

## **RECLAMATION DISTRICT NO. 1601**

**306 Second Street  
Isleton, CA 95641**

### **Minutes of the Board of Trustees Regular Meeting October 15, 2024**

#### **1. CALL MEETING TO ORDER.**

President Sgarrella called the regular meeting of the Board of Trustees (Board) to order on October 15, 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, Ms. Ceci Giacomia, Mr. Richard Silva, Mr. David Julian, Mr. Cleveland Bellard and Mr. Cole Bakke.

Attending by conference call, District's secretary Mrs. Linda Carter and Mr. Ricky Carter Sr.

#### **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 September 17, 2024, regular meeting minutes as presented, motion was seconded by President Sgarrella, 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. President Sgarrella reviewed the accounts payable before today's meeting.

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

On September 18, 2024, deposit \$504.39 NOAA payment (Utilities reimbursement for August 2024). On October 8, 2024, payment to PERS for \$1,023.86. On September 30, 2024, deposit \$ 538,240.97m DWE payment for Assessment Call 33 and \$131.00, from RD 536 for rent payment.

After some discussion President Sgarrella entertained a motion to approve accounts payable of \$138,000.00, 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 Gill, 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 \$55,430.05, 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, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried.

Account Receivable: DWR Trust: \$4,779.75

Account Receivable: NOAA: \$1,008.78 (weather station utilities reimbursement 8/24-9/24).

Account Payable: Retention due to Hanford ARC: \$34,069.04.

Special Project Invoices Pending Approval: \$240,076.52.

Subventions Claim FY 2023-2024: \$414,100; Expected Reimbursement: \$301,650.

**5. BOARD TO HEAR AN UPDATE ON ASSESSEMENT CALL NO. 33, BASED UPON OPERATION AND MAINTENANCE VALUATION ASSESSMENT ROLL DATED JULY 21, 1992.**

Mrs. Perla Tzintzun-Garibay reported to the Board that the District has received DWR's payment.

**6. BOARD TO DISCUSS RENEWING OR BIDDING NEW LEASE FOR NORTH CHEVRON POINT PROPERTY.**

Mr. Jesse Barton reminded the Board at last month's District meeting the Board had asked Mr. Barton to speak with the three individuals who showed interest in leasing the north Chevron Point property. After speaking with the individuals, it seems to be a good idea for the lease to go out to closed sealed bid. Mr. Richard Silva spoke with Mr. Barton and told him that he installed the fencing around the Chevron Point property and if the District where to lease the property to someone other than Ms. Lisa Baker, then he will remove the fence. The District would have to lease the property unfenced. Mr. Barton called Mr. Silva back the next day and asked Mr. Silva to prepare a cost estimate of what it would cost to fence the property. Mr. Barton emailed the cost to the Board; he did not bring the cost estimate from Mr. Silva for today's meeting. The amount was \$169,000 for four miles of fence. Mr. Barton told the Board he then went back and reread the lease the District has with the Bakers. Lease number one is from 2015 to 2019. On top of the first page of the lease the term of the lease is from April 15, 2015 to December 31, 2019. The fencing issue came up in 2015. Under section one of the lease, it was acknowledged that there was some existing perimeter fencing. Under section two of the lease Special Provisions page 2 of 7 paragraph 6 of the lease it states: Upon the expiration of the lease or sooner termination, all improvements, including the fence, will become the sole property of the District. It was included in the current lease number two as well. Lease number two is from January 1, 2020 to December 31, 2024. In the mean time Mr. Barton emailed each of the bidders canceling the bid. Mr. Barton said he had spoken with President Sgarrella and it was decided that the Board would have a closed session today so the Board can talk about the price and terms of the lease



for this property. At this time no action taken. Once the meeting is over Mr. Barton will notify the bidders and Ms. Ceci Giacomini of any reportable action.

**7. BOARD TO DISCUSS AND POSSIBLY ACT ON HIRING A NEW LABORER.**

Mr. Ricky Carter Jr. reported to the Board he met with an employee candidate yesterday. He seems to be a good candidate he has worked for Warren E. Gomes Excavating Inc. and Mr. Steve Smith on the pump station. Mr. Carter has not received any other qualified candidates. Since the bad weather is coming; time is running out and the Board prefers not to hold a special meeting and would rather hire someone by the November meeting. After some discussion President entertained the following motion: have Board member Trustee Huston work with Mr. Ricky Carter Jr. to the interview and possibly hire the new candidate. Mr. Jesse Barton and Mrs. Perla Tzintzun-Garibay will work on any necessary pre-employment items, back ground check, drug screening and setting up payroll, motion was seconded by Trustee Gill, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None, ABSENT: None, motion carried.

