

**MINUTES OF THE REGULAR MEETING OF BOARD OF TRUSTEES
FOR RECLAMATION DISTRICT 1608
HELD ON WEDNESDAY, SEPTEMBER 7, 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 September 7, 2022, at the law offices of Neumiller & Beardslee, 3121 W. March Lane, Suite 100, Stockton, California.

TRUSTEES PRESENT

MICHAEL PANZER
DAN MacDONNELL (left at 9:45 a.m.)
DOTTIE LOFSTROM

OTHERS PRESENT

CHRIS NEUDECK
ANDY PINASCO
JOE BRYSON
ELVIA TRUJILLO
KIM FLOYD
BOB BENTZ
GREGORY SMITH
DOMINICK GULLI
XOCHITL PAREDES (Assemblymember Villapudua's Office)

1. **Public Comment.** There was no public comment.
2. **Encroachment Violation. Show Cause Hearing Regarding Violation of Levee Encroachment Standards.**
 - a. 3757 Hatchers Circle
Mr. Gregory & Nancy Smith
Violation – Chapter 6 Vegetation, Section 6.04C Maintenance Standards

Attorney Andy Pinasco went through the history of vegetation violations by homeowner. He gave options on how to handle encroachment in order to be in compliance with the Levee Encroachment Standards. If it gets to the point where compliance is not reached and accessibility to the property is not granted to remove encroachments, then court proceedings commence as a last option. Engineer Chris Neudeck introduced himself to Mr. Smith and commented Mr. Smith is one of the most pleasant people but it has become a routine to deal with vegetation issues on his property. In every case that a letter has been sent to Mr. Smith, the letter has been complied with but it has become a routine to send letters every time. Mr. Neudeck added that under routine levee inspections, the engineers and levee superintendent should be able to drive through with a pick up truck and do a windshield survey without any vegetation obstructing view. Mr. Smith has

complied with the request as shown in Exhibit G and has restored inspectability. Mr. Neudeck stressed the importance of maintaining good conditions 12 months out of the year and not just every now and then. Mr. Smith admitted to letting the vegetation go periodically but said he will maintain it going forward. When asked how the District could help, Mr. Smith suggested more specific communication on the problem at which time Mr. Neudeck said he is more than willing to meet with him on those elements and bring clarity. He added that if there is no visibility of the landside levee when doing a drive through inspection, then it's not adequate. It was also noted the substantial costs that have been incurred since 2018 associated with the inspections, notices and letters to this property. Mr. Pinasco stated some of the options available are to give Mr. Smith more time or to revoke the permit. Discussion followed and Mr. Smith committed to maintaining the conditions on his property and complying with the Levee Standards. The Trustees committed to communicating with Mr. Smith more specifically on any issues. The Trustees accepted Mr. Smith's verbal contract with the condition that any future violations will be grounds for revocation of the permit. After discussion,

It was moved, seconded (D. Lofstrom/D. MacDonnell) and unanimously carried by the Board Trustees of Reclamation District 1608, that any future violations at 3757 Hatchers Circle will be grounds for revocation of the permit.

3. **Approval of Minutes.** Minutes of District meeting of August 3, 2022. 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 August 3, 2022, Board Meeting be approved.

4. **Financial Report.** Review, discuss, and accept financial report. District Secretary, Elvia Trujillo, presented an oral and written report. Mr. Pinasco explained the figure in the Year to Date Revenues section was being looked into with the County Auditor's office to identify the parcels that have not paid their property taxes in which case hand bills will have to be sent. Elvia Trujillo 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 the Final Financial presented at the September 7, 2022 meeting be approved.

5. **14-Mile Slough.** Discussion and direction regarding Hyacinth and invasive aquatic weed in 14-Mile Sough. Trustee Lofstrom presented this item. She reported on the email with Eddie Hard from the Division of Boating and Waterways regarding the problem with the water hyacinth and invasive aquatic weeds. In that email, Mr. Hard responded things were challenging due to lack of funds. The communication with Mr. Hard provided good

results and on August 30th someone from the Division of Boating and Waterways did show up to do a treatment along Fourteen Mile Slough. Trustee Lofstrom suggested sending a letter to some legislators to increase the level of attention on this issue. President Panzer said the District has done all it can in order to maximize accessibility and now needs to relying on other agencies to take care of the vegetation aspect. Trustee Lofstrom will work with Chris Neudeck and Andy Pinasco on putting a letter together.

