

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

Minutes of the Board of Trustees
Regular Meeting
March 19, 2024

1. CALL MEETING TO ORDER.

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on March 19, 2024, at 9:00 a.m. ROLL CALL: In attendance: President Barry Sgarrella, Trustee Dave Huston and Trustee Jasbir Gill. District's 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 Giacomina, Mr. Richard Silva, Mrs. Patty Huyssoon and Mr. Adam Pfenning (Rio Vista Fire Department interim fire chief). Attending by conference call, District's secretary Mrs. Linda Carter and Mr. David Jullian.

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.

Mr. Adam Pfenning introduced himself to the Board as the interim fire chief for Rio Vista Fire Department. He told the Board that he is from Tulare County. He told the Board the doors are open at the Rio Vista Fire station Monday-Friday and we are welcome to stop by. Mr. Barton asked him to hold further comment until we got to this agenda item.

3. MINUTES FOR REGULAR MEETING.

President Sgarrella entertained a motion to approve the February 20, 2024, regular meeting minutes as presented, motion was seconded by Trustee Gill VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill 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. No one reviewed the accounts payable before today's meeting due to a mishap with locking the documents in the car before the meeting. However, the Board was able to review them later.

Mrs. Perla Tzintzun-Garibay also noted the following payments and deposits made between meetings:

On March 7, 2024, EFT payment to PERS for \$1,024.68, due to the timing of the due date. On February 27, 2024, deposited \$5,212.76 from Mr. Joe Mottos for land lease semi-annual payment. RD 536 rent payment \$131.67 and US Bank rebate \$178.65.

Mrs. Perla Tzintzun-Garibay told the Board the NOAA invoice is in the process for payment. Trustee Gill told the Board NOAA is having conversations with Department of Water Resources (DWR) about having DWR either help pay or pay all of the electricity invoices from the District.

After some discussion President Sgarrella entertained a motion to approve accounts payable of \$ 405,000.00, (invoices that were presented today, transfers and DWR invoices, from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: None, motion carried.

After some discussion President Sgarrella entertained a motion to approve the transfer of \$334,058.28, 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, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: None, motion carried.

Account Receivable: DWR Trust: None

Account Receivable: NOAA: \$13,954.73 (weather station utilities reimbursement 11/21-9/23, 10/23, 11/23, 12/23 – 3/24).

Special Project Invoices Pending Approval: \$451,977.88

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

5. BOARD TO CONSIDER AND POSSIBLY APPROVE RESOLUTION 2024-02. CATEGORICAL EXEMPTIONS UNDER CEQA FOR ROUTINE MAINTENANCE FOR RECLAMATION DISTRICT 1601 2024-2025.

Mr. Jesse Barton explained to the Board that each year the Board is asked to review and adopt a notice of Categorical Exemption under CEQA for routine maintenance. After the Board approves and adopts the resolution, KSN then prepares and files with the County Clerk of Sacramento County for posting a “Notice of Exemption”. After some discussion, President Sgarrella entertained a motion to approve and adopt Resolution 2024-02 To Claim a Categorical Exemption Under CEQA For Routine Maintenance, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: None, motion carried.

6. BOARD TO HEAR AN UPDATE AND POSSIBLY APPROVE A MUTUAL AID AGREEMENT WITH ADJACENT DISTRICTS TO PROVIDE EMERGENCY SERVICES DURING HIGH -WATER EVENTS.

Mr. Jesse Barton gave a brief run down on what took place to have this item on the agenda and what took place at the March meeting and the reason for the District’s concerns. Also, Mr. Barton told the Board what he had done following last month’s meeting. Rio Vista Fire Department (Rio Vista Fire and Delta Fire Protection District (Delta Fire) attended. They have a contract between them. Also attending was River Delta Fire Protection District (River Delta Fire). There was a high-water event a month ago and Mr. Ricky Carter needed help to fill sand bags, Mr. Carter called Rio Vista

Fire/Delta Fire, and they did not have extra staff. Then he called River Delta. River Delta had staff but they needed permission from Rio Vista Fire/Delta Fire before they could send personnel to help with filling the sand bags. Phone calls went back and forth for an hour or two. The District requested that both fire districts come to the Districts meeting in April. At the April meeting the District learned that the mutual aid agreement was canceled by former Rio Vista /Delta Fire Chief Jeff Armstrong by letter dated August 2, 2019. The lack of this mutual aid agreement between the two fire districts is where the hang up was. If the mutual aid agreement had been in place Mr. Carter would not have had to act as the mediator in this situation. At the end of the agenda item Mr. Barton asked River Delta Fire Chief Paul Cutino if he would be interested in having a mutual aid agreement just with this district, because RD 1601 is not in his jurisdictional boundaries. There is a government code and health and safety code that would allow the mutual aid agreement between River Delta Fire and the RD1601. Fire Chief Cutino said yes to the agreement between River Delta Fire and RD 1601. It would be desirable if this could be prevented in the future. Because the District only has two people on the island and in a situation like that two hours can be a long time.

