

**MINUTES OF GENERAL MEETING OF THE
BOARD OF DIRECTORS OF THE
LOWER SAN JOAQUIN LEVEE DISTRICT
TUESDAY MORNING, AUGUST 9, 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, August 9, 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, Sean Howard, Aldo Sansoni, Case Vlot, and Stephen Shehadey. 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, Lilly Ruiz, and Sal Rodriguez. Chairman Catania declared that a quorum was present.

PLEDGE OF ALLEGIANCE

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

BOARD MINUTES

Following a discussion regarding the previous Board Minutes, on a motion by Director Park and seconded by Director Sansoni, the Minutes of the General Meeting of the Board, held on June 14, 2022, and the Special Meeting of the Board, held on June 28, 2022, and the General Meeting of the Board held on July 12, 2022, were unanimously approved as presented.

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 presented the consulting service contract for retired Secretary-Manager Hill.

Following a brief discussion on the independent contractor's agreement for Reggie Hill, a motion by Director Park and seconded by Director Howard, the Board unanimously voted to approve the presented independent contractor's agreement with Reggie Hill.

Atty. Layne presented a draft of a new policy prioritizing landowner requests for modification of flap gates for staff and directors to review. Following a discussion, the Board directed staff to investigate further with DWR, engineering partners, and legal counsel.

GEI CONSULTANTS, INC PRESENTATION

A representative from GEI Consultants, Mike Cornelius, presented a PowerPoint presentation on proposed ideas for creating an accurate statement of work for evaluating the District. The Board directed Mike to make a proposal based on identifying the current capacity of the flood control system to include identifying necessary improvements to restore flow capacity lost due to land subsidence or sedimentation within the flood conveyance facilities (rivers and bypasses).

SUPERINTENDENT'S REPORT

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

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

Superintendent McClellon presented a quote for a towable 100-gallon spray boom trailer, priced at \$6,498.98. Following a discussion, the Board decided to hold off on that purchase until next year and add it to the budget requests. Furthermore, the Board directed staff to inquire about an aerial application of herbicide, approving the same amount as they did the previous year, with the same company.

Superintendent McClellon stated he paused the hauling of hardpan soil from a farm near Highway 59 to Ash Slough due to other needed operational concerns in the District.

Superintendent McClellon reported that he and S-M Swartz met with USFWS representative Sean Brophy to discuss the issuance of permit #81650-22-005 to physically clear the bypass channel between El Nido Road and Chamberlain Road. The special permit states the following.

AMENDED Special Conditions– Permit # 81650-22-005

The initial special conditions have been amended for a within floodway vegetation removal project between Chamberlin Road and El Nido Road, within the levees of the Lower East Side Bypass, on the Merced NWR. Since the introduction of regular summer flows as part of the San Joaquin River Restoration Program, a significant crop of young willow trees has recruited within the lower East Side Bypass. In the event of a peak flood event, the Bypass is used to convey significant quantities of floodwater past surrounding agricultural fields and communities, as well as mitigate damaging flooding on adjacent USFWS property. The Refuge has permitted cutting and removal of trees within the floodway historically, using hand treatment or ATV/UTV. The Lower San Joaquin Levee District has requested to use heavy equipment for this project to remove significant densities of willows that have germinated within the last three years. These new growths have also been observed to trap significant amount of water hyacinth during summer restoration flows, degrading water quality and counteracting the intended benefits for salmonids.

Within the Bypass there are also a number of established larger trees that form nesting habitat for multiple species, provide on- and off-channel shade and water temperature reduction for aquatic species, and provide brood rearing and molting habitat for waterfowl. It has been determined that the removal of the new small crop of trees within the floodway would be of overall benefit to the Refuge and to regional flood protection goals, while the removal of larger trees would benefit flood protection goals but negatively affect habitat quality for both avian and aquatic species.

Therefore, between Chamberlin and El Nido Roads, the Refuge will permit the use of tracked heavy equipment (bulldozer) to remove the crop of young trees in areas where the Levee District has determined floodwater impedance is a significant concern. It is agreed this primarily means the incised low-flow channel and areas where the trees are growing perpendicular to the flood flow direction rather than parallel with the flood flows. The removal of any tree with one or more trunks greater than 8” dbh must be flagged for review and approved in the field by the refuge manager.

