

**MINUTES OF GENERAL MEETING OF THE
BOARD OF DIRECTORS OF THE
LOWER SAN JOAQUIN LEVEE DISTRICT
TUESDAY MORNING, JULY 14, 2022**

Pursuant to the Call of the Chairman, a Regular Meeting of the Board of Directors of the Lower San Joaquin Levee District was held in the office of the San Luis Canal Company, at 11704 W. Henry Miller Avenue, Dos Palos, Merced County, California, on Tuesday, June 14, 2022, at the hour of 8:30 A.M.

CALL TO ORDER

Chairman Roy Catania presided over the meeting and called it to order, with the following Directors present in the board room: George Park, Robert D. Kelly, and Aldo Sansoni. The following staff was present in the board room: Legal Counsel Lauren Layne, Secretary-Manager Shane Swartz, and Superintendent Jody McClellon. The guests in attendance in the board room were Gustavo Carranza and Sal Rodriguez. Chairman Catania declared that a quorum was present.

PLEDGE OF ALLEGIANCE

Director Park led those in attendance in the Pledge of Allegiance.

BOARD MINUTES

Following a discussion regarding the previous Board Minutes, Director Park requested that the Chairman table the last two Board Minutes from June so he could discuss corrections with S-M Swartz. Chairman Catania agreed to table the previous two meeting minutes until the next board meeting.

LEGAL COUNSEL'S REPORT

Legislation Updates: Attorney Layne reported on legislative AB-2201, revisions of well permits, and requirements imposed on land owners applying for land permits.

Atty. Layne reported that she has the consulting service contract for retired Secretary-Manager Hill and will provide it at August's Board meeting for the Board to review.

SUPERINTENDENT'S REPORT

Superintendent McClellon stated that district maintenance personnel continue weed abatement spraying near gates, structures, and the center levee roads. In addition, District maintenance personnel continue to use the two Polaris side-by-sides to complete weed abatement spraying near the right of way.

Superintendent McClellon stated that the district maintenance personnel continued squirrel baiting last month and will continue throughout the summer. He also indicated that he is trying a plastic bucket container for the baiting stations instead of the traditional tubes.

Superintendent McClellon stated hauling of hardpan soil from a farm near highway 59 to Ash slough continues.

Superintendent McClellon reported that the mower tractor is down and is being repaired due to a diesel exhaust fluid issue.

Superintendent McClellon reported the District successfully purchased a new Ford F150XL pickup from Madera Ford. The pickup truck was purchased for \$50,000, including taxes and trade of the used 2013 Ford F250 pickup.

Superintendent McClellon reported the Verizon Connect GPS for District vehicles has been installed and is going through its testing phase.

Superintendent McClellon stated he would reach out to the United States Fish and Wildlife Service to formulate a plan to remove overgrown vegetation and small trees in the refuge area of the bypass.

Superintendent McClellon reported he attended a tour meeting with DWR and S-M Swartz regarding seven sights that were deemed critical by DWR.

Superintendent McClellon stated that he received calls from landowners in Fresno and Madera

over the July 4th holiday weekend of trespassers near the bifurcation. McClellon noted that he reported it to CA Highway Patrol but is unsure if any officers responded.

SECRETARY-MANAGER'S REPORT

S-M Swartz and Director Kelly met with Merced County Board of Supervisors Silveria and Pareira on the Levee District's ongoing subsidence and funding issues. Director Kelly stated the Board needs to take action on the funding issues, erosion problems, subsidence, and substandard levees. The Board directed staff to inquire about the process of getting an official evaluation of the levee system by an engineering firm to present to the Board. The review shall be divided into sections so the board can evaluate and create a worklist.

S-M Swartz reported that he attended the Central Valley Flood Protection Board Meeting on June 24, 2022, to inquire about any updates from the US Army Corp of Engineering in their position of decertifying the levee district. CVFPB stated they were still engaging the Army Corp but did not have a definitive date on where a select group of the CVFPB would meet with the new Colonel at the local Army Corp office.

S-M Swartz stated he was still waiting on the response letter from Summers Engineering on the East Side Bypass Control Structure modification plan presented by DWR.

S-M Swartz stated he is still waiting on DWR to make the final payment for Summers Engineering and the District on the electrical upgrade project. He also mentioned that he is waiting on DWR to pay invoices eleven thru fifteen for the phase one pipe inspection process.

S-M Swartz stated that DWR under the Deferred Maintenance Program is on to phase two of the pipe project, where it will replace the damaged corrugated pipes that are beyond CIPP repair. As of now, DWR has identified three pipes with the potential of replacing a total of ten. Construction due to start in the fall of 2023.

S-M Swartz stated that DWR engineers brought forward an idea to the District to create an agreement with adjacent landowners to replace original system flap gates with safer combination gates. This would allow the land owners along the flood bypass system to pull excess flood water to help relieve water pressure on levees. Following a discussion, Atty. Layne will prepare a “pros and cons” document to present at a future board meeting on the benefits and issues this may cause in the future with the District.

S-M Swartz reported on the fees incurred by the District for encroachment permit reviews. The District pays between \$2,500 to \$4,000 per encroachment permit application review. The CVFPB will not act on encroachment permits before the LMA submits its recommendation. Following a discussion, the Board directed legal counsel to move forward in the process of completing a one-time hearing for Proposition 26.