Mr. Jesse Barton told the Board Sherman Island (RD 341) does not want to be involved with hiring someone for the DWR special projects on Twitchell Island (RD 1601). RD 341 is requesting RD 1601 to do the hiring this time.

Mrs. Perla Tzintzun-Garibay suggested stopping the District's indeed account and start a new account for DWR. It was decided that Mr. Ricky Carter Jr. will work with Mr. David Julian on finding someone to hire for the DWR special projects.

**8. BOARD TO CONSIDER HIRING A CONTRACTOR TO PERFORM LABOR AND MAINTENANCE FOR THE DISTRICT.**

Mr. Ricky Carter Jr. told the Board that he hired Gornto Ditching to come out and do some cleaning on canal C-1. Mr. Carter Jr. has been spraying while Mr. Carter Sr. was spreading the spoil piles with the District's dozer.

**9. BOARD TO HEAR AN UPDATE AND DISCUSS EXPLORING A SOLAR POWER ALTERNATIVE TO POWER THE RD 1601 PUMP STATION. THE BOARD WILL REVIEW AND CONSIDER AWARDED TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER OF THE DISTRICT'S SOLAR ARRAY PLANS.**

President Sgarrella reported to the Board that the lowest responsive responsible bidder from Panelized Structure Inc. (PSI), in the amount of \$1,545,503.66 was received, it was less than the engineers estimated. There are some things that the District will want to add on to the bid in order to perfect the contract with PSI. We will want to add 13b of the contract bid for \$235,000, to the bid. This is for supplying and installing two 600 Amp main circuit breakers. On 14b, was another option is for directional drill through the toe ditch and install power President Sgarrella and Mr. Neudeck didn't think was required.

President Sgarrella told the Board the current bid shows JA Solar panels that was suggested by the electrical engineer and Kern Solar. The District cannot use the panels from them since they are not manufactured in the United States. This would mean the District would lose out on a 10% rebate for using domestic panels. President Sgarrella

is working on an engineering change proposal which will not be part of the contract it will be added at a later time. It would be to change the solar modules to an American made solar panel. Which may be coming from First Solar, they manufacture American made solar panels. President Sgarrella will continue working on rebates for this project. After some discussion President Sgarrella entertained the following motion awarding the District's Pump Station Solar Array bid to Panelized Solar for \$1,545,503.66 and \$235,000.00 (for part 13b of the bid) and \$112,500.00 (for part 14b of the bid, only if needed), Subject to receiving an executed Sacramento County building permit, motion was seconded by Trustee Gill, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None, ABSENT: None, motion carried.

Mr. Chris Neudeck told the Board that there has not been any conclusion on the PG&E transformer at this time. President Sgarrella told the Board that he just got emailed this morning from PG&E, their estimate is for \$162,000, for the new transformer and the interconnection and all the things they do for their part of the project. This was not included in today's approved bid. PG&E is proposing 658-kVA half mount transformer, which is more than the District needs. PG&E is saying since the District has a 300-kVA transformer hanging a pole, we can use this when the solar array goes on line and the District would be credited for solar. They may want the transformer mounted above flood elevation. The transformer and main switch will be on a platform on top of the levee. President Sgarrella said the platform could cost anywhere from \$50,000 to \$100,000. President Sgarrella asked PG&E if the transformer could be mounted on a pole and they told him no. The District already has the largest transformer that can be put on a pole. President Sgarrella is going to check on the cost of putting another pole in and mounting another 300-kVA transformer. This may reduce the cost to the District. Would have to split the feeds from the solar array. But PG&E may say no.

Mr. Neudeck told the Board he does not have the Sacramento County building permit yet should have the permit in the next 30 days.

