

**RECLAMATION DISTRICT NO. 1601
306 Second Street
Isleton, CA 95641**

**Minutes of the Board of Trustees
Regular Meeting**

January 17, 2023

Meeting held by teleconference consistent with AB361.

1. CALL MEETING TO ORDER.

President Barry Sgarrella called the special meeting of the Board of Trustees (Board) to order on January 17, 2023, at 9:01 a.m. ROLL CALL: In attendance: President Barry Sgarrella, Trustee Dave Huston and Trustee Preston Good. District's superintendent Mr. Ricky Carter Sr., District's engineer Mr. Chris Neudeck, District's attorney Mr. Jesse Barton and District's accountant/treasurer Mrs. Perla Tzintzun-Garibay with Butterfield and Company. Also attending Mr. Ricky Carter Jr., Game Warden Mr. Izaak Farley and Mr. Richard Silva.

Attending by conference call, District's secretary Mrs. Linda Carter, Ms. Otome Lindsay, Mr. David Julian and Mr. Jas Gill.

2. PUBLIC COMMENT: ANY PERSON MAY SPEAK ON ANY TOPIC INCLUDING ANY AGENDA ITEM LISTED BELOW, PROVIDED IT IS WITHIN THE JURISDICTION OF RD 1601.

Nothing to report.

3. MINUTES REGULAR MEETING.

President Sgarrella entertained a motion to approve the December 20, 2022, regular meeting minutes as written, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

4. ACCOUNTS PAYABLE.

Mrs. Perla Tzintzun-Garibay went over the accounts payable, accounting notes and financial statements with the Board. President Sgarrella reviewed the accounts payable before today's meeting. Mrs. Perla Tzintzun-Garibay also noted the following payments made between meetings:

On December 21, 2022, check 12237 to PAPE Machinery for \$21,883.96. On January 6, 2023, EFT payment to PERS for \$2,579.66 due to the timing of the due date.

On January 17, 2023, check 12259 to AT&T for \$228.96. On January 18, 2023, check 12260 to Asta Construction for \$1,157.56. On January 10, 2023, deposit \$226.55 from State Fund workers' comp for fiscal year 2021 dividend payment. On January 13, 2023, deposit \$39,410.07 from Mr. Mattos, Baker land lease payment, and RD 536 January rent payment.

Mrs. Perla Tzintzun-Garibay went over the unpaid invoices with the Board. After some discussion President Sgarrella entertained a motion to approve accounts payable of \$52,387.22, (invoices that were presented today) and the transfer of \$70,000.00 from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), and to pay the invoices presented today, motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

After some discussion President Sgarrella entertained a motion to approve the transfer of \$435.15, from Bank of Stockton 1597 TW 14-1, into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried. After some discussion President Sgarrella entertained a motion to approve the transfer of \$27,903.86, from Bank of Stockton 2223 SMFA Wetland Development, into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

Mrs. Perla Tzintzun-Garibay told the Board there was some temp hires during the storm event, they did not want to have direct deposit, their checks will be ready this coming Friday. Mrs. Perla Tzintzun-Garibay told the Board that NOAA has questioned the invoices sent to them for the electrical usage for their trailer, they want to know if anyone else is using the electricity that goes to their trailer. They were confused when one month was higher than the rest of the months.

Account Receivable: DWR Trust \$9,979.75

Account Receivable: SWP Right of Way Management: \$6,245.10

Special Project Invoices Pending Approval: \$32,380.46

Subventions Claim FY 2020-2021: \$211,586; Expected Reimbursement: \$158,689

Subventions Claim FY 2021-2022: \$186,888; Expected Reimbursement: \$131,241

5. BOARD TO HEAR AN UPDATE AND POSSIBLE APPROVE THE VALUE OF DISTRICT ASSETS TO BE INCLUDED WITH THE MONTHLY FINANCIAL STATEMENTS.

Mr. Jesse Barton reminded the Board at last month's District meeting, the Board approved using the value of the Districts assets on the District's monthly financial statements, the Board still needs to know the value for the land. This matter will be revisited at next month's meeting.

