

# RECLAMATION DISTRICT NO. 1601

306 Second Street  
Isleton, CA 95641

## Minutes of the Board of Trustees Regular Meeting September 17, 2024

### 1. CALL MEETING TO ORDER.

Trustee Dave Huston called the regular meeting of the Board of Trustees (Board) to order on September 17, 2024, at 9:05 a.m. ROLL CALL: In attendance: 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. Cleveland Bellard and Mr. Cole Bakke.

Attending by conference call, District's secretary Mrs. Linda Carter and Mr. David Julian.

Absent: President Barry Sgarrella.

### 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 August 20, 2024, regular meeting minutes as presented, motion was seconded by Trustee Huston, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried.

### 4. MINUTES FOR SPECIAL MEETING.

Trustee Gill entertained a motion to approve the September 17, 2024, special meeting minutes as presented, motion was seconded by Trustee Huston, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried.

### 5. ACCOUNTS PAYABLE.

Mrs. Perla Tzintzun-Garibay went over the accounts payable, accounting notes and financial statements with the Board. Trustee Gill reviewed the accounts payable before today's meeting.

Mrs. Perla Tzintzun-Garibay also noted the payments and deposits made between meetings: On August 23, 2024, deposit \$15,972.29 NOAA payment (Utilities reimbursement 11/11/21-6/30/24). On September 6, 2024, payment to PERS for \$1,833.03. On September 10, 2024, deposit \$91.84 US Bank rebate.

After some discussion Trustee Huston entertained a motion to approve accounts payable of \$145,000.00, 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: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None, ABSENT: President Sgarrella, motion carried.

After some discussion Trustee Huston entertained a motion to approve the transfer of \$256.56, from DWR 5-YearPlan (18-1.0), into the Bank of Stockton 1878 (General Account), motion was seconded by Trustee Gill, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried. After some discussion Trustee Huston entertained a motion to approve the transfer of \$7,553.99, 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: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried.

Account Receivable: DWR Truste: \$4,779.75

Account Receivable: Assessment Call No. 33: \$538,240.97 (DWR).

Account Receivable: NOAA: \$1,008.78 (weather station utilities reimbursement 7/24-8/24).

Account Payable: Retention due to Hanford ARC: \$31,071.52.

Special Project Invoices Pending Approval: \$178,487.58.

**6. 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 DWR's payment is being processed.

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

Mr. Jesse Barton told the Board the District had received a letter from Ms. Lisa Baker stating her intentions of wanting to renew the lease from the District for north Chevron Point property, if the District and Ms. Baker can come to an agreement on the terms. The lease expires on December 31, 2024, the yearly payment has been \$175.00 per acres for 394 acres (APN 157-130-026). Before the meeting Mr. Richard Silva (property manager for Ms. Baker) called President Sgarrella before President Sgarrella left for his vacation. Mr. Silva asked for this matter to be postponed. President Sgarrella stated that no action was expected to be taken at the meeting. It was decided by the Board to keep this matter on the agenda. After the meeting today, Mr. Barton will talk to and obtain information from Mr. Cleveland Bellard, Mr. Cole Bakke and Ms. Lisa Baker who have showed interest in leasing the property. He may request bids. No action taken.

**8. BOARD TO HEAR AN UPDATE AND POSSIBLY APPROVE A MUTUAL AID AGREEMENT WITH RIVER DELTA FIRE DISTRICT TO PROVIDE EMERGENCY SERVICES DURING HIGH -WATER EVENTS.**