Rio Vista Fire/Delta Fire interim Fire Chief Adam Pfenning told the Board he thinks it was a very unique situation. He realizes that there was a two-hour delay. Fire Chief Pfenning said he got a phone call, he then called his OES in Solano County, who then made a call to Sacramento County OES. He said the big deal was due to Sacramento County OES not calling back. In the meantime, the chief was finishing up a meeting with his city manager. Fire Chief Cutino had sent Fire Chief Pfenning a text saying can they were willing to help. Around one o'clock Fire Chief Pfenning texted Fire Chief Cutino back saying approved the request and thanked him for his help. Around 1:30, Fire Chief Cutino texted back "copy". Fire Chief Pfenning thought help was on its way. Fire Chief Pfenning claims that he does know of a time when other agencies and fire departments would not come to help with the Rio Vista Fire/Delta Fire. The mutual aid is there it's just a phone call away. He thinks they have a past practice set to where if this event happens that call can be made. He feels at his end it's just a simple phone call. Or have the District call Sacramento Regional and generate an incident number. Everyone now has Fire Chief Pfenning's new cell phone number and Fire Chief Cutino's cell phone number.

Trustee Gill asked Fire Chief Pfenning since he said it has been resolved has he spoken with Fire Chief Cutino? Chief Pfenning said he has not had a conversation with Fire Chief Cutino, he was waiting to do so after today's meeting. After this Fire Chief Pfenning is more than happy to put in a phone call or email to Fire Chief Cutino telling him if there is a flood incident just give him a phone call. If they call for flood sand bagging or flood matters, please assist them if River Delta Fire is able and make notification to the Rio Vista Fire/ Delta Fire Chief or the on-duty crew.

President Sgarrella sees at a notification issue River Delta Fire notifying Rio Vista Fire/Delta Fire before River Delta Fire gives aid to RD 1601.

Mrs. Patty Huyssoon with the Delta Fire District handed contact information for the Delta Conservation Camp and the Delta Center. There was a discussion on why Fire Chief Pfenning called Solano OES.

Trustee Huston said things change, players change, and oral history changes so how can we clarify this in some way? How does the next person know what the agreement is? Fire Chief Pfenning responded the mutual agreement is already there. If it goes in to a written agreement then the Rio Vista City manager and the Rio Vista City attorney will need to get involved. There were public comments from Ms. Ceci Giacomina and Mr. Richard Silva stating that they prefer the mutual aid agreement to be in writing. After some discussion it was decided that Mr. Barton would contact River Delta Fire Chief Cutino and put together a formal agreement and present to the Board at the April District meeting.

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 \$15,035.49. The electrical bill is higher than last months. The following is the breakdown of the bill, peak usage is 0.52% energy charge \$65.05 and off-peak usage is 89.45%, energy charge \$10,972.86, max demand charge is 26% at \$3,937.56 and customer charge at \$43.00. PG& E have raised their prices. It's now up to 19.4 cents per KWh up to 22 cents. Our management of the pumps are doing fine, it is NOAA running the electrical 24-7. We are currently under AG-C schedule and it is the lowest you can get. But it is associated with extremely higher demand charges. Once the District gets the solar array up and running and producing the District's own power it will be much better.

8. 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 reported to the Board that solar contractors are getting closer to being done. President Sgarrella told the Board they have the design of the system and it will be designed by the fabricator and they will be providing structural steel in their bid package.

For the electrical there are some discussions that need to be made on the solar panels. At this time, they are looking at two different companies, one needs to be chosen. The electrical diagrams and string diagrams have been completed. Waiting for the drawings to be stamped. KSN will have some of the drawings in a package for the Board to view at the District April meeting.

