd Communications.**
Kim Floyd presented this item. She noticed the District's website has many pages and suggested regrouping which would result in going from nine pages to six pages with subpages. Mr. Pinasco stated the photos for the website are still being worked on. After further discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to approve Kim Floyd's recommendations for website updates.

- e. **Direct staff to prepare social media policy for District communications.**
Andy Pinasco presented this item. He said Ms. Floyd is recommending another form of social media, such as Next Door, to keep the public informed. This will need to be made in a structured manner. Ms. Floyd explained applying for the Next Door account may be a good idea to communicate with homeowners and post any updates related to the District. While the Prop 218 project is going on,

she can monitor the account. Mr. Neudeck agreed there would be benefit to having this to keep communication open with homeowners. Mr. Pinasco expressed concern with these types of communications. He gave examples related to the Public Records Act and the Brown Act and stated the District must maintain its legal obligations and said a social media policy needs to be in place. This item needs further discussion and a social media policy needs to be in place before approving. After further discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to bring back this item and a Social Media Policy to the next Board meeting.

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

- a. **Plan Review.**
 - i. 3730 Fourteen Mile Drive
Mr. John and Daniela Burke
Please see Engineer's Report, Section II.A.
 - ii. Review status of Annual Levee Inspection of the District's Levee system for 2022. Review the need for 2nd violation notices and then ultimate "Show Cause Hearings"
Please see Engineer's Report, Section II.B.
 - iii. Recommend Show Cause hearing resultant from Remedy Tracking List for 2022:
Mr. Gregory & Nancy Smith
3757 Hatchers Circle
Please see Engineer's Report, Section II.C.
- b. **AB 360 Delta Levee Subventions Program.**
 - i. Review the status of the Rock Slope Protection project under the Levee Maintenance Project for Fiscal Year 2022-2023.
Please see Engineer's Report, Section III.A.
 - ii. Review Draft 5 Year Plan that has been submitted to the Department of Water Resources for review and comment.
Please see Engineer's Report, Section III.B.
 - iii. Review Summary of Delta Items as reported by colleague Gilbert Cosio with River Delta Engineering.
Please see Engineer's Report, Section III.C.

- c. Lower San Joaquin River Feasibility Project with SJAFCA.
 - i. Review the outcome of the SJAFCA and RD quarterly partnership meeting held on Monday, July 18, 2022.
Please see Engineer's Report, Section IV.A.
 - ii. Review future meeting with SJAFCA and RDs related to new alternative for RD 1608 protection and levee alignment and gate location in Fourteen Mile Slough.
Please see Engineer's Report, Section IV.B.

FROM ENGINEER'S REPORT:

- I. **SPECIAL BENEFIT PROPOSITION NO. 218 ASSESSMENT FOR 2025.**
 - A. Review outcome of workshop meeting with Kim Floyd Communications (KFC) held on Tuesday July 26, 2022.
 - B. Below is the District's timeline of tasks:

TIMELINE OF TASKS

August 2021	TASK 1 — District Workshop - commence with development of budget items.
March 2022	TASK 2 — Select a public outreach consultant and establish clear and concise messaging of District services and what our beneficiaries receive in service.
September 2022	TASK 3 — Prepare Request for Qualifications (RFQ) for Assessment Engineer and select.
August 2023	TASK 4 — Complete and approve Final Engineers Report.
November 2023	TASK 5 — Conduct 1st Public Workshop w/ RD 1608 landowners.
January 2024	TASK 6 — Mail out Ballots for Assessment Ballot Proceeding.
January 2024	TASK 7 — Conduct 2nd Public Workshop w/RD 1608.
February 2024	TASK 8 — Conduct Ballot Hearing and count the ballots.
August 2024	TASK 9 — Provide certified copies of resolution and Assessment Roll to S.J. County to be put on Property Tax Roll.

The Timeline of Tasks was reviewed in Agenda Item 4.b by Kim Floyd.

- II. **PLAN REVIEW.**
 - A. 3730 Fourteen Mile Drive
Mr. John & Daniela Burke
Index No. 042, Lot No 0415
APN 098-490-35

Review a request to construct a new fence by John and Daniela Burke along the waterside slope in Southwest Quadrant. The fence will be a steel 4-ft high fence with cable wire at the top of the riprap.

*EXHIBIT A: July 26, 2022 Encroachment APPLICATION for a fence.
EXHIBIT B: Plans for a fence.*

Chris Neudeck presented this item and reference Exhibit A and B. Trustee MacDonnell asked if the fence being proposed was going to be a removable fence. Mr. Neudeck said he will require as condition of approval that the fence must be removable. After discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to approve application as conditioned with a removable fence for 3730 Fourteen Mile Drive.

- B. Review status of Annual Levee Inspection of the District's Levee system for 2022. Review the need for 2nd violation notices and then ultimate "Show Cause Hearings."
EXHIBIT C: Violation/Remedy Tracking for 2022 Inspection.