**10. BOARD TO HEAR AN UPDATE ON THE NEW PURCHASED EXCAVATOR AND WHETHER THE EXCAVATOR MANY REMAIN ON DWR LAND.**

Mr. Ricky Carter, Jr. told the Board the District got delivery of the new used excavator (317GC) from Holt of California. Mr. Loui Lira with Lira Welding is building a bucket. Received an extended warranty. A woman is coming out to show Mr. Carter Jr. the app to use for the excavator.

Mr. Jesse Barton updated the Board on whether DWR will allow the District's excavator to remain on their property. Mr. Barton is still working with the DWR attorney, he has agreed to getting a letter from DWR giving the District permission. Also, Trustee Gill said he will be following up on this.

**11. BOARD TO DISCUSS AND POSSIBLY APPROVE EXTENDING THE USGS TWITCHELL ISLAND STUDY SITE ENCROACHMENT PERMIT WHICH EXPIRES ON NOVEMBER 1, 2024.**

Mr. Jesse Barton told the Board that he had received a request from USGS requesting an extension on their Twitchell Island study site encroachment permit that will expire



on November 1, 2024. Mr. Chris Neudeck reviewed with the Board the request by Mr. Jim Howle, hydrologist with USGS, to extend the encroachment permit to maintain the monitoring points along District's levee (Levee Station 220+00 to 240+00) adjacent to Sevenmile Slough to perform Aloft Interferometric Synthetic Aperture Radar (InSAR) system testing and ground truthing instruments.

After some discussion President Sgarrella entertained a motion to approve extending the USGS encroachment permit to maintain the monitoring points along District's levee adjacent to Sevenmile Slough to perform InSAR system-testing and ground truthing instruments, motion was seconded by Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None, ABSENT: None, motion carried.

**12. SEVENMILE SLOUGH LEVEE EROSION REPAIR PROJECT. THE BOARD WILL CONSIDER APPROVING A RESOLUTION ACCEPTING THE SEVENMILE SLOUGH PUBLIC ENTITY AGREEMENT (PA) AND DECLARING THE WORK EXEMPT FROM CEQA.**

Mr. Jesse Barton told the Board one thing that is different with this agreement is the District will have to pay up front and there will be a 60 to 90 day turn around for payment from DWR, so the District will be paying some interest.

After some discussion President Sgarrella entertained a motion to approve Resolution Number 2024-06, Approving Agreement with Department of Water Resources for the Sevenmile Slough Levee Erosion Repair and declare the work exempt from CEQA, motion was seconded Trustee Gill, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABESNT: None, motion carried.

**13. HABITAT MAINTENANCE-THE BOARD MAY APPROVE INDEMNITY AGREEMENTS WITH THE YOLO AND SOLANO COUNTY RCD'S.**

Mr. Jesse Barton told the Board that he had put this item on the Board for the Boards consideration. On Sherman Island (RD 341) there have been some discussion on whether or how DWR and the local RCD maintains some of the setback habitat. In order to do the work, the RCDs need to have a lake and streambeds alterations agreement because it's near the bed, bank or channel to the adjacent San Joaquin River. Mr. Barton felt uncomfortable having them doing the work without being obligated or bound to the District in case they make a mistake, so both of the RCD's have executed these agreements with RD 341. Mr. Barton has spoken with Mr. Ricky Carter Jr. about it. Mr. Carter Jr. told him they have been working well, but they need to operate under a District agreement. At the present time they are operating under DWR agreement.

After some discussion Trustee Huston entertained a motion to approve Indemnity Agreement for Services Between Reclamation District 1601 and Yolo County and Solano County Resource Conservation Districts, motion was seconded President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABESNT: None, motion carried.

**14. 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 TO CONSIDER APPROVING HANFORD ARC'S CHANGE ORDER FOR THE FOLLOWING: BROADCAST SEED CREDIT; MAINTENANCE ADJUSTMENTS; AN ADDITIONAL YEAR OF MAINTENANCE; AND A PARTIAL RELEASE OF RETENTION.**

Mr. Chris Neudeck went over with the Board the general status of the project process. Mr. Neudeck told the Board that he is asking the Board to consider approving change order #1 to Hanford ARC's contract for the Native Grass Seeding project which includes an additional year of maintenance. DWR, Stillwater and KSN Inc. have all confirmed that the pricing is reasonable. Also approve a partial release of retention to Hanford ARC.

