

**RECLAMATION DISTRICT NO. 1601**

**306 Second Street  
Isleton, CA 95641**

**Minutes of the Board of Trustees  
Regular Meeting  
January 16, 2024**

**1. CALL MEETING TO ORDER.**

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on January 16, 2024, at 9:00 a.m. ROLL CALL: In attendance: President Barry Sgarrella and Trustee Jasbir Gill. Districts superintendent Mr. Ricky Carter Jr., 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 Sr., Ms. Ceci Giacomia, Mr. David Julian, and Mr. Richard Silva.

Attending by conference call, District's secretary Mrs. Linda Carter and Ms. Otome Lindsey.

Absent: Trustee Dave Huston.

**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 FOR REGULAR MEETING.**

Trustee Gill entertained a motion to approve the December 19, 2023, regular meeting minutes as presented, motion was seconded by President Sgarrella VOTE: AYES: President Sgarrella and Trustee Gill NOES: None ABSTAIN: None ABSENT: Trustee Dave Huston, 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 and deposits made between meetings:

On January 8, 2024, EFT payment to PERS for \$1,024.68, due to the timing of the due date. On January 8, 2024, deposited \$356.07, from RD 536 for January rent payment (\$131.67), deposited \$224.40, from State Comp Insurance Fund-2022 Dividend. On January 9, 2024, \$606 payment to COBALT FLEET Maintenance check number 12521 to replace lost check number 12478 originally issued on November 21, 2023. On

December 12, 2023, deposit from Mr. David Baker for land lease payment for period January 1, 2024-June 30, 2024.

A new account has been set up- "Extraction Costs Account", will be used for keeping the cost of the District's excavator extraction. Board had a discussion about the invoices that have been received on this matter. Mr. Chris Neudeck told the Board the insurance company had sent someone to look at the excavator situation, they have asked for a plan for extraction, to build a road so the excavator can be reached to be able to extract and possibly cut up the excavator. KSN is working on a plan for the road. The District could wait until all of the expenses have been received before submitting them to the insurance company in one package or send the invoices the District has now and let the insurance company know that more invoices will be coming. The point of contact for the District should be changed to Mr. Jesse Barton and Mrs. Perla Tzintzun-Garibay. All correspondence needs to be done in writing to the insurance company. President Sgarrella requested that Mr. Barton send a letter to the insurance company let them know about the meeting on the site and that everything has been done verbally and it needs to be in writing, what the plan is, who the contact person is and will the insurance company be covering the whole cost of the extraction and removal of the excavator. Mr. Barton will write the letter to the insurance company after today's meeting, once he gets back to his office. Mrs. Perla Tzintzun-Garibay will hold back Asta Constructions invoice until further notice. Starting February, the office cleaning lady Mrs. Judy Ortega has raised her fees, the District will be paying \$60.00 instead of \$45.00 per month. Still working with Mr. Tom Ayers with NOAA on them paying for the weather station utilities reimbursement to the District.

After some discussion President Sgarrella entertained a motion to approve accounts payable of \$ 130,000.00, (invoices that were presented today, (except for Asta Construction invoices that were presented today) and DWR invoices, from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), motion was seconded by Trustee Gill, VOTE: AYES: President Sgarrella and Trustee Gill NOES: None ABSTAIN: None ABSENT: Trustee Huston, motion carried.

After some discussion President Sgarrella entertained a motion to approve the transfer of \$9,785.98, from Bank of Stockton 3167 (TW 21-1) TIMES, into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Gill, VOTE: AYES: President Sgarrella and Trustee Gill NOES: None ABSTAIN: None ABSENT: Trustee Huston, motion carried.

Account Receivable: DWR Trust: \$4,412.87

Account Receivable: Mr. Joe Mattos for land lease with the district: \$4,902.44

Account Receivable: NOAA: \$12,945.95 (weather station utilities reimbursement 11/21-9/23, 10/23, 11/23 and 12/23).

Special Project Invoices Pending Approval: \$12,498.31

Subvention Claim FY 2022-2023: \$321,646: Expected Reimbursement: \$232,310

- 5. PROJECT FUNDING AGREEMENT TW-21-1.2, 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 AND DISCUSS. THE BOARD**

**WILL CONSIDER REQUESTING AN AMENDMENT TO THIS AGREEMENT FOR ADDITIONAL FUNDS. THE BOARD WILL ALSO CONSIDER FINAL APPROVAL OF THE DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT, WHICH WILL INCLUDE ADOPTING A NOTICE OF DETERMINATION.**

Mr. Jesse Barton gave the Board an update, he told the Board that Ms. Otome Lindsey had learned that there is additional money available for this agreement in the amount of \$1.5M. It will cover all the additional cost due to inflation, also the increased cost of management from 3 years to 5 years. Mr. Barton has prepared a letter to Ms. Angela Calderaro with Department of Water Resources (DWR), requesting an increase to the PFA amount by \$1,500,000 to a total amount payable of \$6,677.543. All other terms of the agreement shall remain the same. After some discussion President Sgarrella entertained a motion to approve the letter to DWR requesting (amendment #3) an increase of the Project Funding Agreement TW-21-1.2 amount by \$1,500,000 to a total amount payable of \$6,677.543. All other terms of the agreement shall remain the same, motion was seconded by Trustee Gill, VOTE: AYES: President Sgarrella and Trustee Gill NOES: None ABSTAIN: None ABSENT: Trustee Huston, motion carried.

