

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

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

**July 18, 2023**

**1. CALL MEETING TO ORDER.**

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on July 18, 2023, at 10:00 a.m. ROLL CALL: In attendance: President Barry Sgarrella and Trustee Dave Huston. 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., Ms. Ceci Giacomina, and Mr. David Julian.

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

Absent: Trustee Jasbir 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 June 20, 2023, regular meeting minutes as presented, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, 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.

The Board discussed purchasing the Tiger mower that he had purchased from Mr. Richard Silva. The same Tiger mower that he had purchase from the District a few months ago. It was decided by the Board that they do **not** want to purchase the Tiger mower from Mr. Richard Silva. They would like Mr. Ricky Carter Jr. check with Brannan Island District and see if they might have one they would like to rent or sell. The Board discussed the District's dozer, they need to replace the idler. The Board and Mrs. Perla Tzintzun-Garibay discussed TW-21-1 project needing an advance, the District records show TW-21-1 is out of advance funds in that account. Mrs. Perla

Tzintzun-Garibay told the Board that funds could come out of the District's general account fund and to pay the invoice for \$14,000.00, to Ducks Unlimited or wait until the advanced funds have been depleted. Ms. Otome Lindsey knows the advanced funds have been depleted. Ms. Otome Lindsey told the Board that she met with Stillwater, Ducks Unlimited and KSN and asked them to give her a 6 months budget of expenditures. As soon as she receives the budgets from them, she can move forward with the advance request. It will likely take 1-3 months from that point for the District to receive the advance payment from DWR. Ms. Lindsey will contact everyone and tell them that she is in the process of putting together an advance request and all invoices will be held until the advance payment is received by the District in which the District will be repaid the \$14,000.00. After some discussion President Sgarrella said pay the invoice that is due today, hold all future invoices that come in, when the advance comes in repay the District the \$14,000.00. This year Mr. Bruce Gornto is being paid \$217,222.41, for costs related to planting the rice on Twitchell Island. Last year there was no rice planted. The Board discussed the East End-water control structure for the SFMA project for \$11,266.22, it was used for labor and material (pipe).

Mrs. Perla Tzintzun-Garibay also noted the following payments made between meetings: On June 21, 2023, check number 12374 for \$21,027.01 to SDRMA (liability insurance). On July 6, 2023, EFT payment to PERS for \$2,750.27, due to the timing of the due date. On July 5, 2023, deposited \$174,710.96 -2021/2022 Subvention claim payment (124.352). Baker land lease payment (\$34,518.75). DWR Trust payment for April 2023 and July 2022 (\$15,840.21). On July 11, 2023 deposited \$14,668.86 for Assessment Call 32 payments (\$14,537.19). RD 536 for July rent payment \$131.67.

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 \$373,256.33 (invoices that were presented today) and the transfer of \$390,000.00, 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 and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

After some discussion President Sgarrella entertained a motion to approve the transfer of \$54,700.00, from Bank of Stockton 3167 TW 21-1 TIMES, into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

After some discussion President Sgarrella entertained a motion to approve the transfer of \$231,831.49, from Bank of Stockton 2223 (SMFA) Wetlands Development, into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

Account Receivable: Assessment Call No 32: \$642,286.83

Account Receivable: Mattos Land Lease: \$4,759.65

Account Receivable: Cole Bakke \$1.00 Annual Grazing Lease Agreement

Account Receivable: DWR Trust None

Account Receivable: SWP Right of Way Management: \$6,245.10 (NOAA to pay direct)

Special Project Invoices Pending Approval: \$311,845.48



**5. BOARD TO HEAR AN UPDATE ON ASSESSMENT CALL 32 (FOR 2023-2024 ASSESSMENT), BASED UPON OPERATION AND MAINTENANCE VALUATION ASSESSMENT ROLL DATED JULY 21, 1992.**

Mrs. Perla Tzintzun-Garibay reported \$14,537.19 has been received and \$642,286.83 is still outstanding.