Chris Neudeck presented this item. Mr. Neudeck reported nearing the completion of the remedy tracking inspections for 2022. All landowners who received violation notices are in compliance with the exception of Gregory and Nancy Smith at 3757 Hatchers Circle. Mr. Neudeck is seeking the Board's approval for a show cause hearing for Gregory and Nancy Smith.

- C. Recommended Show Cause hearing resultant from Remedy Tracking List for 2022:
Mr. Gregory & Nancy Smith
3757 Hatchers Circle
Stockton, CA 95219

RD 1608 has routinely and annually noticed Mr. Gregory & Nancy Smith since 2018 for vegetation violations and strongly suggest that the Board of Trustees notice the Smiths with a Show Cause Hearing to bring more confirmed compliance with the District's standards for a clear & inspectable landside levee. Below are copies of the past Violation Notices

EXHIBIT D: April 13, 2018 Violation Notice

EXHIBIT E: March 27, 2019 Violation Notice

EXHIBIT F: April 14, 2020 Violation Notice

EXHIBIT G: March 25, 2021 Violation Notice

EXHIBIT H: April 28, 2022 Violation Notice

EXHIBIT I: July 20, 2022 Photo Summary.

Chris Neudeck reviewed with the Trustees the list of violations by the Smiths and recommends a show cause hearing. Mr. Pinasco discussed the possible options one of which is revoking the permit. Once a permit is revoked, the encroachment must be removed. After discussion, the Trustees directed Andy Pinasco to notify the Smiths of their show cause hearing at the September 7, 2022 Board Meeting.

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to direct District Counsel to notify Gregory and Nancy Smith of their Show Cause Hearing on September 7, 2022 at 8:00 a.m.

III. AB 360 DELTA LEVEE SUBVENTIONS PROGRAM

- A. Review status of the Rock Slope Protection project under the Levee Maintenance Project for Fiscal Year 2022/2023.

EXHIBIT J: Preliminary Plans for RSP along the levee in the Marina area.

EXHIBIT K: Preliminary estimate of RSP Project.

Chris Neudeck presented this item. He stated the rock along the levee in the Marina area is not to the standard he would like to see it at. The rock slope protection project for this area has been delayed due to other projects. The Marina has been cooperative and the only thing that is necessary when this project is under way is that plywood be laid on the grass to protect it. Mr. Neudeck discussed Exhibit K, the preliminary estimate of the project, and added that this work is reimbursable through subventions and would like authorization to bid project. After discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to authorize Kjeldsen, Sinnock & Neudeck to go out to bid for the Rock Slope Protection Project.

- B. Review Draft 5 Year Plan that has been submitted to the Department of Water Resources for review and comment.

EXHIBIT L: Draft 5 Year Plan w/o appendices.

Chris Neudeck presented this item. He explained the Draft 5-Year Plan is a very large document that is a requirement of the levees subventions program. It includes historical information of RD 1608's levees with technical information. Historically, this District has not done such a report because it was previously an option, however, it is now a requirement. The draft report was due in June, the final report is due in December.

- C. Review Summary of Delta Items as reported by colleague Gilbert Cosio with River Delta Engineering.

EXHIBIT M: Summary of Delta Items Addressed in June of 2022.

Chris Neudeck referenced Exhibit M, *Summary of Delta Items Addressed in June 2022* prepared by Engineer Gilbert Cosio. After retiring, Mr. Cosio started his own consulting firm and attends meetings in the region related to the Delta. Mr. Neudeck stated Mr. Cosio's reports are of benefit and are relatively inexpensive at less than \$100.00 dollars for the District.

IV. LOWER SAN JOAQUIN RIVER FEASIBILITY PROJECT WITH SJAFCA

- A. Review the outcome of the SJAFCA and RD quarterly partnership meeting held on Monday July 18, 2022 at the City of Stockton's Downtown Library.

EXHIBIT N: PowerPoint Presentation by SJAFCA and its staff.

Chris Neudeck reported that he, in addition to President Panzer and Trustee MacDonnell attended the July 18, 2022 meeting with SJAFCA. Also in attendance were many representatives from other districts. He commented on the PowerPoint presentation by SJAFCA. Mr. Neudeck spoke about the discussions that took place

at the meeting, including the issue of the 14 Mile Slough alignment and concerns about the gate placement, location, and the possible effects.

- B. Review future meeting with SJAFCA and RD's related to new alternative for RD 1608 protection and levee alignment and gate location in Fourteenmile Slough. Meeting is scheduled for Monday August 22, 2022 @ 12:30 PM location TBD.