6. BOARD TO HEAR FROM GAME WARDEN KEITH SMITH ABOUT HUNTING WITHIN THE DISTRICT PROPERTY.

Game Warden Mr. Izaak Farley spoke to the Board about hunting on the District owned property. He needs to know from the Board in writing or signs posted whether it is permitted or not. Game Warden Farley told the Board that the signs should be posted on the two gates that allow access to the wet end of the District's property. He said that if anyone is hunting on adjoining property and if the hunters shoot the birds and the birds land on the (Districts) private property, then that person needs to get permission of the (District) private property owner. Mr. Jesse Barton gave Game Warden Farley a copy of the lease for one of the lessees of the District's property.

7. BOARD TO DISCUSS AND POSSIBLY APPROVE NO HUNTING AND NO TRESPASSING SIGNAGE FOR DISTRICT OWNED PROPERTY.

After some discussion Trustee Good entertained a motion to approve Mr. Jesse Barton and Mr. Ricky Carter Sr. to work together on signage for the no hunting, all previous permission is voided and no trespassing order of Reclamation District 1601. Signs will be placed on the two gates to the District's owned property, motion was seconded by President Sgarrella VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

8. BOARD TO DISCUSS PHASING OUT SOME OF THE DISTRICT'S OLD EQUIPMENT.

Nothing to report.

9. BOARD TO RECEIVE AN UPDATE ON THE DISTRICT'S NPDES SPRAY PERMIT. THE BOARD MAY AUTHORIZE A CONTRACT WITH BURKHOLDER & ASSOCIATES TO PREPARE DOCUMENTS NECESSARY FOR THE PERMIT. THE BOARD MAY AUTHORIZE A CONTRACT WITH BLANKENSHIP & ASSOCIATES TO PREPARE DOCUMENTS NECESSARY FOR THE PERMIT.

President Sgarrella reported to the Board that he had spoken with Mr. Greg Burkholder with Blankenship and Associates about the District updating the Districts NPDES spray permit and adding a drone to be used for spray application. All of the necessary posting has been done. Twenty more things need to be added to the APAP application before the application is finished. Blankenship and Associates sent him a proposal to prepare a new APAP. Before the first spray, the water needs to be tested. Blankenship and Associates will prepare the application and do the water testing and send it to the lab, the annual report to the State Water Board and on site reports for an estimate cost of \$5,000 to \$10,000. President Sgarrella told the Board the first herbicide spraying maybe in May. This company has done this kind of work for other Reclamation Districts. This will be a yearly cost to the District. After some discussion President Sgarrella entertained a motion to approve hiring Blankenship and Associates to prepare the necessary documentation to secure a new NPDES permit, to do water testing and send it to the lab and annual report to the State Water Board, for a cap of \$12,000, motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

10. BOARD TO HEAR AN UPDATE AND DISCUSS THE SHARED USE OF ITS PG&E ELECTRICAL METER.

President Sgarrella told the Board that the District should keep invoicing NOAA at \$0.07 per KWh. SMFA bill this month with Mr. Bruce Gornto's trailer was \$ 704.06. Mr. Jas Gill (DWR Real Estate) told the Board that NOAA questioned the bill sent to them from the District. NOAA will be talking to Mrs. Perla Tzintzun-Garibay to have her explain the bill to them. They are in the process of putting in their own meter and

drop. Mrs. Perla Tzintzun-Garibay told the Board she has sent NOAA the information they requested.

11. BOARD TO DISCUSS AND DECIDE WHETHER TO RESUME IN-PERSON MEETINGS OR ALLOW BOARD MEMBERS TO ATTEND FROM REMOTE LOCATIONS.

Mr. Jesse Barton told the Board that if the Board wishes to hold remote meetings, then the District will need to approve a resolution every 30 days (before each District Meeting) that extends the Board's decision to hold remote meetings. This may change on February 28, 2023, making it not so easy to call in. After some discussion President Sgarrella entertained a motion to approve Resolution No. 2023-02 Ratifying the COVID-19 State of Emergency and Authorizing Remote Teleconference Meetings Pursuant to the Ralph M. Brown Act, motion was seconded by Trustee Good
VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None
ABSTAIN: None ABSENT: None, motion carried.