**6. BOARD TO DISCUSS LIVESTOCK ON THE LEVEE.**

Mr. Jesse Barton reminded the Board that the Board discussed Mr. Richard Silva's cows on the levee at last month's meeting. Mr. Richard Silva's cows had been on the levee due to fencing issues. Mr. Barton told the Board that a few days after the meeting, Mr. Silva put a fence up to the top of the levee which included the levee slope. Mr. Barton told the Board that Mr. Ricky Carter Sr. and Mr. Ricky Carter Jr. had called him about the matter. Mr. Barton told them to take a picture. The Board was shown the picture that was taken. Mr. Barton reminded the Board that Mr. Cole Bakke has the lease to graze the levee slope with his sheep. Mr. Chris Neudeck told the Board that before Mr. Carter Sr. and Mr. Carter Jr. came to the meeting today Mr. Silva came in to the office and spoke with Mr. Neudeck. Mr. Silva told Mr. Neudeck that his brother had just passed away and that he would not be attending today's meeting. He asked Mr. Neudeck to ask the Board to postpone today's matter on the fencing issues. Mr. Silva felt that the county would not have any issues of the fence being placed there besides he is keeping the area cleaned and the fisherman from parking there. Mr. Silva put the fence up close to Twitchell Island Road, property owned by the District. Mr. Ricky Carter Sr. stated that that Mr. Jaime Rodriguez had to take a fence down (on DWR property), due to the District's Rules and Regulations. President Sgarrella told the Board that Mr. Ricky Carter Sr. also called him and told him the situation of the fence issue and that Mr. Silva was told by Mr. Ricky Carter Jr. to take the fence down. Mr. Silva told him that he did not accept Mr. Ricky Carter Sr. or Mr. Ricky Carter Jr. as having any authority. Mr. Silva called President Sgarrella and this time President Sgarrella has not returned Mr. Silva's call. In the meantime Mr. Ricky Carter Jr. told Mr. Richard Silva that he might want to put a hot wire on the existing fence and a trail cam. A few days later Mr. Silva told Mr. Carter Jr. that he was having problems with the coyotes. It was decided that Mr. Jesse Barton will try to get hold of the Bakers to talk to them about their lease. Mr. Barton will try to get hold of Ms. Lisa Barker to have a meeting with Ms. Baker, Mr. Barton and President Sgarrella. No other decision was made on this subject. The Board would like to have Mr. Cole Bakke and Mr. Richard Silva here at the August meeting to discuss this matter and hopefully resolve it.

**7. BOARD TO REVIEW FENCING REQUIREMENTS FOR ITS LESSEES.**

Mr. Ricky Carter Jr. told the Board that they are currently cleaning the ditch. There is a problem with putting the fence in the area where Mr. Richard Silva wants to locate the fence. Some of the area is marshy. Mr. Silva will need to put the fence farther back from the toe ditch. This matter will be addressed at the next meeting.



**8. BOARD WILL RECEIVE AN UPDATE ON THE DISTRICT SPRAYING WITH A DRONE WITH LEADING EDGE.**

It was reported that no spraying has taken place due wind conditions. It has been too windy to spray. Board discussed larger particle vs mist sprays needed for best weed kill.

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

Mr. Jesse Barton told the Board that NOAA still owes the District money for using the electricity for their trailer on Twitchell Island. President Sgarrella reported to the Board that he spoke with NOAA and they said they will pay the District and they understand about the kwh charges. President Sgarrella gave them a contact person at PG&E to apply for an electrical service drop and new meter. PG&E did not send an invoice to the District for this month. Conversation with NOAA are ongoing.

