

RECLAMATION DISTRICT NO. 1601

**306 Second Street
Isleton, CA 95641**

**Minutes of the Board of Trustees
Regular Meeting
November 21, 2023**

1. CALL MEETING TO ORDER.

President Barry Sgarrella called the regular meeting of the Board of Trustees (Board) to order on November 21, 2023, at 9:03 a.m. ROLL CALL: In attendance: President Barry Sgarrella and Trustee Dave Huston. 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. Absent, Trustee Jasbir Gill
Also attending, Mr. Ricky Carter Sr., Ms. Ceci Giacomia, Mr. David Julian, Mr. Dominic Calabro and Mr. Richard Silva.
Attending by conference call, District's secretary Mrs. Linda Carter and Ms. Otome Lindsey.

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. Richard Silva told the Board that he thinks the District needs to put a no trespassing sign up by the Threemile Slough gate.

3. MINUTES FOR REGULAR MEETING.

President Sgarrella entertained a motion to approve the October 17, 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.

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

On October 24, 2023, deposited \$131.67, from RD 536 for October rent payment.

On November 8, 2023, EFT payment to PERS for \$916.66, due to the timing of the due date. On November 17, 2023, deposited \$465.54, from Personnel Concepts refund \$333.87 and Rd 536 November rent payment for \$131.67. On November 17, 2023, deposited \$542,549.89, from Department of Water Resources for Assessment Call 32 payment.

Mrs. Perla Tzintzun-Garibay reported to the Board that a revised invoice for \$11,432.78 (November 2021-September 2023), was sent to NOAA. Have not heard from Mr. Tom Ayers, calls and emails have remained unanswered. Mr. President Sgarrella will get in touch with Mr. Ayers, to tell him NOAA has 15 days to pay the invoice in the amount of \$11,432.78, if not paid within 15 days the power will be shut off to the NOAA trailer.

Mr. Chris Neudeck told the Board that under accounts payable, under item Security Expense, the invoice from RACO for the alarm service for the pump station for the amount of \$2,289.71, it should be paid by KSN. After some discussion Mrs. Perla Tzintzun-Garibay gave the RACO invoice to Mr. Neudeck for KSN to pay and she will void check 1291.

After some discussion Trustee Huston entertained a motion to approve accounts payable of \$165,000.00, (invoices that were presented today, minus check 12491 for the amount of \$2,289.71 and DWR invoices), from Bank of Stockton 1878 (General Account) into the Bank of Stockton 4201 (Checking Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

After some discussion Trustee Huston entertained a motion to approve the transfer of \$14,320.09, from Bank of Stockton 3167 (TW 21-1) TIMES, into the Bank of Stockton 1878 (General Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried. After some discussion Trustee Huston entertained a motion to approve the transfer of \$63,032.87, from Bank of Stockton 3167 (TW 21-1) TIMES, into the Bank of Stockton 1878 (General Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried. After some discussion Trustee Huston entertained a motion to approve the transfer of \$7,260.15, from Bank of Stockton 2223 (SMFA) Wetland Deployment into the Bank of Stockton 1878 (General Account), motion was seconded by President Sgarrella, VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill, motion carried.

Account Receivable: Assessment Call No 32: None

Account Receivable: DWR Trust: \$4,412.87

Account Receivable: NOAA: \$11,432.78 (weather station utilities reimbursement 11/21-9/23).

Special Project Invoices Pending Approval: \$155,610.66

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

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 to the Board everyone has paid.

6. 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). THE BOARD WILL HEAR A STATUS UPDATE AND DISCUSS. THE BOARD WILL ALSO CONSIDER APPROVAL OF THE DRAFT INITIAL STUDY AND MITIGATED NEGATIVE DECLARATION FOR THIS PROJECT, WHICH WILL INCLUDE ADOPTING A NOTICE OF INTENT TO ADOPT AND A NOTICE OF COMPLETION.

Mr. Chris Neudeck discussed with the board the pre-construction meeting that was held on Tuesday November 14, 2023, for the TIMES Native Grass Seeding Project. The contractor Hanford Applied Restoration and Conservation (Hanford ARC), is working on a seeding schedule and submittals and is expecting to mobilize the week of November 27th. Depending on rain (or lack thereof), they may have to irrigate using the two siphons along Sevenmile Slough. KSN has already been in touch with Mr. Jaime Rodriquez and will continue to coordinate with him as needed. The goal is to have the seeding done by December 31, 2023, and there is a maintenance period until September 30th of next year.

