

RECLAMATION DISTRICT NO. 1601

**306 Second Street
Isleton, CA 95641**

Minutes of the Board of Trustees Regular Meeting July 19, 2022

Meeting held by teleconference consistent with AB361.

1. CALL MEETING TO ORDER.

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on July 19, 2022, at 8:03 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, District's bookkeeper Mrs. Laura Smith with Butterfield and Company. Also attending Mr. Ricky Carter, Jr., Ms. Otome Linsey, Mr. Cole Bakke, Mr. Juan Mercado Jr., Mr. Richard Silva, Mr. Jaime Rodriguez, Ms. Jennifer Hogan and Mr. Bryan Brock.

Attending by conference call, District's secretary Mrs. Linda Carter, Ms. Elizabeth Davis and Mr. Joseph Davis.

2. CLOSED SESSION: PUBLIC EMPLOYEE PERFORMANCE EVALUATION TITLES: SUPERINTENDENT, MAINTENANCE WORK/OPERATOR, AND SECRETARY.

At 8:07 am, the Board, Mr. Jesse Barton, Mr. Chris Neudeck and Mrs. Laura Smith went into closed session.

At 8:45 am, the Board opened the meeting. Mr. Jesse Barton reported that an action was taken during the closed session. The Board reviewed Mr. Ricky Carter Jr.'s employment contractual agreement. The Board was to review his performance after 90 days of employment. After the 90 days the Board needed to decide if Mr. Ricky Carter Jr. should receive a raise and/or continue employment with the District. The Board agreed a raise was appropriate. It was requested by the Board that raises be discussed next month during open session.

3. 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. Jesse Barton told the Board that an item did not make it on to the agenda, which was for the Board to consider adopting "Board and Public Involvement Procedures at Future Meetings". At last month's meeting it went pretty well. The meeting should go: first the Board speaks and heard, then the staff, followed by the public and then it goes back to the Board and the Board makes its decision. This matter will be decided at next month's meeting.

4. MINUTES REGULAR MEETING.

President Sgarrella entertained a motion to approve the June 29, 2022, special 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.

5. ACCOUNTS PAYABLE.

Mrs. Laura Smith went over the accounts payable, accounting notes and financial statements with the Board. President Barry Sgarrella reviewed the accounts payable before today's meeting. Mrs. Smith also noted the following payments made between meetings: On June 30, 2022, check number 12088 to Delta Rentals for \$4,600. On July 7, 2022, EFT payment to PERS for \$2,577.61 due to the timing of the due date. On July 12 deposit for \$761.14 for assessment call 30 and 31 payment for Mr. and Mrs. Ricky Carter Sr. On July 11, 2022 deposited \$34,518.75 from Mr. David Baker for lease payment. The Board went over Paul E. Vaz Trucking invoices dated 12-2-2021, invoice 77690 for \$1,595.22 and invoice 77691 for \$1,643.33 for riprap. The invoice had not been received for the riprap until now.

After some discussion President Sgarrella entertained a motion to approve accounts payable of \$32,868.01 and the transfer of \$55,000 from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), and to pay the invoices presented today except for the Paul E. Vaz Trucking invoices that were earlier discussed, motion was seconded by Trustee Preston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

6. BOARD TO HEAR AN UPDATE ON RESOLUTION 2022-10, AND ORDER LEVYING ASSESSMENT CALL NO. 30 AND NO. 31, BASED UPON OPERATION AND MAINTENANCE VALUATION ASSESSMENT ROLL DATED JULY 21, 1992.

It was reported that Mr. and Mrs. Carter and Owl Harbor have paid their portion of Assessment Call No. 30 and Call No. 31. The delinquent date is August 29, 2022.

7. BOARD TO REVIEW ITS CONFLICT OF INTEREST CODE AND POSSIBLY APPROVE AN AMENDMENT IN COMPLIANCE WITH THE 2022 BIENNIAL NOTICE FROM SACRAMENTO COUNTY.

Mr. Jesse Barton told the Board that it is required for the Board to review its conflict of interest code. Sacramento County has asked the Board to review the District's current code and determine if any changes are needed. Mr. Barton told the Board that he had written the District's conflict of interest code and he sees no need for the Board to make any changes. After some discussion President Sgarrella entertained a motion to approve keeping the District's conflict of interest codes the same, motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

8. BOARD TO DISCUSS AND POSSIBLY TAKE ACTION ON SACRAMENTO COUNTY PROPOSED COUNTY ORDINANCE REGARDING CAMPING AND ENCAMPMENTS.

