

Reclamation District No. 2140
211 Main Street
Hamilton City, California 95951

Board of Trustees
Minutes of Meeting Held January 15, 2016

CALL TO ORDER:

The regular meeting of the Board of Trustees of Reclamation District No. 2140 (RD 2140) held on January 15, 2016, at the Hamilton City Community Services District office was called to order at 9:28 a.m. by Board President LeeAnn Grigsby-Puente.

Board Members present: LeeAnn Grigsby-Puente, Walt Stile and Dawit Zeleke.

Board Members absent: None

District representatives: William Paris, Counsel and Tom Anderson, Interim Secretary

GUESTS: Jose Puente, General Manager Hamilton City Community Services District; Erik Nagy, Principal Engineer, MBK; Dan James, Hamilton City Fire Chief and Jesus Campos (intermittently, via telephone).

PUBLIC COMMENT: None

MINUTES:

Board member Walt Stile made a motion to approve the minutes for the meeting held December 11, 2015, as written. The motion was seconded by Board member Dawit Zeleke and it passed by a unanimous vote.

CORRESPONDENCE:

1. Received a letter from the California Wildlife Conservation Board (WCB), affirming the levee project conforms to WCB requirements.
2. Miscellaneous correspondence – no action required nor taken.

REVIEW of FINANCIAL ACTIVITEIS:

1. Reviewed the Director's report from the County Department of Finance for the period ending 12/31/2015. Interim Secretary Anderson noted that the first \$40,338.11 benefit assessment was received with the first installment of property taxes, \$11,500 was received from The Nature Conservancy (TNC) for levee repair work and \$8,148.18 was received from Billiou Farming Company as proceeds from the walnut crop on property now owned by the District.

OLD BUSINESS:

1. Status report of the project:

- a. Mr. Nagy reported that on January 14, 2016, he attended a “mutual understanding” meeting at the U.S. Army Corps of Engineers (COE) representatives and the contractor at the COE office in West Sacramento. The purpose of the meeting was to clarify issues now that construction is set to begin. Items of note include the construction contractor’s intent to use “borrow” material from the flood plain and, where possible, the existing J-Levee. This will reduce costs and vehicle traffic as opposed to exclusively using material from the Glenn-Colusa Canal as originally intended for this phase. MBK engineering will also receive a weekly status report. The contractor hopes to mobilize in February and complete the work in November.
 - b. Mr. Paris reported that the discrepancy over whether or not the contractor for the Phase 1 (restoration) satisfies U.S. Small Business Administration (SBA) size standard is eligible as a small business has not been resolved. The U.S. COE is requesting a SBA waiver and hopes to “rebid” this phase. This delay could cause a problem with coordination of work between the two contractors.
 - c. Mr. Paris reported that Congress included \$15,000,000 for the project in the federal budget for the Federal fiscal year that began October 1, 2015.
2. Mr. Paris advised that the District needs to establish a time frame for the activities necessary for the upcoming benefit assessment (Prop. 218) election. This includes obtaining the services of a benefit assessment engineer. The assessment recalculations are needed to reflect, among other things, the transfer of properties from TNC to the District. Mr. Nagy stated that he had been in contact with Kim Floyd who has a firm in mind that could do the work.
 3. Emergency levee repair. Jose Puente reported on the levee repair efforts to date. Materials were ordered and delivered. From January 7th -12th Cal-Fire inmate crews installed the barrier along the 1,800 feet north-south segment of the levee on the “GunHill” property. Additional sand bags have been/will be placed at points with significant rodent activity. The Board of Trustees had previously authorized work along the east-west portion with any remaining funds allocated for this activity. Work may resume on the east-west portion as weather/field conditions permit and likely will focus on points with significant rodent activity.
 4. Interim Secretary Anderson reported the draft agreement with the Hamilton City Community Services District (HCCSD) for use of its facilities was approved by the HCCSD Board of Directors at their meeting held January 11, 2016. Minor amendments requested by HCCSD include setting the fee for use of the office at \$1.00 per month and correcting references to the mailing address.
 5. Interim Secretary Anderson reported the draft agreement with HCCSD for use of its clerical staff was approved by the HCCSD Board of Directors at their meeting

held January 11, 2016. Minor amendments requested by HCCSD include establishing a termination clause and the handling of mail.