12. PROJECT FUNDING AGREEMENT TW-14-1.2-PROJECT FUNDING AGREEMENT FOR A HABITAT ENHANCEMENT PROJECT ON TWITCHELL ISLAND (EXPIRES 10/31/2023). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS THE REMAINING FUNDS FOR THIS PROJECT.

Ms. Otome Lindsay told the Board that they are looking at closing the TW-14-1.2 project funding agreement. There should be one more invoice, then start the closing process. There is \$10,000 in the account from advancement payment. Still need to receive retention, the District will refund any leftover funds in the account.

13. PROJECT FUNDING AGREEMENT TW-21-1.2, BOARD TO HEAR AN UPDATE ON THE PROJECT FUNDING AGREEMENT FOR THE PLANNING, ENGINEERING, AND CONSTRUCTION OF THE TWITCHELL ISLAND MITIGATION AND ENHANCEMENT SITE (TIMES) PROJECT (EXPIRES 12/31/2027). THE BOARD WILL HEAR A STATUS UPDATE ON RIGHT-OF WAY ISSUES.

Ms. Otome Lindsay reported to the Board that they had a meeting and it went well, with Central Valley Flood Protection and it went well. They are looking for a regulator, don't know who it will be. The survey and title report still are not read. President Sgarrella told Ms. Lindsay that the Board still wants to know the right of way –there are some issues with Sevenmile Slough, due to the strong rains (storm event). The levee has several areas that need to have work done. This may have an impact on the TIMES project. Mr. Chris Neudeck told the Board he didn't know that the pre application meeting was held. The Board should have been notified. Mr. Neudeck said the Board has been waiting over 6 months for the survey maps. Mr. Neudeck told the Board that the District is losing ground on the water side slope, it is moving and needs to be repaired. Ms. Lindsay told the Board she sent the papers and now it is with legal. Ms. Lindsay told the Board she can send a design map of the project and it will be flooded. Mr. Neudeck told her she needs to because the extra water will impact the Districts drainage canals. She said that they will be using pipe line from syphon to water the new wet lands. Ms. Lindsay asked where the problems are on Sevenmile Slough. They are

west of Mr. Ricky Carter Sr. home (1,000 feet) and across from the TIMES (500 feet) project. Mr. Neudeck told the Board today we will seek the emergency declaration, then repairs will start. Don't wait for it to go to the center of the road. It's melting the levee on the water side. The cost could be \$100,000+, for the work. Ms. Lindsay would like to help by incorporating some of the repairs to the levee into the project. Mr. Barton told the Board that some other Districts have done this. Ms. Lindsay would not put a conservation easement on the levee. Maybe she could talk to Mr. Bryan Brock about helping with the repairs. She will report back to the Board at next month's meeting. She also will have the right of way survey maps.

14. DWR AGREEMENT "SUBSIDENCE MITIGATION FUNDING AGREEMENT" (SFMA) (WETLAND DEVELOPMENT/SUBSIDENCE REVERSAL AND CARBON SEQUESTRATION PROJECT) (EAST END AND RICE PROJECT) (SFMA EXPIRES 12/31/2024). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS.

Mr. David Julian reported to the Board that the ponds have a lot of water in them due to the rains. Due to it being muddy the backhoe has not been rented. Once they have done the work on the rice field, they will use the siphons to flush out the salts. They will talk to the District before they turn them on.

Mr. Jesse Barton talked to the Board about hunting on DWR rice fields. There has been a personal conflict with Mr. Ricky Carter Jr. and one of Mr. Bruce Gornto's hunting guest. This person has harassed Mr. Ricky Carter Jr. during his time of employment with the District. Mr. Barton had a talk with Mr. Julian about the problem. In turn Mr. Julian spoke with Mr. Bruce Gornto. Mr. Julian told Mr. Barton that Mr. Gornto told him that it was Mr. Carter Jr. started it. Mr. Ricky Carter Jr. told the Board that someone told him that this person wanted to fight with them while hunting. Mr. Carter Jr. said that this person told him to stay off the island and not to hunt the rodents. Mr. Gornto told Mr. Julian that this guy has permission to hunt and this guy is afraid of Mr. Ricky Carter Jr. Mr. Barton asked if the Carter's have permission to hunt in the rice fields. The Carter's have their blind that Mr. Gornto assigned to them. After some discussion Mr. Jesse Barton said that we need to have the Districts employees' safe. It was suggested that when this happens again call Mr. Barton.