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

Mr. Jesse Barton told the Board that he, President Sgarrella and Mr. Chris Neudeck had conversations with the District's SDRMA insurance company, SDG (handling the claim) and MKA (extraction company) on March 18, 2024. The outcome of that conversation was that the insurance company as well as the extraction company want to know if the landowner Department of Water Resources (DWR), is going to insist on the complete removal of the District excavator or will they be satisfied with partial removeable part or maybe they will be satisfied to let it stay there. That's where it was left at because the costs that are associated with leaving it there and removing it are

very different. Mr. Neudeck's road proposal rounded up to \$900,000, just for the road not for any removal cost. Then there is President Sgarrella suggestion not to build such a robust road, and having welders take out low impact equipment and dismantling portions of the excavator in small pieces. Collect the pieces and then have helicopter come and remove the excavator pieces to a staging area. There would be some costs associated with doing it this way. It would be very difficult to remove the whole excavator with a helicopter. Either way the estimated cost is anywhere from \$900,000 to \$1.5 million. That is why SDRMA wants the District to see if DWR will let the District leave the excavator where it is.

President Sgarrella explained to the Board his suggestion for extraction the District's excavator. By having a Blackhawk that can lift 8,000 pounds, put in a staging area some type of platform that you can place the cut-up pieces on. The cost of the Blackhawk for mobilization and demobilization is \$24,000 more or less. The on-site cost would be around \$27,000 for helicopter estimated cost around \$59,500 for the Blackhawk. If the larger parts were cut out then a Sikorsky could be used, it can lift 20,000 pounds for mobilization and demobilization is \$50,000 and estimated cost would be around \$106,928. Still need to add the cost of the welders and staging area. This could be cheaper than building a road. President Sgarrella told the Board that if it has to be removed DWR has to understand that it is being removed with the District's best efforts no matter if you build a million-dollar road and take a couple of excavators and try to yank it out and have the possibility of the other excavators getting stuck. The best solution is for DWR to say leave the excavator where it is.

Trustee Gill told the Board that it's going to have DWR check the excavator when they come out to check on the diesel spill on Twitchell Island. They will see if they have any remedies for the situation. President Sgarrella told the Board even if DWR approves letting the excavator stay in place, the insurance company will need to give the District funds for environmental control.

After some discussion it was decided that Mr. Ricky Carter will talk to Mr. Casey Stockon after the meeting and ask him to take a look and see if he has any suggestions and if he knows the right person who could help with the extraction. President Sgarrella told the Board that Mr. Dave Carr sent him some information about a guy on YouTube who goes around and gets things unstuck. After the meeting President Sgarrella has gotten in touch with this person to find out if he could remove the excavator. President Sgarrella emailed him and sent him pictures of the stuck excavator. This person is in the state of Utah. President Sgarrella will follow up with the YouTube guy. Mr. Chris Neudeck will call Dutra and see if they have any suggestions. Mr. Ricky Carter will get hold of Mr. Casey Stockon for his suggestions.

10. BOARD TO REVIEW CURRENT STATUS OF NPDES PERMIT, DISCUSS AND POSSIBLY APPROVE SEEKING AN ALTERNATIVE DRONE SPRAYING CONTRACTOR.

President Sgarrella told the Board he is checking with the biology consultant Blankenship for any suggestions on a new drone sprayer contractor. President Sgarrella will bring to the District's April meeting his findings on a new drone sprayer contractor with the right permits to be able to spray all of the herbicides the District needs to have sprayed.

11. PROJECT FUNDING AGREEMENT TW-21-1.2, PROJECT FUNDING AGREEMENT FOR THE, PLANNING ENGINEERING, AND CONSTRUCTION OF THE TWITCHELL ISLAND WETLAND ENHANCEMENT AND RESTORATION PROJECT. (TIWERP) (EXPIRES 12/31/2027). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS. THE BOARD MAY ALSO APPROVE AN AMENDMENT THAT ADDS \$1.5 MILLION TO THIS PROJECT.

Mr. Jesse Barton reported to the Board that Ms. Otome Lindsey has secured an additional \$1.5 million for this project contract. Mr. Barton has looked at the amendment number 3, it adds \$1.5 million to the contract, and he recommends for the Board to approve the amendment number 3. Ms. Lindsay will send the amendment document to be DocuSign by the Board. After some discussion, President Sgarrella entertained a motion to approve Amendment NO. 3 to Project Funding Agreement for Planning, Engineering and Construction of the Twitchell Island Mitigation and Enhancement Site Project Agreement No. TW-21-1.3, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: None, motion carried.