6. Interim Secretary Anderson reported it appears TNC paid the first installment for property taxes on the GunHill (APN 0322700089) and RX Ranch (APN 0323000059) properties. No further action was needed nor taken on this item.

NEW BUSINESS:

1. A discussion was held regarding the cost to establish an account with the Pacific Gas and Electric (P.G.&E.) for powering the agricultural pumps on RD 2140 property. LeeAnn Grigsby-Puente reported that, unless one of the other landowners co-signs on the RD 2140 account, P.G.&E. will require a deposit of \$11,000. Walt Stile questioned the need to establish an account now; that besides the deposit, which eventually will be recouped, standby charges would be costly. It was pointed out that the contractor will need access to water for dust control during construction. Mr. Nagy explained that the District is not required to pay the utility costs for that effort and that the contractor would likely use a generator. No action was taken on this item.
2. A discussion was held on a burial treatment plan with the Mechoopda tribe. Mr. Paris explained that the District should enter into an agreement on how to properly handle any human remains and artifacts that may be discovered during construction. A draft agreement was included in the agenda packet. Mr. Paris explained that the Mechoopda Tribe is designated as the "Most Likely Descendants" (MLD). He drafted an agreement to be presented to them but the agreement was modified by the Tribe's legal adviser and was "significantly different" than what was originally proposed. Among the provisions the Tribe is requesting that could have a "significant impact" and are unacceptable include extensive on-site monitoring by Tribal representatives, at RD 2140's cost, and Tribal authority to immediately stop work within a 100-meter radius from the center of the discovery of human remains or cultural resources until determinations are made as to the identity of those remains and artifacts as Native American. Mr. Nagy stated that he, LeeAnn Grigsby-Puente and staff from the U.S. COE will meet with tribal representatives to see if an acceptable resolution can be achieved. Mr. Paris emphasized that, by design, no attorneys would be present at this meeting.
3. A discussion was held concerning amendments to the agreement with Kim Floyd Communications to provide outreach services during Phase 1 construction. Proposed adjustments to other activities include removing the newsletter and specialized stakeholder outreach and reducing the number of hours the "hotline" would be operated to 10 hours. The adjusted cost for these activities would be \$8,375.00. Ms. Floyd proposed \$14,500.00 to cover her costs for the

groundbreaking ceremony. Mr. Paris advised that TNC may have “their ideas” on the groundbreaking ceremony and RD 2140 should defer to TNC on that.

Board member Walt Stile made a motion to approve only the adjustments totaling \$8,375.00 (note: this does not include the tasks/hours for the groundbreaking ceremony). The motion was seconded by Board member Dawit Zeleke and it passed by a unanimous vote.

4. A discussion was held whether or not to allow the Board President to negotiate and accept temporary rights of entry, not to exceed 18 months in duration, to facilitate access, investigation, data collection and related work by the Army Corps of Engineers.

Board member Walt Stile made a motion to authorize the Board President to negotiate and accept temporary rights of entry (as amended). The motion was seconded by Board member Dawit Zeleke and it passed by a unanimous vote.

5. The request from Cal-Fire to conduct training activities on the GunHill property was tabled until the next regular meeting.

REPORTS:

1. **Board:** No report.
2. **Secretary:** No report.
3. **Legal Counsel:** There may be a need to have a special meeting before the next scheduled regular meeting for February.

PAYMENT OF RD 2140 BILLS:

Interim Secretary Anderson presented a list of claims for payment (bills) presented to the County Department of Finance for the period 12/11/2015 to 1/12/2016 and totaling \$195,611.42. Board member Dawit Zeleke made a motion to approve payment of the bills. Board member Walt Stile seconded the motion and it carried unanimously.

ADJOURNMENT: 11:05 a.m.

The next regular Board Meeting will be held Friday, February 19, 2016, at the HCCSD office at 211 Main Street, beginning at 9:00 a.m.

Respectively submitted,

Arthur T. (Tom) Tom Anderson
Interim Secretary