15. PROJECT FUNDING AGREEMENT TW-18-1.0-SP-(EXPIRES 3-31-2023). BOARD TO HEAR AN UPDATE ON THE DELTA LEVEES SPECIAL FLOOD CONTROL PROJECT PROGRAM FIVE YEAR PLAN AGREEMENT.

Nothing to report.

16. BOARD TO HEAR AN UPDATE AND DISCUSS EXPLORING A SOLAR POWER ALTERNATIVE TO POWER THE RD 1601 PUMP STATION.

President Sgarrella went over with the Board a copy of the December 2022, PGE invoice. The total invoice was \$8,305.86 for the month of December, District charges were \$7,601.80, SMFA charges 704.06. MAX Peak charges =\$182.16. The electrical power has been off and the District has been using a rented generator when needed. President Sgarrella told the Board the State has made changes to the tariff of surplus electricity, if you have built your solar array to large and it produces more KWh then

you need. At the current market rate for energy is approximately \$0.03 per KWh. But if you need to buy electricity from PGE, they may charge you \$0.50 per KWh. By the next District meeting President Sgarrella should have the application ready to submit, need to get the application in before will NEM tariff will change after April 14, 2023. The fee for the application is under \$25,000, Mrs. Perla Tzintzun-Garibay told reminded the Board this year's budget has \$50,000, budgeted for solar array. No action taken on this matter.

17. 2023 EROSION REPAIR PROJECT-BOARD TO DISCUSS AND POSSIBLY APPROVE AWARDING A CONTRACT TO ADD ROCK SLOPE PROTECTION BETWEEN LEVEE STATIONS 450+60 AND 588+10.

Look under engineer's report item I-D for comments.

18. BOARD TO CONSIDER DECLARING A LOCAL EMERGENCY-THE BOARD WILL DISCUSS IMPACTS TO ITS LEVEE SYSTEM DUE TO HIGH WATER, EXTREME WINDS, AND LOSS OF ELECTRICITY. THE BOARD MAY APPROVE UNDERTAKING PREVENTATIVE MEASURES, MAY NEED TO DECLARE A LOCAL EMERGENCY, AND MAY APPROVE EXECUTING EMERGENCY CONTRACTS.

Look under engineer's report item I-C for comments.

19. ENGINEER'S REPORT: Mr. Chris Neudeck's engineering report is attached to the minutes.

I. AB 360 Delta Levee Subventions Program

- A. Mr. Neudeck reviewed with the Board the leak at Levee Station 500+00. Mr. Neudeck discussed the storm event with the Board. We are in high tides. Mr. Ricky Carter Sr. called Mr. Neudeck, he told him that there was some overtopping taking place due to high tides and conditions. Ships were going through at high tides. Mr. Neudeck called Port of Stockton to stop the ship, during high tides. On a clam day, Mr. Carter Sr and Mr. Carter Jr. cored the levee leak at Levee Station 500+00. At five feet they found road gravel. Later the District will need to trace the problem out and fix it.
Exhibit A: RD 1601 Photo Summary.
- B. Mr. Neudeck reviewed with the Board the splash berm construction at two locations-Levee Stations 100+00 to 110+00 & 530+00 to 540+00. These locations were low areas and were getting beat up due to wind action. Mr. Carter Sr. had ASTA Construction open their sand pit and tree Alegre trucks deliver sand to the low areas. Mr. Ricky Carter Jr. made wind rows with the District's dozer, then finished the rows with Mr. Richard Silva's rented skid steer for 3 hours of operation.
Exhibit B: RD 1601 Photo Summary.
- C. Mr. Neudeck reviewed with the Board the Governor's Declaration of Emergency for ongoing High-Water Event. The Governor has declared emergency for ongoing-high water event, the Board and Mr. Neudeck had a discussion on where the funding comes and the Board may need to declare a local emergency, and may approve executing emergency contracts. After some President Sgarrella

entertained a motion to approve Resolution No. 203-1-17 RD 1601 Emergency Resolution, repair work not to exceed \$300,000, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.
Exhibit C: Governor Newsom's Proclamation of a State of Emergency.