Mr. Chris Neudeck reviewed with the Board the general status of the plant procurement process. The advertising for the bid will be on March 19th and 26th. Pre-Bid meeting will be held on March 28th. Bid opening will be on April 11th. The Board to consider award at the April 16th Board of Trustees meeting.

Mr. Neudeck reviewed with the Board the general status of the wetland development process. The intention is to start construction in June. Plan is to have a bid opening early May and award the bid at the May 21st meeting. Mr. David Julian told the Board that Ms. Lindsey has started the NPDES permits for the wetlands project.

12. 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. THE BOARD MAY APPROVE AN EXTENSION OF TIME TO THIS AGREEMENT.

Mr. Jesse Barton told the Board that the SMFA funding agreement is set to expire, it expires on December 31, 2024. Mr. Barton told the Board that everything in the new amendment all terms and conditions remain same and intact as in the original funding agreement, just changing the expiration date. If the Board chooses to approve the amendment to the funding agreement the agreement will expire on December 31, 2030. Mr. Barton recommends the Board to approve the amendment to extend the expiration date for the SMFA agreement. After some discussion, President Sgarrella entertained a motion to approve and adopt Resolution 2024-03, and the agreement amending the Subsidence Mitigation Funding Agreement extending the expiration date to December 31, 2030, motion was seconded by Trustee Gill VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: None, motion carried. The documents will be signed by DocuSign.

Mr. David Jullian told the Board that Mr. Tim Nix is no longer working with RD 341 and RD 1601. In the interim there is a need for some help to do some maintenance work that needs to continue be done, example mowing the top of the berms. Mr. Jullian told the Board that he had spoken with Mr. Ricky Carter about having either Mr. Carter or Mr. Dominic Calabro help with this work. The work will need to be done after the bird survey has been completed. The bird surveys should be completed this week or by next week. The District will be reimbursed for any work it does for the project, the District will be reimbursed under the SMFA agreement. After discussion the Board decided to have the District do the needed work for the SMFA project and to be reimbursed under the project agreement. Mr. Jullian told the Board he is still working with the Department of Water Resources real estate branch on having the rice fields go out for a lease. Mr. Jullian is working with Antonio to make sure the area does not get in-to disrepair.

President Sgarrella asked Mr. Jullian about the rice project equipment, if there are any plans on moving the planter and other pieces of equipment that have been setting in the fields forever are there any plans on moving them inside or dispose of. RD1601 owns the equipment the District would not mind taking it over and using it or turning it into cash. Mr. Jullian said that they will work on moving the equipment into the Chevron Barn. He believes that when the rice fields go out for a lease, the farmer will bring their equipment. President Sgarrella asked Mr. Jullian if he knew if the equipment runs since it had been left outside and haven't been started for many years. Mr., Jullian told the Board he does not know the condition of the equipment. It was decided that Mr. Jullian would get hold of Antonio and have him remove the white tractor (that no one knows who owns it) and anything else that belongs to Gornto Ditching from the Chevron Barn. Bring all the rice project equipment to the Chevron Barn so it can be cleaned up and decide what to do with it. Need to find where all the RTV's and bring them to the Chevron Barn. Mr. Ricky Carter will work with Mr. David Jullian and Antonio on the equipment and will have an update list on what pieces of equipment and what condition they are in for the Board at the District's April meeting.

13. ENGINEERING REPORT: MR. CHRIS NEUDECK

- I. Project Funding Agreement TW-21-1.0 TIMES Project
 - A. Look under item number 11.
- II. District Excavator Recovery with Insurance Company.
 - A. Look under item number 9.

14. SUPERINTENDENT REPORT: MR. RICKY CARTER JR.

- Made daily levee inspections, inspection during high tide patrols.
- Checked pumps and oil in the pumps at pump station daily.
- Rodent control on beavers and squirrels.
- Worked on a waterside slip. Had Mr. Dominic Calabro bring the District dozer to Levee Station 494+00, to push rip rap over the slope and the Mr. Carter had Asta Construction bring out two side dumps of 24 inch minus rip rap to set in place of the missing rock.
- Replaced radiator on the Kubota side by side.
- Got both of the District's trucks oil changed and serviced.

- Core trenched 210 feet at Levee Station 316+00.

15. ADJOURN REGULAR MEETING.

The next regular meeting of the Board of Trustees will be called to order April 16, 2024, at 9:00 am, the regular meeting was adjourned at 10:42 am.

Presiding Trustee of the Regular Meeting March 19, 2024, certifies the above Minutes.

Secretary