Mr. Jesse Barton told the Board that the Sacramento County is holding two workshops on the county's proposed county ordinance regarding camping and homeless encampments on levees. After some discussion on the matter Mr. Chris Neudeck will be attending the workshop on Wednesday and Mr. Barton will try to attend on Monday. No action taken.

9. BOARD TO DISCUSS AND POSSIBLY TAKE ACTION ON SHEEP AND GOATS ON THE LEVEES WITHOUT PERMISSION FROM THE DISTRICT.

Mr. Jesse Barton told the Board that Mr. Cole Bakke is having a problem with one of the Department of Water Resource's land leases, their sheep and goats are getting outside of their fences on Twitchell Island. Mr. Ricky Carter Jr. told the Board that Mr. Juan Mercado Jr., Mr. Jaime Rodriquez, Mr. Ricky Carter Sr. and himself met in the field. Mr. Mercado Jr. told Mr. Rodriquez he could not let his sheep go on the levees and that he needs to fix his fence and keep the gates closed.

10. BOARD WILL DISCUSS AND POSSIBLY APPROVE WHETHER THE DISTRICT SHOULD HIRE LEADING EDGE AERIAL TECHNOLOGIES INC., TO SPRAY THE DISTRICT'S CANAL, TOE DITCHES AND SEVENMILE SLOUGH TO CONTROL VEGETATION GROWTH.

Mr. Ricky Carter Sr. reported to the Board that he contacted Grow West in Walnut Grove, they sent someone out to check on the weeds that need to be sprayed. He told Mr. Carter Sr. what types of chemicals to use and the ratios to be used for each one. Mr. Carter Sr. contacted Leading Edge Aerial Technologies Inc., and he was told that they could not attend but would be attending by phone. Mr. Joe Davis, a drone pilot for Leading Edge Aerial Technologies Inc. attended the meeting by phone. Mr. Davis told the Board that the drones are capable of spraying the chemicals mentioned above. Mr. Ricky Carter Sr. stated that on a day with no winds the drone could do an application on the District's canal C-1. Mr. Davis told the Board that could be done. Mr. Chris Neudeck mentioned that since Mr. Davis was out to Twitchell Island, Sevenmile Slough has doubled in size of vegetation. The Board asked if the quote given was for everything; toe ditches, District's canals and Sevenmile Slough. Mr. Davis said as far as he knows it is, but the Board should speak with Mr. Bill Reynolds. Mr. Reynolds is the one who does the finances of the business. The Board asked Mr. Davis about the companies spray permit. President Sgarrella let Mr. Davis know that the District has its own NPDES spray permit, but that it does not apply to drone use. President Sgarrella suggested that the permit be amended. After some discussion it was decided that Mr. Ricky Carter Sr. and President Sgarrella would set up a meeting with Mr. Bill Reynolds and try to get some of the Boards questions answered.

11. BOARD TO DISCUSS DROUGHT CONDITIONS ON TWITCHELL ISALND.

The Board was given a handout "NOTICE OF PROPOSED RULEMAKING" Title 23. Waters Division 3. State Water Resources Control Board and Regional Water Quality Control Boards Chapter 2. Appropriation of Water Article 19. Changes of Ownership

and of Address-Notices Chapter 2.7 Water Diversion and Reports Article 1. Definitions Article 2. Declaration of Policy notice of public hearing to consider adoption of proposed regulation the regulation modifying water right ownership notice requirements and reporting dates, from the State Water Resources Control Board. This is for anyone who changes water right ownership, they must report any changes to the State Water Resources Control Board. Mr. Bryan Brock said that the State still wants only low water crops to be planted. Mr. Ricky Carter Sr. told the Board the District pumps are keeping up with the water being used and seepage from on island. Mr. Jesse Barton said there is a reduction of water usage for the months July and August.

12. BOARD TO RECEIVE AN UPDATE ON THE USGS ENCROACHMENT PERMIT TO INSTALL A WATER QUALITY MONITORING DEVICE ON THE DISTRICT'S PUMPING STATION.

President Sgarrella told the Board that last Friday USGS came out and installed the measuring/monitoring device, but not in the right way. Mr. Ricky Carter Sr. told the Board he told them they were putting the device in the wrong place, but they went ahead and put it in anyway.

After some discussion it was decided that President Sgarrella and Mr. Jesse Barton would email Mr. Joseph Fackrell with USGS telling USGS what they did was wrong and their time is coming to an end, they only have one week left on their permit. Mr. Bryan Brock told the Board that he wants to have the water level in the District's canals raised 1 foot. Mr. Carter Sr. told the Board he could raise the float by a foot, but will need to keep a close eye due to Mr. Vince Chavier field (Northwest end).