Mr. Jesse Barton told the Board the only fire district interested in a mutual aid agreement with Reclamation District 1601(District) is River Delta Fire District (RDFD). This is going to be a two-step agreement. If the District needs assistance in an emergency the City of Rio Vista Fire Department will be contacted first. If they are not available then RDFD will respond to the emergency. When it's not an emergency, but assistance is needed like in a flood fight, then the District can call the RDFD first and directly. If RDFD has personnel available, RDFD would make personnel available to the District. It is not clear if the District will need to pay a fee. Mr. Barton told the Board that he added Sherman Island to the agreement and he is going to present the agreement to Sherman Island to see if they want to enter into the same agreement. Mr. Barton told the Board that he just found out that there are plans to shut down the Rio Vista bridge for several days at several times in the upcoming weeks. After some discussion Trustee Huston entertained a motion to approve entering in to a mutual aid agreement with River Delta Fire District to provide emergency services when the City of Rio Vista Fire Department cannot respond. Also, the District will be able to contact River Fire District when it's not an emergency, River Delta Fire District will send personnel if they have any personnel available, motion was seconded by Trustee Gill, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried. Trustee Huston signed the agreement between the District and River Delta Fire District.

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

President Sgarrella not here today. Nothing to report.

**10. BOARD TO HEAR AN UPDATE DISCUSS AND POSSIBLY APPROVE TERMINATING NOAA'S ELECTRICITY SERVICE.**

Mrs. Perla Tzintzun-Garibay reported that NOAA has paid their utilities reimbursement to the District up to July 2024.

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

Mr. Ricky Carter Jr. reported to the Board that he has received a couple of applications. Mr. Carter Jr. called one of the candidates and was told that the candidate had just got hired by someone else. Mr. Chris Neudeck told the Board that previous District employee Mr. Marvis McBride has shown some interest of him wanting his job back with the District. Mr. Jesse Barton told the Board Mr. McBride can put his application and resume in for consideration. Mr. Carter Jr. told the Board he got some quotes for contract work for cleaning the canals, toe ditches, spreading the spoil piles and spraying. This matter will be discussed at next months meeting, as a separate item on the agenda. Mr. Barton read a part of the minutes from the August 28, 2024, special meeting stating the Board approved up to \$15, 000.00 for Mr. Ricky Carter Jr. to spend on hiring to get the maintenance caught up. Mr. Carter Jr. had not yet utilized this authorization, so it is still available to him.

**12. 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 AWARDDING TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER OF THE DISTRICT'S SOLAR ARRAY PLANS.**

Mr. Chris Neudeck went over with the Board the bid summary hand out. There were four bidders, one bid was rejected for being late. The other three bidders had numerous errors in their bids. Mr. Neudeck asked the Board for two action items; one, for the Board to reject all bids and two, to authorize Mr. Neudeck to go back out to bid this afternoon. After some discussion Trustee Huston entertained a motion to approve rejecting all bids and to authorize Mr. Neudeck to go out and rebid this afternoon, motion was seconded by Trustee Gill, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried.

**13. BOARD TO HEAR AN UPDATE ON THE LOSS OF ITS EXCAVATOR, POSSIBLE REMEDIES FROM DWR, AND POSSIBLY PURCHASING AN EXCAVATOR FOR THE DISTRICT.**

Mr. Jesse Barton told the Board he is still working with the DWR attorney. Mr. Barton has asked for a letter from DWR stating that the DWR is allowing the District to leave the excavator in place. Mr. Barton has received the approval in an email but would prefer to have it in a letter form. The insurance company keeps asking Mr. Barton for the letter from DWR.

Mr. Ricky Carter, Jr. told the Board that he has finally picked out the excavator that seems to be the right one for the District. He had it brought out and he used it on a part of the toe ditch and it worked fine. The excavator has 120 hours on the meter, it has only been used as a demo and hasn't been used out on the work site. It's a basic excavator.