Mr. Jesses Barton told the Board that Ducks Unlimited has prepared an initial study and mitigated negative declaration for the District, Twitchell Island Wetland Enhancement and Restoration Project. A copy went out with the District's agenda. No comments from District staff. It is a very low impact, it is taking agriculture and turning into habitat.

It now has to go out for public review, before that can take place the Board will need to adopt a Notice of Intent to Adopt a Mitigated Declaration for the Twitchell Island Wetland Enhancement and Restoration Project. The proposed Mitigated Negative Declaration and Initial Study will be available for public review and comment until 5:00 PM on December 22, 2023. Comments received after this time will not be accepted. At a Reclamation District 1601 meeting scheduled for January 16, 2023, or February 20, 2024, the Board of Trustees of RD 1601, will consider the approval and adoption of a Mitigated Negative Declaration on the environmental impacts of the project entitled "Twitchell Island Wetland Enhancement and Restoration Project." Along with a Notice of Completion and Environmental Document Transmittal for the State Clearinghouse. If the Board approves today the Twitchell Island Wetland Enhancement and Restoration Project Intimal Study /Mitigated Negative Declaration and the State Clearinghouse "Notice of Completion and Environmental Document Transmittal", Mr. Barton's office will send the documents off for the District. President Sgarrella entertained a motion to approve the Notice for the Mitigated Negative Declaration and the Notice of Completion and Environmental Document Transmittal, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill motion carried.

7. 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 can run the circulation pump now.

They are putting a manual together so they will have the information for the future. The canal has been too low to run it. Mr. Bruce Gornto (Gornto Ditching) has passed away. Gornto Ditching had the maintenance contract for this project. At this time no one knows what the future of the company is at this time. Mr. Julian will ask after Thanksgiving what their plans are. At last month's meeting it was decided that California Department of Fish and Wildlife would be holding waterfowl hunts on Twitchell Island including the rice field project. Mr. Julian spoke with Mr. Gornto about the whereabouts of the signed hunting agreement with him for in the rice field project area. Mr. Julian doesn't know if Mr. Gornto understood him or not but, no signed agreement has been found. In the meantime a good friend of Mr. Gornto, Mr. Brad Womble has looked through the trailer at the rice field project and he has not found any such agreement. It was decided that Mr. Womble working with Mr. Julian would contact all of the hunters and have each one come and get their hunting things (such as blinds and 4X4's), that are stored at the rice field project. No CDFW hunting will take place this year at the rice field project on Twitchell Island. No private hunting, the hunters can only come and get their stuff. Mr. Brad Womble will be the agent to talk to along with Mr. Ricky Carter Jr. and Mr. Julian. If there are any problems, then law enforcement will be called if necessary. Mr. Julian explained that in 2013, the rice project expired and it has been running on a yearly lease, the lease may go out to bid. Mr. Julian told the Board that there is a diesel spill found at the rice project. It was discovered when Department of Water Resources scientists were out doing work on the Phase I environmental review for the TIMES project when they spotted the spill. DWR reported it to Sacramento County; they did not let DWR real estate department know about the problem until after informing the County. Sacramento County sent letters about the spill and finally Trustee Jas Gill found out about the problem. In the mean time someone has moved the leaking equipment, the spill area dirt has been removed or covered up. DWR is waiting for all of the letters from the Sacramento County to catch up with them. SMFA will cover the cost, they are still waiting for work from Sacramento County. Other equipment was documented as leaking as well.

8. BOARD TO DISCUSS THE RISING COST OF THE ELECTRICITY USED FOR THE DISTRICT'S PUMPS.

President Sgarrella told the Board that the PG&E bills are still running around \$7,000 per month. PG&E's rates keep going up, they just put in for a 12% rate raise starting January 1st. Still don't know where all the water is coming from. Mr. David Julian told the Board they are still working on fixing leaks at the rice project. Mr. Julian also said they are not running the circulation pump right now. Mr. Ricky Carter Jr. told the Board they have been trying to keep canal C-1 clean, and they are doing some work on the canal C-1 to stabilize it, it keeps sluffing off.

9. 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 that KSN is still working on bid packages.

10. BOARD TO REVIEW AND CONSIDER ACCEPTANCE OF THE DEPARTMENT OF WATER RESOURCES OFFER TO FUND THE DISTRICT'S PROJECT SOLICITATION PROPOSAL FOR THE SAN JOAQUIN RIVER MULTI-BENEFIT PROJECT.

Mr. Chris Neudeck reviewed with the Board the State of California Department of Water Resources correspondence dated November 1, 2023, selecting the District's Project for 2023 Projects Solicitation Package for Multi-Benefit Projects. Mr. Neudeck asked the Board of Trustees to consider accepting the project award and commence seeking a Project Funding agreement in the amount of \$15,000,000.00.