Mr. Barton told the Board that the draft study Negative Declaration for this project initial study and mitigated, the comment period closed around December 28th. Only two comments were received. One from California Fish and Wildlife (CFW) and one from the Delta Protection Commission (DPC). CFW expressed some concerns on Swainson Hawks. DWR is working on a reply to CFW about the hawk issue. Mr. Barton told the Board that the Delta Protection Commission is concerned about the loss of farm land. Mr. Barton pointed out that the land is subsided and used for pasture. This area is not prime farming land. This project will provide eighty acres, which will be mitigation credits and thirty acres of enhancement for Delta Levee program participants, it will be used for mitigation for levee projects for other districts. Mr. Barton went over with the Board a draft letter addressed to Mr. Blake Roberts with the Delta Protection Commission-Reponses to DPC December 28, 2023, comment on Twitchell Island Wetland Enhancement and Restoration Project Initial Study/Mitigated Negative Declaration (with Mr. Barton signature). Ducks Unlimited and Ms. Lindsey have looked over the draft letter and they like the letter. This matter will be addressed next month, no action taken today.

Ms. Lindsey talked to the Board about the District's NPDES permit. She told the Board that she liked the NPDES permit. She had talked with Ducks Unlimited they would like something similar for their wet lands. She also spoke with Mr. David Julian about incorporating the east end of the wet lands and spray all wet land in the interior of Twitchell. Ms. Lindsey would like to reach out to the District's contact. Ms. Lindsey asked could the spraying and permit be paid under the SMFA account? Mr. Julian and Ms. Lindsey will have a talk then they will approach Mr. Barton on what they have come up with. President Sgarrella suggested to have Ms. Lindsey speak with the District's consultant who helped the District with obtaining it's new NPDES permit.

Mr. Barton reminded the Board that last month they went out and drill seeded, there was a concern of a lot of birds eating the seeds. Ms. Lindsey said she had not heard anything about the birds from the contractor doing the drill seed planting. Mr. Neudeck, Mr. Ricky Carter Jr. told the Board that there are spotty places that there is no growth due to the birds eating the seeds. There were a million birds eating the seeds were planted according to some of the land owners. Ms. Lindsey will be coming out to Twitchell to check it for herself.

**6. DWR AGREEMENT “SUBSIDENCE MITIGATION FUNDING AGREEMENT” (SMFA) (WETLAND DEVELOPMENT/SUBSIDENCE REVERSAL AND CARBON SEQUESTRATION PROJECT) (EAST END AND RICE PROJECT) (SMFA EXPIRES 12/31/2024). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS.**

Mr. David Julian reported to the Board he has been checking with Ms. Bianca Gornto about the transfer of the Gornto Ditching license to her so she can take over the maintenance contract. So far, they are working on the license, he will obtain a copy of the license once they have it. For the rice project Mr. Julian and DWR are having internal conversations about growing rice with a contract verses a lease. Mr. Julian had a conversation with DWR real estate and they want to look further into a lease before taking the route of a contract. There will be some more research on the matter. Mr. Julian doubts that there will be any rice planting done this year. In the fall he would like to reseed some of the berms in east end wet lands. Mr. Julian will check on the expiration date for this agreement.

**7. BOARD TO DISCUSS THE RISING COST OF THE ELECTRICITY USED FOR THE DISTRICT’S PUMPS.**

President Sgarrella told the Board that this month’s PG&E bill was for \$9,303.53. President Sgarrella said that he had received a notice from PG&E stating there will be a rate increase of 19.8 % right now for agricultural accounts, by years end there could be a 24% rate increase by PG&E. Wondering if the time clock on the pumps have been changed since we went back to standard time? Mr. Ricky Carter Jr. told the Board while making his rounds he saw some riser boards down and water was running in the fields and into C-2 canal. For about two weeks he had to run two pumps. Mr. Carter called Antonio with Gornto Ditching and told him about the problem with the riser. The clock on the pumps will be checked after today’s meeting.