6. **Levee Encroachment Standards. Report on District's Procedures to Enforce District Levee Encroachment Standards.**

Andy Pinasco presented this item. He stated correspondence was received from Mr. Charles Hastings regarding the Encroachment Standards and process of enforcing them. Mr. Hastings raised the issue that he doesn't feel there is consistency. Mr. Pinasco explained what the District's process is with inspections, enforcement, and spoke about permitted and unpermitted encroachments on the levee. Mr. Neudeck also explained an annual inspection of the levee is done which may include taking pictures of the waterside, center, and landside of levee and then that information is compared to previous records. If noted that a particular improvement was not permitted, it will be taken to the Board. Mr. Neudeck said there have been several engineers throughout the years and he has been with the District for the last five years. What may have been permitted with prior Boards and engineers may not be permitted now to keep the integrity of the levee. Mr. Neudeck stated that in addition to the yearly inspection, the levees are actively being monitored by Joe Bryson. When something new is being done without an encroachment permit, the work is stopped until the necessary encroachment permits are submitted and reviewed for approval. Mr. Hastings said that he felt treatment is inconsistent. His case for an encroachment was litigated by a previous legal counsel approximately 27 years ago and the judge ruled against him by having him remove a child's playhouse. He said a lot has been constructed that does not seem consistent with the standards. President Panzer, stated this Board has been diligent in supervising the levee, doing inspections, and dealing with encroachments that have not been permitted. Trustee MacDonnell asked whether Mr. Hastings' encroachments had been permitted. President Panzer said he would like to know what structures are in violation, particularly if they were done in the past five years. Trustee Lofstrom feels perception is very important and specifics about the encroachments would help.

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

Joe Bryson gave an oral and written report. Please refer to the Levee Superintendent Report presented at this meeting for the list of all the items. Mr. Bryson noted in Item No. 4 of his report that homeowners are using the dumpsters for unauthorized trash and placing large items such as mattresses. This creates a problem and an added expense to the District. Mr. Bryson suggested fencing off the dumpsters and the Trustees were in favor and authorizing Mr. Bryson to do so.


8. **Levee Tour Discussion. Report and Discussion to schedule 2022, District Levee Tour.** Andy Pinasco presented this item. The Trustees requested the levee tour be scheduled in the fall.

9. **Report by Trustees on Meetings attended and up-coming meetings. Request for direction.**

- a. July 18, 2022, SJAFCA Quarterly Meeting with RDs.
President Panzer and Trustee MacDonnell attended the SJAFCA Quarterly meeting held on July 18, 2022. The main topic of this meeting was the Paradise Cut Project but there was also discussion about the 14 Mile Slough alignment and concerns about the gate placement and location. Discussion followed related to the meeting.
10. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.**
No action taken.
11. **Discussion and direction on Short-Term and Long-Range Goals.**
No action taken.
12. **District Calendar.** Discussion and direction.
 - a. Next Meeting is September 7, 2022.
13. **Correspondence.** None of note.
14. **Approval of Bills.** After review,

It was moved, seconded (D. MacDonnell /D. Lofstrom) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the List of Bills to be Paid presented at the August 3, 2022, meeting be approved.
15. **Staff Reports.** None.
 - (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 10:15 a.m.

Respectfully submitted,


Elvia Trujillo
District Secretary

Reclamation District 1608
Bills to be Paid - August 3, 2022 Board Meeting

NAME	Date	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Michael Panzer (8/3/2022 Board Mtg)	8/3/2022	Trustee Fee	\$285.64				
7/18/22 SJAFCR-RD 1/4ly Partnership Mtg	7/18/2022	Trustee Fee	\$285.64				
				\$571.28	6622		
Dan MacDonnell (8/3/2022 Board Mtg)	8/3/2022	Trustee Fee	\$285.64				
7/18/22 SJAFCR-RD 1/4ly Partnership Mtg	7/18/2022	Trustee Fee	\$285.64				
				\$571.28	6623		
Dottie Lofstrom (8/23/2022 Board Mtg)	8/3/2022	Trustee Fee	\$285.64				
7/26/22 Public Outreach Preparation	7/26/2022	Trustee Fee	\$285.64				
				\$571.28	6624		
Elvia Trujillo (July 2022 Services)	8/3/22	Secretary Fee	\$882.50				
				\$882.50	6625		
PG&E (Landview & Seagull)		0950847867-5	\$0.00				
PG&E (Stone River)	7/21/2022	2999432760-8	\$19.60				
				\$19.60	6626		
Neumiller & Beardslee	7/7/2022	329643	\$2,435.50				
				\$2,435.50	6627		
Kjeldsen, Sinnock & Neudeck	7/25/2022	33170	\$5,329.60				
	7/25/2022	33171	\$1,780.88				
	7/25/2022	33172	\$795.00				
	7/25/2022	33173	\$3,329.80				
	7/25/2022	33174	\$66.25				
	7/25/2022	33175	\$3,108.75				
				\$14,410.28	6628		
BPM	7/27/2022	28681	\$1,948.75				
				\$1,948.75	6629		