13. 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. After some discussion President Sgarrella entertained a motion to approve Resolution No. 2022-12 Ratifying the COVID-19 State of Emergency and Authorizing Remote Teleconference Meetings Pursuant to the Ralph M. Brown Act, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Good NOES: None ABSTAIN: None ABSENT: None, motion carried.

14. BOARD TO DISCUSS AND POSSIBLY ACT ON A FENCE ENCROACHMENT BETWEEN LEVEE STATIONS 370+00 AND 450+00.

Mr. Ricky Carter Sr. reported to the Board that he, Mr. Ricky Carter Jr., Mr. Jaime Mr. Rodriguez and Mr. Juan Mercado Jr. met to discuss the fence that was put up by the edge of the Levee Road and the District's toe ditch between Levee Stations 370+00 and 450+00. The fence is in violation of the District's Rules and Regulation that was passed and signed on May 18, 2010. Mr. Carter Sr. read notes from his daily journal, they read as follows: On July 8, 2021, Mr. Carter Sr. spotted for Mr. Marvis McBride with excavator near power lines-unable to clean about 120 feet of toe ditch due to Mr. Jaime Rodriguez fence too close to the District toe ditch line. The fence needs to be relocated!

On July 9, 2021, Mr. Marvis McBride called and said he is having trouble getting past the gate area just south of the Pole Line Road. Mr. Ricky Carter Sr. showed the Board on the wall map where the fence is located at. It was suggested by Mr. Juan Mercado to wait and see if Mr. Ricky Carter Jr., can clean the ditch with the fence in place. Mr. Carter Sr. told the Board that Mr. Cole Bakke runs his sheep from the road to the toe ditch to help keep the weeds down. The District still needs to mow and clean the ditches in this area. Mr. Mercado told the Board that the most important thing is that the levee remains safe. If the District says the fence has to be moved, then it needs to be moved. The Department will be 100%, behind the District's decision. After some discussion it was decided that Mr. Ricky Carter Sr., Mr. Ricky Jr. Mr. Juan Mercado Jr. and Mr. Jaime Rodriguez would try to come to some type of solution, Mr. Carter Sr, will send an email to the Board letting the Board know what was decided.

15. 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 AN UPDATE AND DISCUSS.

Update from Ms. Elizabeth Davis with Solano Resources Conservation District (SRCD), reported to the Board that SRCD mapped Alligator weed (Alternant Hera philoxeroides) populations along Twitchell Setback Levee and contacted Department of Boats and Water Ways and State Parks to come out and spray Alligator weed. Alligator weed was sprayed with herbicide on June 29, 2022. Likely one more follow up spray will be necessary this year in the coming months. SRCD will also be following up to treat yellow flag iris (Iris pseudacorus) also mapped along Twitchell Setback levee in coming months. Mr. Jesse Barton told Ms. Davis if she would write a summary of her report and email it to him, he would give her report to the Board and she would not have to wait so long to give her report to the Board. Also he asked her to send the contact information on who did the treatments of the alligator weed for SRCD.

Ms. Otome Lindsey reported to the Board after last month's meeting the retention for TW14-1.1 had been approved and TW-14-1.2 will have its own retention. After some discussion it was decided that Mr. Ricky Carter Sr. will raise the floats 3 inches at a time to see how things go, if needed raise additional 3 inches, making sure to not flood the mitigation site.

16. 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 AND DISCUSS HABITAT AND RIGHT OF WAY ISSUES.

Mr. Jesse Barton told the Board the issue is that the Department of Water Resource (DWR) wants to build a habitat site up to the levee landside toe. The District desires to maintain a right-of-way at the levee toe for future levee work. DWR was to have someone come and have a survey performed. The Board went over scenarios about if the gates at each end of the Twitchell Island Road fail. Ms. Jenifer Hogan asked who

controls the dam gates. Brannan Andrus Levee District controls the dam gates. Mr. Chris Neudeck said that the District should have some type of control over the dam gates.

After some discussion Mr. Chris Neudeck told the Board that he will pull the CPT boring wells reports that were done on Sevenmile Slough. Mr. Otome Lindsey asked if the assessment DWR pays cover spraying weeds. Mr. Barton said a portion of the assessment goes to paying for spraying weeds. Ms. Lindsey asked for the District to spray the blackberries (between Levee Station 315+00 and 230+00 where the blackberries have been removed), so they won't come back. Mr. Barton reported that the change order has been approved and signed (the document was signed today by DocuSign by the Board). The Board discussed the issue of the right of way, no action was taken on the matter. Only a punch list of things that need to be done.