S-M Swartz reported his findings on the State of California Flood Maintenance Assistance Program (FMAP).

S-M Swartz presented information to the Board on the CVFPB encroachment permit application for Red Top Natural Gas Pipeline Crossing of Bypass Channel. Following a discussion on Resolution 704-22, a motion by Director Kelly and seconded by Director Sansoni, the Board unanimously voted to adopt Resolution 704-22 Red Top Natural Gas Pipeline Crossing of Bypass Channel.

RESOLUTION NO. 704-22

WHEREAS, The Board of Directors of the Lower San Joaquin Levee District read the Central Valley Flood Protection Board permit application by N&W Land Co. LLC regarding the proposal to install two 6-inch diameter high-density polyethylene casings near Avenue 21, twenty feet at the center of the Bypass, in Madera County; and

WHEREAS, The proposed construction is to install two lines, 3 feet apart, and their alignment offset from the centerline of Avenue 21 would vary about 40 feet from the east levee to 78 feet at the west levee. The pipelines would enter the Bypass right-of-way at a depth of at least 3 feet and then angle down to a maximum depth of 20 feet at the center of the Bypass channel. Two bore pits would be constructed at least 10 feet from the toe of the; and

WHEREAS, The Levee District staff have reviewed the permit and have stated the proposal will

have no impact on the operations and maintenance of the flood project; and

WHEREAS, This Board has reviewed and studied the information presented; and

NOW, THEREFORE, BE IT RESOLVED, The Board of Directors of the Lower San Joaquin Levee District, by this Resolution, hereby does not object to the proposed project; but does require the following conditions: 1) applicant agrees to indemnify and hold the Levee District harmless of any liability relative to applicants proposed construction and subsequent operation; 2) applicant acknowledges and recognizes the Levee District must maintain a functioning river channel for the passage of flood water and agrees that in the course of any access for their purposes shall not interfere with Levee District's ability to move water through this system at the point involved 3) emergency shut-off valves will be installed in both pipelines at the locations of the bore pits, four valves total. Owners shall meet with Levee District personnel to instruct shut-off operations training; and

BE IT FURTHER RESOLVED, Notification of this action will be transmitted to the Central Valley Flood Protection Board and the applicant.

S-M Swartz presented the independent audit results for 24 months ending on June 30, 2021.

Following a discussion on the audit results presented, a motion by Director Kelly and seconded by Director Park, the Board unanimously voted to accept the biannual audit ending June 30, 2021.

S-M Swartz reported that Merced County Auditor would complete the California State Office Annual Reports for the District. With this action, the Auditor is advising the District to consolidate the Wells Fargo checking account, used for operational expenses, to be combined with the general operating account under the controller of Merced County to ensure oversight of funds. Following a discussion on closing the District Wells Fargo checking account, a motion by Director Kelly and seconded by Director Park, the Board unanimously voted to close the Wells Fargo checking account and transfer the funds into the general operating account at Merced County.

Director Park directed staff to inquire with Merced County Auditor about their options for having a District Credit Card for business expenses. Atty. Layne stated that she would also draft a credit card policy for the District to be presented at the next general meeting.

Wells Fargo Check Register

Asst S-M Swartz informed the board that two checks were issued on the Levee District's account at Wells Fargo Bank since last month's meeting.

Jolee Photography \$425.00 and Espana's Restaurant \$1,797.23

Land Subsidence

No new reports on land subsidence.

PUBLIC COMMENT

No public comment.

CLAIMS FOR PAYMENT

Following a discussion on the claims presented, on a motion by Director Park and seconded by Director Kelly, the following presented claims were unanimously acknowledged and approved for payment.

AETNA (Medical)	\$9,140.49	Office Supply Express	\$138.43
All American	\$1,275.00	Office Supply Express	\$430.46
AT&T Mobility	\$59.50	Office Supply Express	\$1,687.25
Baker Manock&Jensen	\$2,657.12	PG&E	\$14.76
CINTAS Corp.	\$132.31	PG&E (office)	\$84.80
COPOWER	\$968.05	PG&E (shop)	\$276.24
CAL NET	\$69.95	PG&E (structures)	\$165.30
Copy Shipping Solutions	\$422.15	Santos Ford	\$1,719.74
Frontier	\$63.04	Simplot Grower Solutions	\$8,016.60
Henry Miller Rec (postage)	\$20.42	Sonsray Machinery	\$470.78
Henry Miller Rec. (rent)	\$1,371.00	Summers Engineering, Inc.	\$3,582.28
Kellogg Supply	\$604.45	Swartz, Shane	\$228.84
Madera Ford	\$50,000.00	Tee-Dee-Us Automotive	\$195.65
Manuals Tire Service	\$4,072.20	Tharp's Farm Supply	\$1,429.77
Merced Co Dept of Ag	\$2,760.00	Tucci Machine Shop	\$181.19
Merced Truck & Trailer	\$55.35	Vause Part Source	\$806.58
Morgan White Group	\$6,072.47	Verizon	\$230.06
NAPA Auto parts	\$1,001.24	Windecker, Inc	\$15,028.18
Office Supply Express	\$190.83	Yonkers & Johnson, Inc	\$386.65
		Total	\$116,009.13

ADJOURNMENT

There being no further business, Chairman Catania declared the meeting adjourned at 10:45 A.M.

Shane Swartz, Secretary-Manager