An exception to the above condition is the parallel stringer of large trees approximately adjacent to the East Canal that forms a vegetative dam across the Bypass; the Refuge approves the removal of all trees within this particular stringer as it presents a clear hazard in the event of a large flood.

Following uprooting, all vegetative matter must be either chipped and spread or hauled off site. No floatable debris, piles, stumps, or rootballs will be permitted to remain. Ground disturbance must be minimized to the extent practical, and any disturbed soils will be returned to original grade. Examples of ground disturbance minimization include utilizing common haul roads and track routes. Areas with stands of beneficial plants such as a mugwort, wild rose, and creeping wild rye should be avoided or small trees hand treated within those areas.

Due to the degradation of water quality from invasive hyacinth being caught in small trees and with concern for future impacts from a monoculture stand of small trees in the main flowline, between Chamberlin Road and Sandy Mush Road the Refuge may permit removal of small class trees within the incised channel only following completion of the above primary project. Before and after photos of the work should be taken, and a final report including photos submitted by the levee district indicating areas of removal.

Superintendent McClellon stated he was having a hard time finding a large enough masticator to take down the significant growth of trees that are authorized per the permit. Following a discussion, the Board directed staff and approved seeking contractors to help with clearing the bypass in the refuge area.

Superintendent McClellon reported he and S-M Swartz attended a landowner meeting with the CA State Highway Patrol in the area of the San Joaquin River upstream of the bifurcation to raise awareness of excessive trespassing and vandalism in that area. CA State Highway Patrol agreed to work with the Levee District to find ways to mitigate trespassing in the area. The Fresno County Sherriff Department was not available to attend the meeting.

SECRETARY-MANAGER'S REPORT

S-M Swartz reported that he spoke with our controller at Merced County Auditor's office, and they do have a credit card program that the Levee District could utilize since it is a Special District. In conjunction, Atty Lane presented a written credit card policy for the Board's review to include a credit card for the Secretary Manager and one for the Superintendent, with a max limit of \$2,500 for each credit card. Following a discussion on the presented credit card policy and to participate in the Merced County Credit Card Program, a motion by Director Vlot and seconded by Director Park, the Board unanimously voted to approve the presented credit card policy and to participate in the Merced County Credit Card Program.

S-M Swartz reported that DWR SJRRP is still in the planning process of reviewing the District's engineering letter regarding the East Side Bypass Control Structure. A future meeting is scheduled with DWR on the site in the coming weeks to discuss the function of the gates during a flood occurrence.

S-M Swartz reported on the option of holding a public hearing in regards to evaluating encroachment permits submitted to the District. Atty Lane, provided the Board with an option breakdown to reimburse the District for the fees occurred by engineering, legal, and staff review. Following a discussion on holding a public hearing on September 13, 2022, to discuss reimbursement for miscellaneous fees that occurred for review of encroachment permits, a motion by Director Park and seconded by Director Howard, the Board unanimously voted to approve holding a public hearing to discuss miscellaneous fee occurred by the District when receiving encroachment permits.

S-M Swartz presented a service proposal from Summers Engineering to complete an Assessment Roll Audit for the District. This service would digitally map out all the benefit assessments per the District's legal description. A complete review and audit cost is no more than \$10,000 per Summers Engineering quote. Following a discussion on the proposal, a motion by Director Howard, and seconded

by Director Park, the Board unanimously voted to approve the service proposal provided by Summers Engineering.

S-M Swartz reported he is still waiting for KSN, Inc. to create an application to submit to the State of California Flood Maintenance Assistance Program (FMAP).

S-M Swartz reported that District staff recently had a combined training with DWR levee inspectors to better understand the overall requirement factors.

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 is due to start in the Fall of 2023.

S-M Swartz reported that he recently hired a part-time office assistant to help with billing and organizing.

S-M Swartz presented information to the Board on the yearly Benefit Assessment per each county, and it requires a resolution to be recorded in all three counties where monies are levied.

Following a discussion on the presented Benefit Assessment Resolution 705-22, a motion by Director Park and seconded by Director Vlot, the Board unanimously voted to adopt Resolution 705-22 Benefit Assessment Collection.