1. Have a survey done 2. Review the CPT Boring Reports.

17. 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. Bryan Brock reported to the Board the change order to the contractor (Mr. Bruce Gornto), to continue to perform maintenance work for the Subsidence Mitigation Funding Agreement (SFMA) has been signed by DWR. No rice will be planted this year.

18. PROJECT FUNDING AGREEMENT TW-18-1.0-SP-(EXPIRES 12-31-2022). BOARD TO HEAR AN UPDATE ON THE DELTA LEVEES SPECIAL FLOOD CONTROL PROJECT PROGRAM FIVE YEAR PLAN AGREEMENT.

Mr. Chris Neudeck went over the Draft 5 Year Plan agreement (without appendices) which is included in his engineering report. The 5 Year Plan has been submitted to the Department of Water Resources.

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

President Sgarrella reported to the Board the solar property easement has been recorded.

There was a problem with the timer at the District's pump station, the timer was not set right. Mr. Ricky Carter Sr. and Mr. Ricky Carter Jr., Mr. Jack Wilber and President Sgarrella met at the District pump station and found out what the problem was with the timer. The timer did not have Saturday and Sunday on the program. The program has been changed. This will eliminate the issue of the pumps running the wrong time on the weekends.

20. BOARD WILL REVIEW AND POSSIBLY APPROVE HIRING A CEQA CONSULTANT TO PERFORM CEQA REVIEW FOR THE SOLAR ARRAY EASEMENT PROJECT JUST NORTH OF THE DISTRICT'S PUMP

STATION.

Nothing to report on this matter.

21. BOARD TO REVIEW AND POSSIBLY GIVE AUTHORITY TO ADVERTISE FOR BIDDERS FOR THE 2022 LEVEE IMPROVEMENT PROJECT ALONG THE SAN JOAQUIN RIVER BETWEEN LEVEE STATIONS 450+00 TO 530+00.

Mr. Chris Neudeck reviewed with the Board a list of things that needs to be done. The process of approving the project could take from 6 months to a year.

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

I. AB 360 Delta Levee Subventions Program

A. Look under item number 18.

B. Mr. Neudeck reviewed with the Board the summary for the Delta Items for June 2022 reported by colleague Mr. Gilbert Cosio with River Delta Engineering Consulting.

Attached Exhibit B is a summary of the meetings being monitored during the month of June 2022.

II. District's Drainage Pump Stations

A. Mr. Neudeck reviewed with the Board the status to replace motor on Pump No. 2. New motor received at Moorman Pump Yard this past week and Moorman working on column this week. Installation planned for July 28-29th. President Sgarrella will work with Mr. Dave Carr with KSN on having Pump No. 2, set up to be able to run on solar power.

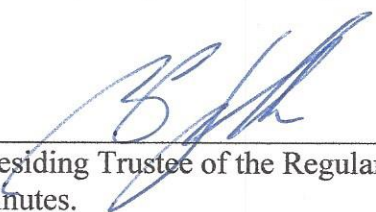
23. SUPERINTENDENT REPORT: Mr. Ricky Carter Sr.

- Routine levee patrols daily.
- Checked pumps and oil in the pumps at pump station daily.
- Drove to Sacramento County to register Assessment Calls 30 and 31 with the county.
- On July 5th and 6th, Mr. Ricky Carter Jr. instructed new employee for Brannan Andrus on operation of District equipment.
- On-line paid for new burn permit for the District.
- Met with Mr. Juan Mercado, Mr. Cole Bakke, Mr. Jaimie Rodriguez, Mr. Ricky Carter Jr., and Mr. Ricky Carter Sr. on sheep and fence issues.
- Brought Cab Air here to fix the District's excavator AC.
- Drove to Stockton and delivered the District's Subvention claim to KSN.
- On July 13th and 14th, Mr. Ricky Carter Sr. and Mr. Ricky Carter Jr did King Tides levee inspections.
- The District's excavator got stuck at the Setback Levee. Asta here to unstick it.
- Called Mr. Greg Moorman at Moorman Pumps left message.
- Rodent control (4) beavers.
- USGS installed instruments on the District's pump station.
- Called Moorman Pump about the status of the District pump number 2.
- Called Grow West and met with PCA for chemical application.

- Called Mr. Bill Reynolds about spraying with the drones.
- On July 15th at 10:00 am, met with Trustee Preston Good.
- On July 18th met with President Barry Sgarrella at the District's pump station.

24. ADJOURN:

The regular meeting of the Board of Trustees will be called to order August 16, 2022, at 9:00 am, the special meeting was adjourned at 11:55 am.



Presiding Trustee of the Regular Meeting July 19, 2022, certified the above minutes.



Secretary