6. **Prop 218 Assessment. Report, discussion and request for direction.**
Kim Floyd presented this item. She reported the communications committee has drafted the stakeholder interview questions. She is set to make those calls and conduct interviews where she will explain the difference between assessments and property taxes and the benefits of the Prop 218 assessment.
7. **Engineer’s Report. Discussion and possible direction on the following items:**
 - a. Award Rock Slope Protection Project at Village West Marina to lowest responsive responsible bidder. *Please see Section III of Engineer’s Report.*
 - b. Lower San Joaquin River Feasibility Project. *Please see Section IV of Engineer’s Report.*

FROM ENGINEER’S REPORT:

- I. **SPECIAL BENEFIT PROPOSITION NO. 218 ASSESSMENT FOR 2025.**
 - A. 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.

Chris Neudeck and Kim Floyd reported on the timeline and tasks that need to take place this year, particularly the public outreach. Discussion followed.

II. PLAN REVIEW.

A. 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 consider this matter with the Smith's at a Show Cause Hearing to bring more confirmed compliance with the District's standards for a clear and inspectable landside levee. Below are copies of the past Violation Notices.

EXHIBIT A: April 13, 2018 Violation Notice
EXHIBIT B: March 27, 2019 Violation Notice
EXHIBIT C: April 14, 2020 Violation Notice
EXHIBIT D: March 25, 2021 Violation Notice
EXHIBIT E: April 28, 2022 Violation Notice
EXHIBIT F: July 20, 2022 Photo Summary.
EXHIBIT G: September 1, 2022 Photo Summary.

Please refer to Agenda Item No. 2 for this matter.

III. AB 360 DELTA LEVEE SUBVENTIONS PROGRAM

A. Review Bid Summary of the Rock Slope Protection project under the Levee Maintenance Project for Fiscal Year 2022/2023 and seek authority to award to the lowest responsive responsible bidder.

EXHIBIT H: Bid Summary dated September 1, 2022.

Chris Neudeck presented this item. He reported bids were received for the Rock Slope Protection Project and referenced the information in Exhibit H. Mr. Neudeck recommends awarding the lowest responsive bidder, Ford Construction, in the amount of \$89,595. After discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to award the contract to Ford Construction and authorize President Panzer to sign the contract.

IV. LOWER SAN JOAQUIN RIVER FEASIBILITY PROJECT WITH SJAFCA

- A. Review the outcome of meeting held with SJAFCA and DWR on Monday, August 22, 2022 at Larsen Wurzel & Associates to review other proposed alignments for future flood protection levees along 14 Mile Slough.

Chris Neudeck reported that discussion was held at the meeting regarding the location of the Fourteen Mile gate structure and added we are nowhere near a solution. This is at the state and local level and still remains to be seen what happens at the federal level. SJAFCA and State representatives said there is going to be a meeting with the Corps of Engineers in the near future regarding this matter.

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

Joe Bryson gave an oral and written report. He is still dealing with homeowners using the dumpsters for large unauthorized trash and it was suggested a sign of "No Public Dumping" be placed by the garbage bins. Mr. Bryson also commented receiving a phone call asking if there were workers on the levee because there wasn't anything identifying them. Discussion followed about the temporary workers wearing shirts, hats or vests to identify they are performing work for the District. Joe Bryson reported Mr. Burke provided dirt to the District and wants a letter to claim on his taxes. Chris Neudeck stated that having a stock pile of dirt is handy in case it's needed, but the District should not get in the business of estimating cost. After discussion, it was decided the District will not be offering anything in writing. If the Burkes would like their dirt back, they are welcome to come and get it. Please refer to the Levee Superintendent Report presented at this meeting for the list of all the items.