RESOLUTION NO. 705-22

WHEREAS, Water Code Appendix 76-8 (b) authorizes the Board of the District, in lieu of any other assessment provided by law, to elect to require a benefit assessment be levied in a sufficient amount to collect funds required by the District for District operations during the coming fiscal year; and

WHEREAS, after due deliberation, this Board has heretofore estimated and determined that the total amount of money to be collected by benefit assessment for all District purposes during the next ensuing year is the sum of \$1,054,853.50; and

WHEREAS, This Board has been heretofore duly informed in writing by the Assessors of the Counties of Fresno, Madera, and Merced, the three counties being all of the counties within which this District lies, of the respective benefit product of all parcels in each such county within the District, determined in accordance with the factors and formulas by law, as shown on the respective county records of their 2022-23 fiscal year assessments; and

WHEREAS, This Board is required under the organizational act of this District, namely, Statutes 1955,

Chapter 1075, Section 8, as amended by Statutes 1983, C404-5, effective July 27, 1983, to determine the portion of the benefit assessment to be collected by each county;

NOW, THEREFORE, BE IT RESOLVED, The Board of Directors of the Lower San Joaquin Levee District elects to collect amounts required by the District for District operations by levy of a benefit assessment; and

BE IT FURTHER RESOLVED, That the Board of Directors of the Lower San Joaquin Levee District certifies that the total amount of money necessary to be collected by such Benefit Assessment for all District purposes during the next ensuing year is the sum of \$1,054,853.50; and

BE IT FURTHER RESOLVED, That the portion of said amount to be collected within each of the counties of this District below mentioned, as required by law, shall be as follows:

<u>COUNTY</u>	<u>BENEFIT PRODUCT</u>	<u>TO BE COLLECTED</u>
Fresno	-----	\$314,363.96
Madera	-----	\$349,922.95
Merced	-----	<u>\$391,410.14</u>
		\$1,055,697.05

BE IT FURTHER RESOLVED, That the Secretary-Manager of the District is hereby authorized and instructed to immediately transmit to the County Auditors of the respective counties of Fresno, Madera, and Merced, a statement of the amount of the assessment to be collected by each county.

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 Sansoni, the following presented claims were unanimously acknowledged and approved for payment.

Aetna Employee Insurance	\$3,889.85	Napa Auto	\$570.84
Baker Manock & Jensen	\$2,504.13	Office Supply Shop cell booster)	\$904.05
Bryant L. Jolley (2019-21)	\$12,000.00	Office Supply (truck mount)	\$946.05
CAL NET Internet	\$75.20	Office Supply	\$97.79
CAL NET Internet	\$69.95	PG&E (Cathodic Protection)	\$14.76
CoPower (Medical Ins)	\$654.72	PG&E (Office)	\$149.88
Copy Solutions	\$67.72	PG&E (Structures)	\$197.59
Drugtech	\$125.00	PG&E (Shop)	\$334.83
Frontier (Phone)	\$66.46	San Joaquin Valley Air	\$42.00
George Lowry Inc	\$150.00	Santos Ford	\$298.16
Gilton Waste	\$250.44	Shane Swartz (Yr Vehicle carwash)	\$239.88

Grainger	\$242.64	Shane Swartz (Hotel CVFPB)	\$316.28
Henry Miller (rent)	\$1,371.00	Simplot	\$1,724.00
Jody McClellon	\$63.55	Sonsray (Tractor Repair)	\$3,060.52
Kellogg Supply	\$1,272.97	Streamline (Internet)	\$360.00
Manual Tires	\$4,987.39	Summers Engineering	\$721.27
MARFAB	\$648.72	Tharp Farm Supply	\$1,710.12
Merced Dept AG	\$3,525.00	Verizon Wireless	\$204.03
N&S Tractor	\$130.67	Yonkers and Johnson	\$361.02
Napa Auto	\$570.84	<u>Zenith Insurance Workers Comp</u>	<u>\$2,040.00</u>
		TOTAL:	\$53,548.70

ADJOURNMENT

There being no further business, Chairman Catania declared the meeting adjourned at 11:03 A.M.

Shane Swartz, Secretary-Manager