**10. PROJECT FUNDING AGREEMENT TW-21-1.1, PROJECT FUNDING AGREEMENT FOR THE PLANNING, ENGINEERING, AND CONSTRUCTION OF THE TWITCHELL ISLAND MITIGATION AND ENHANCEMENT SITE (TIMES) PROJECT (EXPIRES 12/31/2027).REVIEW THE DESIGN DETAILS FOR LEVEE SETBACK ALONG SEVENMILE SLOUGH WITH THE DISTRICTS ULTIMATE LEVEE STANDARD SLOUGH TOGETHER WITH A TWENTY-FOOT (20'), LEVEE SETBACK FROM THE TOE FOR DWR'S PROPOSED MITIGATION AREA. THE BOARD WILL CONSIDER EXECUTING AN AMENDMENT WITH DUCKS UNLIMITED TO EXPAND THE SCOPE OF WORK OF THE EXISTING CONTRACT.**

Mr. Jesse Barton told the Board there are several action items on this matter. Board to consider an amendment with Ducks Unlimited to expand the scope of work within the existing contract. Mr. Barton told Ms. Otome Lindsey that he had sent her a copy of the amendment with red line changes to the amendment, he did not know if she had seen the suggested changes. He went ahead and put this on the agenda for the Board to consider executing the amendment with Ducks Unlimited today.

Ms. Otome Lindsey thanked Mr. Barton for the changes and for presenting it to the Board today for their consideration. The scope of work is adding a couple of things which includes CEQA documents. The original CEQA work was performed by Stillwater, but Ducks Unlimited will update the document. Stillwater Sciences has a separate contract through DWR. DWR wishes to update the document. The project is going to create advance mitigation areas. Department of Fish and Wildlife wants all mitigation to follow the mitigation banking model, then it will go to construction management.

President Sgarrella asked Ms. Lindsey if she was happy with the agreement as is, and was she ready for him to sign it, if the Board approves it today. She told President Sgarrella and the Board that she was ok with the changes. Mr. Jesse Barton told the Board that he made changes in the amendment, he noticed in the agreement that perhaps Ducks Unlimited was doing some type of pre-qualification for construction contractors.



Mr. Barton wrote to Ms. Lindsey and told her pre-qualification for public bidding is difficult and time-consuming for construction contractors. Mr. Barton said that for the above reason he removed it from the agreement. He told Ms. Lindsey she could send the bid to any construction contractor Ms. Lindsey wishes, it's an open bid. Ms. Lindsey accepts the agreement as written. Mr. Chris Neudeck said you can have specific questions for a bidder to fill out on a qualification questionnaire. Board had a discussion and decided that Mr. Barton and Mr. Neudeck would talk about this after the meeting. After some discussion President Sgarrella entertained a motion to approve amendment number one, to the Ducks Unlimited contract. Motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

Mr. Neudeck told the Board that after last month's meeting, they had a meeting last Friday with Solano RCD, Ms. Lindsey and DWR about planting on the upper bench. They went over plans and specs. At that meeting Mr. Neudeck did not see the final plans. So far the District has not seen the final plans. Ms. Lindsey told the Board that she had talked with Mr. Bryan Brock about using Sherman Island specs. Mr. Barton told the Board that using the Sherman Island specs may be approved for use by Twitchell Island but, the District will need to negotiate with Sacramento County to change the width of the county road. Mr. Neudeck said that it is necessary that the Board approve the change. DWR wants to make the county road narrower. Mr. Barton told the Board that Sherman Island had an engineer find out what the county wanted. The engineer made two different plan specs, one spec was on PL84-99, and the other spec was what the county wanted. Then he gave the county a price estimate based on PL84-99 specs. The county came back they said they must have shoulders at a standard width. After the negotiations the county approved a standard in between PL84-99 and the county's standard requirements and did some cost sharing. Due to the massive added cost to the project for dirt and asphalt, it would cost the project millions of extra dollars to include the full standard requirement. Mr. Neudeck asked the Board if it wants him to reduce it to the lesser standard, he will do it. He'll redraft it and send it off. Board discussed it and decided that Mr. Neudeck needs to get with the DWR engineer and send an AutoCAD and PDF to them. Mr. David Julian is the DWR engineer on the project. They are working on the foot print.