- D. Mr. Neudeck reviewed with the Board the need to approve a bid for maintenance rock slope protection on the Districts levee between Levee Station 450+60 to 588+10, he also asked for authorization to award to the lowest responsive responsible bidder. The bid the District has received is from San Rafael Rock Quarry Inc. for \$ 81,055.00. After some discussion President Sgarrella entertained a motion to approve the maintenance rock slope protection on the Districts levee between and the bid from San Rafael Rock Quarry Inc. for \$81,055.00, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

Exhibit B: KSN Inc. Bid Summary dated 12/20/22.

II. Districts Drainage Pump Stations

- A. Mr. Neudeck reviewed with the Board the status of operations with the recently replaced Pump No. 2. The District has worked on the Districts pump station for a long time. Pump number two has been a big problem. After cutting off the screen on the bottom of the pump and cleaning out the sump, the pump is running good at this time. Two pumps are running at this time at once. It was tested and all three pumps can run at once. Still a lot of water on island after the rains from all of the storms.
- B. Mr. Neudeck reviewed with the Board the temporary power setup and portable generator. Mr. Ricky Carter Sr. explained to the Board how it went on renting the generator when the electricity went out during the storms. He was lucky to find one to rent during the storm event.

Exhibit E: RD 16001 Photo Summary

20. SUPERINTENDENT REPORT: Mr. Ricky Carter Sr.

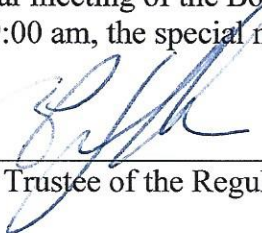
- Routine levee patrols daily.
- Checked pumps and oil in the pumps at pump station daily.
- Levee patrol for monitor stage Saturday, December 24th.
- Worked on Chevron Point camera.
- Worked on Solar at the Chevron Point barn.
- Handed out 600 burlap sacks to River Delta Fire District, 2 bundles of stakes and 1 roll of visqueen plastic sheeting.
- Electric power out from December 31, 2022 to Jan 10, 2023.
- Call from Flood Center, January 2, 2022 spurred 24hour patrols.
- On January 2, 2023 called and ordered (1), 425Kw generator due to power outage at the District's pump station.
- Holt delivered the rental generator and made hook up.
- Spoke daily with Mr. Chris Neudeck on weather.
- Cored levee 80 feet with Asta Construction at Levee Station 500+00, sealed two layers of AB to 5 feet deep.

- On January 4th and on the 5th - 24 hour patrols for two days.
- Ran generator for one day.
- Pine tree fell at Owl Harbor by the water well.
- Power on at the District's pump station January 5, 2023, shot off generator, put pumps back on to PGE power.
- Handed out sand bags to Bruno Island.
- Due to major storm activity on January 7th, Asta Construction opened the sand pit and had three Alegre Trucks deliver sand to low areas for Levee Stations 115+00, 530+00-540+00.
- High water beaver removal five.
- Mr. Ricky Carter Jr. made a berm with the District's dozer at Levee Stations 110+00 thru 115+00 and 530+00 thru 540+00.
- Called KSN about ship traffic speed and high tide traffic.
- Had Mr. Greg Moorman check the power on the District's pump number 2.
- Mr. Ricky Carter Jr. compact the berm with Mr. Richard Silva's rented skid steer for 3 hours of operation.

President Sgarrella spoke to the Board about sheet piling on Sevenmile Slough. After some discussion it was asked to have this matter to be put on next month's agenda.

21. ADJOURN:

The regular meeting of the Board of Trustees will be called to order February 21, 2023, 2023, at 9:00 am, the special meeting was adjourned at 11:50 am.



 Presiding Trustee of the Regular Meeting January 17, 2023, certifies the above minutes.



 Secretary