9. **Delta Levees Investment Priorities. Discussion and direction regarding public comment on proposed rulemaking change to Sections 5001 and 5012 of Title 23 of the California Code of Regulations.**

Andy Pinasco presented this item. He reported the District received correspondence from the State giving notice of the Delta Stewardship Council's proposed amendments. These regulations impact the District by characterizing the different priorities and allocation of funding. Money would be taken from the reclamation districts and allocated elsewhere. Mr. Pinasco said he is looking to the Board for direction to advocate on behalf of the District. He would be working with Dante Nomellini and Chris Neudeck to provide comment to the State on why this would be a detriment to these districts. Providing comment is important so that when these changes do come up, there will be an administrative record stating the District's position. After discussion,

It was moved, seconded (D. MacDonnell/D. Lofstrom) and unanimously carried by the Board Trustees of Reclamation District 1608, to direct Andy Pinasco to provide comment to the State on behalf of Reclamation District 1608 and work with Chris Neudeck and Dante Nomellini.

10. **Levee Tour Discussion.** Discussion and direction to schedule 2022 District Levee Tour.

Andy Pinasco reported he has been working with Joe Bryson as to timing of the levee tour. The next Board meeting is October 5th and it was decided the Board meeting take place at the regular time and place, followed by the levee tour/inspection.


Xochilt Paredes from Assemblymember Villapudua's office commented being able to watch and walk on this tour is important for Assemblymember Villapudua's office to be more aware of what is going on and be able to advocate for the District.

11. **Report by Trustees on Meetings attended and up-coming meetings.** Request for direction. No report.
12. **Report and possible action on Progress of Tasks Assigned at Previous Board Meetings.** No report.
13. **Discussion and direction on Short-Term and Long-Range Goals.** It was requested Item 5 be corrected to read: "Monitor SJAFCA meetings regarding Lower San Joaquin River Project."
14. **District Calendar.** Discussion and direction.
a. Next Meeting is October 5, 2022.
15. **Correspondence.** None of note other than what was included as Agenda Item 9.
16. **Approval of Bills.** After review,

It was moved, seconded (D. Lofstrom/Panzer) and unanimously carried by the Board of Trustees of Reclamation District 1608 that the List of Bills to be Paid presented at the September 7, 2022, meeting be approved.
17. **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.
18. **Adjournment.** The meeting adjourned at 9:53 a.m.

Respectfully submitted,


Elvia Trujillo
District Secretary

Reclamation District 1608
Bills to be Paid - September 7, 2022 Board Meeting

NAME	Date	INVOICE #	AMOUNT	TOTAL \$	WARRANT #	CHECK #	SUBVENTION FUND
Michael Panzer (9/7/2022 Board Mtg)	9/7/2022	Trustee Fee	\$285.64				
				\$285.64	6630		
Dan MacDonnell (9/7/2022 Board Mtg)	9/7/2022	Trustee Fee	\$285.64				
				\$285.64	6631		
Dottie Lofstrom (9/7/2022 Board Mtg)	9/7/2022	Trustee Fee	\$285.64				
				\$285.64	6632		
Elvia Trujillo (August 2022 Services)	9/7/22	Secretary Fee	\$1,446.25				
				\$1,446.25	6633		
PG&E (Landview & Seagull)	7/29/2022	0950847867-5	\$10.45				
PG&E (Stone River)	8/23/2022	2999432760-8	\$15.66				
				\$26.11	6634		
Neumiller & Beardslee	8/8/2022	330838	\$2,277.00				
				\$2,277.00	6635		
Kjeldsen, Sinnock & Neudeck	8/19/2022	33382	\$2,412.06				
	8/19/2022	33383	\$1,696.45				
	8/9/2022	33384	\$1,245.00				
	8/19/2022	33385	\$2,226.44				
	8/19/2022	33386	\$1,578.75				
	8/19/2022	33387	\$3,807.50				
				\$12,966.20	6636		
Port City Marketing	8/9/2022	19840	\$907.50				
							Invoice Revised
						6637	Void
BPM	8/30/2022	33664	\$1,008.48				
				\$1,008.48	6638		
B&R Self Storage (Yearly Fee)	8/30/2022	186-22/23	\$1,000.00				
				\$1,000.00	6639		