**8. BOARD TO DISCUSS THE POTENTIAL LOSS OF ITS EXCAVATOR AND POSSIBLE REMEDIES.**

Mr. Chris Neudeck reported to the Board the outcome of the meeting held on Wednesday January 3, 2024, with the insurance companies’ geotechnical expert Mr. Nathan Ash with MKA, Mr. Chris Koenig and Mr. Scott Schmitt with Asta Construction, Mr. Ricky Carter Sr and Mr. Ricky Carter Jr. on site. They let Mr. Ash take the lead and tell them what his thoughts were, Mr. Neudeck gave him data and base maps. Then he asked what everyone’s thoughts were. Mr. Ash thought they could just throw down some geotextile rock. Mr. Koenig and Mr. Schmitt both said no to that idea. Mr. Ash said the insurance company wants the excavator taken out. A road

needs to be made to be able to reach the excavator for extraction. The road has to be built so heavy trucks with loaded trailers and heavy equipment can use it. They did some sketches on different routes to take to get the site of the stuck excavator. Mr. Neudeck went over with the Board exhibit A in his engineering report. The cost could be three quarters of a million dollars to half a million to build a 20-foot road. KSN went out and took photos of the area. A 20-foot road from the toe road will be built straight out to the site and then fork around the excavator. The excavators will be set on pads, with two welding trucks there, and start cutting up the excavator in pieces until they get the excavator out of there. Using a crane is out due to the overhead power lines. The road will be built 24", 16", 3", 3/4", and 20- foot road with a 40- foot base. This could cost around \$650,000, not counting the welders for maybe two weeks and excavators. Mr. Neudeck will put together the quantities and prices, once he has them, he will run it by Mr. Schmitt and Mr. Ricky Carter Jr., then the Board before sending it to the insurance company. Will need to add rehab to the levee roads due to all the trucks going over the Middle Road (Ferry Road) and levee roads. May look into barging the material in. After some discussion Mr. Neudeck will check in to using cranes instead of excavators. Mr. Barton summarized Mr. Neudeck will be putting the numbers together and work on how to extract the District's excavator. Mr. Barton will contact the insurance company today, asking them if they will be covering the cost of the road, equipment to remove the excavator and KSN cost. If they say yes, Mr. Barton will let Mr. Neudeck know.

**9. BOARD TO HEAR AN UPDATE AND DISCUSS EXPLORING A SOLAR POWER ALTERNATIVE TO POWER THE RD 1601 PUMP STATION. THE BOARD MAY APPROVE ONE OR TWO BID PACKAGES FOR THIS PROJECT.**

Mr. Chris Neudeck is working with Kern Solar, they are under contract (time and materials for \$9,800), to complete the structural design of the District's Solar plant. Mr. Neudeck went over with the Board exhibit B: Current Solar design from Panelized Structures Inc. and exhibit C: Kern Solar sample carport array structural details from his engineering report. Still waiting to hear from the electrical engineer. In 30 to 40 days should have a bid-able set of drawings.

**10. ENGINEERING REPORT: MR. CHRIS NEUDECK**

- I. Project Funding Agreement TW-21-1.0 TIMES Project
  - A. Look under item number 5.
- II. District Excavator Recovery with Insurance Company.
  - A. Look under item number 8.
- III. Solar Project
  - A. Look under item number 9.

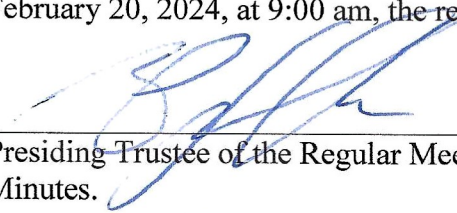
**11. SUPERINTENDENT REPORT: MR. RICKY CARTER JR.**

- Made daily levee inspections an inspection during high (king) tides.
- Checked pumps and oil in the pumps at pump station daily.
- Rodent control on beavers and squirrels.
- Worked on Subventions reports.

- Continued mowing the levee. Mr. Bakke will be bringing in sheep to graze the levees.
- Rented a backhoe to clean toe ditch crossings.
- Met with Asta Construction, KSN and MKA (insurance company third party engineer) and made a site visit to discuss options for pulling out the excavator.
- Worked with the insurance company on the excavator claim.
- Purchased more absorbent socks and deployed them.
- Went to town to purchase a weed eater and safety equipment for the District.
- Worked on DOORS- Air Resources Board.
- Fixed back passenger side back window on the District's 2016 Ford truck. Glass window was broken out by the District's weed eater.

**12. ADJOURN REGULAR MEETING.**

The next regular meeting of the Board of Trustees will be called to order February 20, 2024, at 9:00 am, the regular meeting was adjourned at 10:02 am.

  
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Presiding Trustee of the Regular Meeting January 16, 2024, certifies the above Minutes.

  
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Secretary