After some discussion Trustees Huston entertained a motion to authorize the purchase of a used Excavator (317GC) from Holt of California with a cap of \$205,000. Mr. Carter Jr. and Mrs. Perla Tzintzun-Garibay will work on obtaining a \$1,000.00 credit from renting the excavator and an extended warranty for one year. Superintendent Ricky Carter, Jr. and accountant Perla Tzintzun Garibay will work out the logistics of the purchase, including but not limited to financing all or a portion of the purchase or transferring all of or a portion of the funds necessary to acquire the equipment, motion was seconded by Trustee Gill VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, 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 WILL REVIEW AND CONSIDER AWARDDING TO THE LOWEST RESPONSIVE, RESPONSIBLE BIDDER OF THE TIWERP PLANT PROCUREMENT CONTRACT.**

Mr. Jesse Barton told the they will be reviewing and considering awarding to the lowest responsive, responsible bidder of the TIWERP plant procurement contract. Mr. Barton read a letter from Mr. Eric Almaas with KSN. The letter stated that KSN received a single bid. The bid was opened, and a general summary of bid results is shown attached to the letter. Watershed Nursery bid \$119,839.91; the Engineer's Estimate is \$110,000.00. Watershed Nursery bid is \$9,839.91 over the engineer's estimate. Mr. Almass has reviewed all the documents. Based on our review, KSN hereby recommends that the Board of Trustees of Reclamation District No. 1601 award the plant procurement contract for the referenced project in the amount of \$119,839.91 to The Watershed Nursery of Richmond, California. This project is funded by the Department of Water Resources (DWR) in accordance with Project Funding Agreement TW-21-1.2, and DWR concurs with KSN's contract award recommendation. Mr. David Julian told the Board that he had spoken with Ms. Otome Lindsey, she told Mr. Julian that she wants to move forward with this. After some discussion Trustee Gill entertained a motion to approve awarding the plant procurement contract to the Watershed Nursery of Richmond, California for the TIWERP project and under the Project Funding Agreement TW-21-1.2. motion was seconded by Trustee Huston, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried. Note: The Board gave Ms. Otome Lindsey three hours after the meeting to let KSN know if she wanted the bid to be refused.

**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. THE BOARD WILL CONSIDER APPROVING A RESOLUTION ACCEPTING SEVENMILE SLOUGH PEA.**

Due to the mis-posting of the item: "The Board to consider approving a resolution accepting Sevenmile Slough PEA" for the Department of Water Resources (DWR) agreement for the Sevenmile Slough levee erosion repair project, it was agreed by the Board and Mr. Julian this item would be properly placed on the October 15, 2024 agenda as a separate agenda item and addressed at that time.

Mrs. Perla Tzintzun-Garibay told the Board that the advance payment has been submitted to DWR. Mr. Chris Neudeck told the Board that finalizing negotiations with GEI-Environmental (GEI) for preparing a draft scope to assist KSN Inc. in the development of an agreement the waterside slope improvements and assist with the Delta Stewardship Council consistency findings. Which the District was rejected on last time. Waiting on a 3-4-month period time for the advance payment. Still don't have a scope of work so, doing the less amount of work until the advance payment comes in to the District.

**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.**

Mr. David Julian told the Board that tule boat builders are done for the year and have left and went home. They will be back next year sometime in June. The east wet-land siphon has been turned off. One of the lowest elevation raisers which drains into the main drain needs to be replaced. The pond will need to be drawn down when repairs are made. Mr. Julian will be working with Mr. Ricky Carter Jr. on this matter. This repair may take place some time next year.

Mr. Ricky Carter Jr. reported that at this time the following project equipment is in the barn; harvester and planter. The header and some other equipment still needs to be put in the barn. Mr. Julian told the Board the lease is still moving through the process. Trustee Gill and Mr. Vince Wong have it with legal to look at. Maybe next year rice will be planted.

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

### **I. DWR System Wide Multi-Benefit Project Funding Scoop of Work.**

#### **A. Mr. Chris Neudeck gave an update on the Multi-Benefit Project.**

DWR is working with Mr. Jesse Barton on a draft agreement. Mr. Neudeck told the Board the project will qualify for a CEQA Categorical Exemption (CE) and the District will file a Notice of Exemption (NOE) which has a 35-day posting time. Due to biological habitat on site, the district will need to apply for a California Department of Fish & Wildlife (CDFW) Lake and Streambed Alteration Agreement (LSAA) permit, which typically takes 4-6 months to acquire. The Project qualifies for a U.S. Army Corps of Engineers (USACE) Section 404 Maintenance Exemption and therefore, no permit or schedule is required for that. The work may take place next spring.