After some discussion Trustee Gill entertained a motion to approve Change Order #1 to Hanford ARC's contract for the Native Grass Seeding project for an additional year of maintenance. Also approve a partial release of retention to Hanford ARC subject to DWR and Stillwater, motion was seconded Trustee Huston, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABESNT: None, motion carried.

**15. PROJECT FUNDING AGREEMENT TW-24-1.0-SP-PHASE 2 OF THE MULTI-BENEFIT PROJECT (EXPIRATION 12/31/2028). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS.**

Mr. Chris Neudeck told the Board this is about the Setback Levee San Joaquin project. At the last meeting KSN Inc. had prepared a letter to the Department of Water Resources (DWR) encouraging them to let the District get a head of this project and commence to some work activities subject to DWR's review and approval of this scope of work. Last week received a letter from DWR saying that the District could not move forward. Mr. Neudeck went over some of the history with the Board about the project, the project was put on the shelf some 12 years ago. Have not heard from DWR about the scope of work. Lost the work window for this year. Mr. Neudeck would like to hold a meeting with one trustee from the Board and counsel to meet with DWR, Ms. Andrea Lobato and her team to find out where the District stands. Mr. Neudeck told the Board last week they had the Delta Levees and Habitat Committee meeting. At the meeting he asked how are we coming along with our advances? He was told that advances for this round of Special Project Grants were going to be another 3-4 months out for the 3rd month in a row. Mr. Neudeck is disappointed; the District has been waiting for 12 years to get this project started. Mr. Neudeck is planning to contact Mr. Bryan Brock about the project.

**16. DWR AGREEMENT "SUBSIDENCE MITIGATION FUNDING AGREEMENT" (SMFA) (WETLAND DEVELOPMENT/SUBSIDENCE REVERSAL AND CARBON SEQUESTRATION PROJECT) (EAST END AND RICE PROJECT) (SMFA EXPIRES 12/31/2030). THE BOARD WILL HEAR A STATUS UPDATE AND AN UPDATE ON THE NEED FOR THE PROJECT EQUIPMENT. THE BOARD WILL CONSIDER APPROVING A CONTRACT THAT WILL VERIFY THE "CARBON OFFSET" OF THE PROJECT.**



Mr. Jesse Barton told the Board there is only one action item for the Board to consider. This habitat was built was for sequestering carbon sequestration through subsidence reversal and DWR wanted to obtain carbon credits for that effort. What needs to happen is the amount of carbon that has been sequestered needs to be verified by an outside entity. SCS Global Services is just such an entity. This will be paid by SMFA agreement.

After some discussion Trustee Gill entertained a motion to approve a contract with SCS Global Services to verify the carbon offset of the SMFA project, motion was seconded President Sgarrella, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABESNT: None, motion carried.

Mr. David Julian told the Board that the circulation pumps have been turned off.

**17. ENGINEERING REPORT: MR. Chris Neudeck**

- I. USGS Aloft InSAR For Levee Inspection.
  - A. Look under item number 11.
- II. Levee Distress at Levee Station 60+00 Along Threemile Slough.
  - A. Look under item number 18.
- III. Project Funding Agreement TW-24-1.0SP-Phase I-Setback Levee San Joaquin.
  - A. Look under item number 15.
- IV. DWR Systemwide Multi-Benefit Project Funding Scope of Work.
  - A. Look under item 12.
- V. District Pump Station Solar Array
  - A. Look under item number 9.
- VI. Project Funding Agreement TW-21-1.2 Times/TWERP Project.
  - a) Look under item number 14.
- VII. AB 360 Delta Levee Subventions Program.
  - A. Mr. Neudeck reviewed with the Board the District's Final Claim for Fascial Year 2023/2024.