Ms. Lindsey updated the Board with their cultural resources consultation. They attended a meeting with Wilton Rancheria in early June. Still haven't heard from them on any questions or comments. Ms. Lindsey will send one more email to them asking for comments. If she doesn't hear from them or if they don't have any comments, after the weekend she will close consultation and close our record. There may be a time limit on receiving comments. It was suggested that she speak with her engineer. Mr. Barton said that he would help if needed. Ms. Lindsey told the Board that the meeting is scheduled as a recurring monthly meeting. Ms. Lindsey, Mr. Barton and Mr. Neudeck are scheduled to meet on Friday (August 11, 2023), before the District meeting. Mr. Neudeck and Ms. Lindsey will report to the Board on Tuesday (August 15, 2023) at the District meeting.



**11. 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 that they are trimming trees. They found a leak at one of the outlets. The SMFA project funding agreement expires at the end of next year (2024). DWR is working on an amendment for the project to extend the expiration and possibly increase the amount of funding for at least 3 more years.

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

President Sgarrella reported to the Board that PG&E did not send the District a bill for this month. Mrs. Perla Tzintzun-Garibay will set aside \$10,000.00, for if and when the District receives the bill. President Sgarrella told the Board he is submitting audited financial statements to Bank of Stockton and discussing funding the project with potential Third-Party Owners.

**13. BOARD TO HEAR AN UPDATE ON THE APPLICATION AND THE SUBMITTALS TO THE DEPARTMENT OF WATER RESOURCES (DWR) FOR THE PSP PROGRAM.**

Mr. Chris Neudeck reported to the Board the status of the full proposal application KSN submitted the application on June 23, 2023. He has not heard from DWR as of yet. Mr. Neudeck reviewed with the Board a letter (dated May 16, 2023), of commitment from DWR, the landowner whose land the project will be built on agreeing to establishment of the project. Mr. Neudeck and the Board discussed DWR requirement for the District to acquire sufficient real property right from DWR to build, operate and maintain the levee improvements. Maybe a special permit would resolve the problem. Trustee Jasbir Gill had spoken with Mr. Jesse Barton about this issue. The District needs to find a way to receive the land that the District can afford. President Sgarrella talked about obtaining a temporary construction easement from DWR while construction of the new set back levee project.

**14. Engineering Report: Mr. Chris Neudeck**

**I. Project funding Agreement TW-21-1.0 Times Project**

A. Look under item 10.

**II. Delta Levee Subventions Project-Special Projects Multi-Benefit PSP**

A. Look under item 13.

**15. Superintendent Report: Mr. Ricky Carter Sr.**


- Routine levee patrols daily.
- Checked pumps and oil in the pumps at pump station daily.
- Took drawing of battery and inverter holder to Lira’s welding for them to make the holder.
- Completed the FEMA package for KSN.


- Picked up holder from Lira's Welding and took it to the Chevron Point barn.
- Delivered the claim (FEMA) to Mr. Sean Pritchard with KSN.
- Completed the Subvention claim on July 3<sup>rd</sup>.
- Delivered the Subventions claim to KSN and assessments to Butterfield to Mrs. Perla Tzintzun-Garibay.
- Ordered long reach excavator from ASTA, it was delivered on July 8, 2023. Started cleaning C-1 canal of prim rose on July 10, 2023.
- Mr. Grant Haney is chopping Threemile Slough with the District Kubota and chopper.
- Removing trees on the waterside of the levee (riprap).
- Burned the pile at Oulton Point.
- Sent scanned account payables to Mrs. Perla Tzintzun-Garibay.
- Set up drone spraying for July 17<sup>th</sup> thru to July 21<sup>st</sup>.
- Posted agenda in Isleton.

This was Mr. Ricky Carter Sr.'s last superintendent report. Mr. Carter Sr. showed the Board picture of the weeds taken out of C-1. Mr. Ricky Carter Jr. told the Board that on Friday ASTA will be coming to pick up the rented long reach excavator. Mr. Ricky Carter Jr. will be on vacation from July 18 thru July 30<sup>th</sup>.

**16. Adjourn Regular Meeting.**

The next regular meeting of the Board of Trustees will be called to order August 15, 2023, at 9:00 am, the regular meeting was adjourned at 11:44 am.

  
 \_\_\_\_\_  
 Presiding Trustee of the Regular Meeting July 18, 2023, certifies the above Minutes.

  
 \_\_\_\_\_  
 Secretary