### **II. Project Funding Agreement TW-24-1.0SP-Phase I-Setback Levee San Joaquin River.**

#### **A. Look under item number 15.**

### **III. Delta Levee Subventions Program AB 360.**

A. Mr. Neudeck reviewed with the Board the status of the future of the Delta Levee Subvention Funding. As it stands now here is funding for 2025/2026, but not for staff (Department of Water Resources staff) they are not funded. There is a budget change proposal before the governor to make a change to include staff.

### **IV. District Pump Station Solar Array.**

A. Review and consider award to the lowest responsive, responsible bidder of the District's Solar Array Plans. Look under item number 12.

B. Mr. Neudeck reviewed with the Board the status of the release ("not hold the County of Sacramento responsible for damages to the panels and its appurtenances due to flooding") to Sacramento County regarding solar panels in flood plain. Mr. Jesse Barton told the Board that at last months meeting Mr. Neudeck reported to the Board the District needs a permit to build the solar array below the flood plain elevation. The county is unwilling to grant the permit for construction, because the solar array will be built below the flood plain elevation. The County wants a hold harmless agreement issued in favor of the County. And if they permit the construction of the project that the district will not hold the County responsible and the District will be responsible for any and all cost associated if there would be a flood. At last months meeting the District had received a release form. The release form had the District as the property owner, not DWR. After Mr. Barton going back

and forth with the County, telling them the District is not the land owner, DWR is the land owner and the District only has a fee. The County finally sent a declaration for the District to consider approving. Mr. Barton read the declaration to the Board. After some discussion Trustee Huston entertained a motion to approve the declaration of the Sacramento County land restrictions, to build the solar array, motion was seconded by Trustee Gill, VOTE: AYES: Trustee Huston and Trustee Gill NOES: None ABSTAIN: None ABSENT: President Sgarrella, motion carried. Trustee Huston will sign and notarize the declaration after today's meeting.

- C. There is not a final say from PG&E about the requirements to design the PG&E transformer pad above the base flood elevation. Once they are received, there may be a need for a change order and it will be required a selected contractor. President Sgarrella is working on this item.

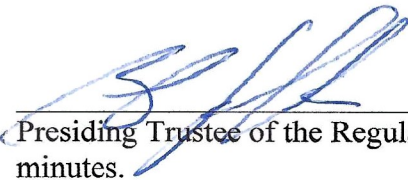
**18. SUPERINTENDENT REPORT: MR. RICKY CARTER JR.**

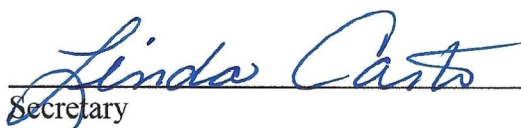
- Made routine levee inspections rounds.
- Checked oil in the District's pumps at the pump station.
- Continued mowing levees.
- Obtained quotes for new short reach excavator.
- Demo a couple short reach excavators. Also met with Holt to go over the specs and operations of the demo excavators.
- Posted job on the internet.
- Met with a couple potential candidates.
- Worked on the District's Kubota tractor. Had issues and fixed broken and missing parts.
- Fixed wiring issue on F-250 2016, auxiliary switches were faulty. The part was ordered and replaced.
- Attended job walk for the District's solar project.
- Had Mr. Ricky Carter Sr. grade levee roads and Middle Road.
- Met with independent contractors to do work around the island.

Mr. Ricky Carter Jr. told the Board he will be taking off starting October 1<sup>st</sup> to October 14<sup>th</sup>. Mr. Ricky Carter Sr will take over for Mr. Carter Jr. while he is gone.

**19. ADJOURN REGULAR MEETING.**

The next regular meeting of the Board of Trustees will be called to order October 15, 2024, at 9:00 am, the regular meeting was adjourned at 10:49 am.

  
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Presiding Trustee of the Regular Meeting September 17, 2024, certifies the above minutes.

  
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Secretary