Mr. Neudeck reviewed with the Board the task list for reach 6. There are still things that need to be updated or needs to be finished. Preliminary cost estimate (to be updated), Funding from DWR Delta Levees Special Projects \$15,000,000 (85.3%). Other funding (District, Delta Conservancy, etc.), \$2,583,100 (14.7%). The District will need to seek cost share funding from the Delta Conservancy.

Mr. Jesse Barton told the Board that he is planning on making some changes to the PFA. If the District cannot get cost share funding from another agency, the District will have to get funding from a bank. The Board talked about breaking the project into phases. After some discussion President Sgarrella entertained a motion to accept the award from Department of Water Resources for the Project Solicitation Package for the San Joaquin River Setback Levee Reach 6 project funding, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill motion carried. Mr. Barton has a letter for President Sgarrella to sign.

11. ENGINEERING REPORT: MR. CHRIS NEUDECK

I. Project Funding Agreement TW-21-1.0 TIMES Project

A. Look under item number 6.

II. Delta Levee Subventions Project-Special Project Multi-Benefit PSP-San Joaquin River Setback Levee Reach 6.

A.-C. Look under item number 10.

12. SUPERINTENDENT REPORT: MR. RICKY CARTER JR.

- Made daily levee station inspections.
- Checked pumps and oil in the pumps at pump station.
- Had an earth-quake on Twitchell Island, patrolled for a couple days, checking for cracks on the levee. Found some cracks at Levee Stations 510+00 to 515+00 close to the waterside slope. Some cracking at Levee Stations 490+00 to 480+00, 430+00 to 440+00.
- Went to a pre flood class in Sacramento.
- Rodent control on beavers and squirrels.
- Worked on the District's Kubota tractor to address an overheating issue.
- Worked on pricing a new mower deck and parts for the District's Kubota tractor.
- Had yearly inspection with Department of Water Resources and California Department Fish and Wildlife.
- Made high tide (high water) patrols.
- Worked on subventions reports.

- Worked on the District's email that was hacked.
- Continued mowing the levee.
- Continued cleaning the toe ditch.
- Had Asta Construction out a few times to help unstick the District's excavator.

The day of the earth-quake Mr. Ricky Carter Jr. and Mr. Dominic Calabro were up in Sacramento for a pre flood class. Mr. Ricky Carter Sr. and a few of Mr. Richard Silva's men went out to check on the levees until Mr. Carter Jr. and Mr. Calabro could make it back from Sacramento. The cracks have healed up on their own. Mr. Carter Jr. has been pricing for a new mower deck and or prices for parts for the District's Kubota tractor. When the District Kubota tractor over heats, Mr. Calabro goes and cleans the toe ditches. Before Mr. Calabro was hired Mr. Carter Jr. noticed the District's Kubota tractor was overheating, cleaned the radiator, and still would over-heat. The blades were worn out on one side. Mr. Carter Jr. talked with Antonio and he let Mr. Carter Jr. put on one of Gornto Ditching's mower decks on the Kubota tractor, had same problems. The tractor over heated. The mower deck might be able to be repaired for around \$3,500.00, for the parts then another \$150.00 per hour for labor, could take 8 or more hours.

Mr. Neudeck told the Board it needs to be mowed now. After some discussion President Sgarrella entertained a motion to approve a onetime increase of \$15,000 for Mr. Carter Jr. spending authority, so he can purchase a mower deck for the District's Kubota tractor, motion was seconded by Trustee Huston VOTE: AYES: President Sgarrella and Trustee Huston NOES: None ABSTAIN: None ABSENT: Trustee Gill motion carried.

13. CLOSED SESSION-CONFERENCE WITH LEGAL COUNSEL – ANTICIPATED LITIGATION SIGNIFICANT EXPOSURE TO LITIGATION PURSUANT TO PARAGRAPH (2) OF SUBDIVISION (D) OF SECTION 54945.9. ONE CASE.

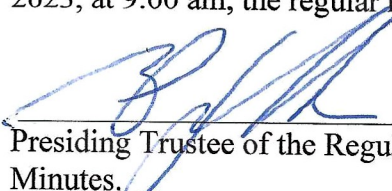
Closed Session: 10:16 am

Open Session: 10:23 am


Report: No reportable action.

14. ADJOURN REGULAR MEETING.

The next regular meeting of the Board of Trustees will be called to order December 21, 2023, at 9:00 am, the regular meeting was adjourned at 10:24 am.



 Presiding Trustee of the Regular Meeting November 21, 2023, certifies the above Minutes.



 Secretary