Total Final Claim	\$414,100.18
Less District Share (\$1,000/Mile @ 11.9 miles)	<u>-11,900.00</u>
Total Eligible	402,200.18
<b>Max Reimbursement =75% Eligible</b>	<b>\$301,650.14</b>

**18. BOARD TO CONSIDER DECLARING A LOCAL EMERGENCY-THE BOARD WILL HEAR A REPORT ON A LARGE SINKHOLE AT LEVEE STATION 60+00, WHICH IS ALONG THREEMILE SLOUGH. THE BOARD MAY APPROVE UNDERTAKING PREVENTATIVE MEASURES, MAY NEED TO DECLARE A LOCAL EMERGENCY, MAY APPROVE EXECUTING EMERGENCY CONTRACTS AND MAY DECLARE THE WORK EXEMPT FROM CEQA.**

Mr. Chris Neudeck to the Board that a sinkhole developed in the Districts levee toe berm along Threemile Slough at Levee Station 60+00 end of September 26, 2024. It was confirmed upper sinkhole is located at the previously repaired United States Army Corps of Engineers (USACE) prior to the Districts 1999 Toe Berm Placement. Lower sinkhole is located within overlap of RD 1601, 1999 berm and USACE berm. Today Mr. Neudeck will seek an emergency declaration and perform the repair of the sinkhole

in the toe berm and restabilize the levee at Levee Station 60+00. Mr. Neudeck explained to the Board what has taken place and what needs to be done. Based upon the time-lapse pictures, the sink is gradually getting larger and carrying sediment. Mr. Neudeck came out and decided to hire Asta Construction to bring in fill material in case of a levee failure. Asta Construction came in last night and brought in 5 loads of material on both sides. Had high tide last night, Mr. Ricky Carter Sr. and Mr. Rick Carter Jr. were up all night watching and dispatching information. The levee continued to move, but not to the point of failure. Mr. Neudeck would like the District to issue Asta Construction an emergency contract, Mr. Neudeck does not have the total figure right now, it could go up to \$250,000 to \$500,000. Will go in and remove the lower lens of fabric and restore the foundation. Put in foundation sand, re-gravel all the way back up to the elevation where the gravel was designed originally and put fill back in place. A cut off wall would cost from three quarters of a million dollars to one million dollars. There is continue seepage and blue sand. Not going to remove the blue sand at the toe ditch. Mr. Neudeck told the Board that 2 excavators 1 dozer will be needed. They will start from the inside going out, material will be on standby if there is a problem. DWR and United States Army Corps of Engineers are aware of the problem. After some discussion President Sgarrella entertained a motion to approve declaring and executing a local emergency for the reported large sinkhole at Levee Station 60+00, which is along Threemile Slough. Give approval for undertaking preventative measure, executing contracts and declare the work exempt from CEQA and authorizing Mr. Neudeck to oversee emergency contract for up to \$600,000 and approve Resolution 2024-07, motion was seconded Trustee Gill, VOTE: AYES: President Sgarrella, Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABESNT: None, motion carried.

#### **19. SUPERINTENDENT REPORT: MR. RICKY CARTER JR.**

- Made routine levee inspections rounds.
- Checked oil in the District's pumps at the pump station.
- Continued mowing levee.
- Spreading spoils with dozer along C-2 canal with the District's dozer.
- Received the check for the District's new used short reach excavator.
- Met with Holt of California to give them the check for the new used short reach excavator. Then received delivery of the new used Districts short reach excavator.
- Met with a couple potential candidates for hire.
- Found a sink hole at Levee Station 60+00, reported it to KSN and monitored it. Met with KSN and ENGEO to survey the sink hole, and dig test holes.
- Mr. Ricky Carter Jr. met with Asta Construction Co. to have them fill top cracks by the Threemile Slough levee road at Levee Station 60+00.
- Check the sink hole at Levee Station 60+00 daily.
- Had Gornto Diching come out to work on a beaver den on the District's C-1 canal.
- Applied 2 applications on the C-1, C-2 and C-4 canals for aquatic weeds.



**20. CLOSED SESSION-CONFERENCE WITH REAL PROPERTY  
NEGOTIATORS Property- North Chevron Point.**

Closed at 11:07am.

Opened at 11:32am.

Report: The Board will send out and receive sealed bids for a lease for five years for the North Chevron Point property, which will increase each year on 390 acres (APN 157-130-026). The first lease payment will be required once the lease is signed. The sealed bids will be opened at the November 2024, meeting.

**21. ADJOURN REGULAR MEETING.**

The next regular meeting of the Board of Trustees will be called to order November 19, 2024, at 9:00 am, the regular meeting was adjourned at 11:35 am.



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Presiding Trustee of the Regular Meeting October 15, 2024, certifies the above minutes.

  
Secretary