

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

Board of Trustees
Minutes of Meeting Held June 17, 2016

CALL TO ORDER:

The regular meeting of the Board of Trustees of Reclamation District No. 2140 (RD 2140) held on June 17, 2016, at the Hamilton City Community Services District office was called to order at 9:00 a.m. by Board President LeeAnn Grigsby-Puente.

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

Board Members absent: Dawit Zeleke.

District representatives: Bill Paris, Legal Counsel; Tom Anderson, Interim Secretary

GUESTS: Jesus Campos; Erik Nagy, Principal Engineer (MBK by telephone); Ryan Luster and Adrian Frediani (TNC by telephone), Seth Wurzel (LWA by telephone)

Note: To accommodate time constraints of various individuals, agenda items were considered out of the listed agenda order. The items are herein listed in the agenda order with the discussion order listed in parentheses (ata).

PUBLIC COMMENT: None

MINUTES:

Board member Walt Stile made a motion to approve the minutes for the meetings held May 20 and 26, 2016, as written. The motion was seconded by Board President LeeAnn Grigsby-Puente and it passed by a unanimous vote among the board members present.

CORRESPONDENCE:

1. Notice of changes to special benefit from the county Department of Finance.
2. Miscellaneous correspondence – no action required nor taken.

OLD BUSINESS:

1. (Discussion order no. 4). Status report of the project:
 - a. Erik Nagy reported he attended weekly field meetings at the Phase 1 construction site. This provided opportunities to see issues that have arisen such as “soft spots” at the training dike foundation. He recommends a site visit in the latter part of July.
 - b. Phase 1 restoration – nothing new to report.
 - c. Phase 2 Construction – nothing new to report.

Mr. Nagy left the meeting at 9:40 a.m.

2. (Discussion order no. 7). The Board discussed terminating the contract with Kim Floyd Communications (KFC). Board President Grigsby-Puente advised that she has received multiple complaints that timelines were not met and KFC did not fully satisfy the scope of work.

A motion to terminate the KFC contract was made by Board Member Stile and seconded by Board President Grigsby-Puente. The motion was approved by a unanimous vote of the Board Members present.

3. (Discussion order no. 8). The budget for FY 2016-2017 was adopted upon a motion by Board Member Stile and a second by President Grigsby-Puente. The motion was approved by a unanimous vote among the board members present.

NEW BUSINESS:

1. (Discussion order no. 3). A discussion was held regarding proposals received for the new outreach consultant. Mr. Paris commented that one proposal was received from a firm that had no experience with water issues and was more expensive than he felt justifiable for the District. A second proposal was received from J. Harrison Public Relations which appear to be more in line with the District's needs. This firm has experience with water infrastructure at a proposed cost that appears to be more workable for the District.

Mr. Wurzel commented that, while the Harrison proposal is more in line with the budget, he is concerned over the "advocacy" approach proposed (for which using District funds is not allowed under Proposition 218). The consensus of the Board was to set up an interview with a representative for Harrison, to advise them to revise the proposal to remove activities involving advocating a position and report back to the Board.

2. (Discussion order no. 6). The Board considered its option to delegate authority to President Grigsby-Puente to obtain temporary, short term rights of entry from private landowners on behalf of RD 2140 to facilitate transplanting elderberry bushes for Phase 2 of levee construction. Mr. Paris advised that the U.S. Army Corps of Engineers (U.S. ACE) needs to perform this work and is limited to doing so from December through February.

A motion to delegate the authority to the Board President was made by Board Member Stile and seconded by Board President Grigsby-Puente. The motion was approved by a unanimous vote of the Board Members present.

3. (Discussion order no. 1). The Board discussed a contract amendment (No. 2) with MBK Engineers. Mr. Nagy stated that he is leaving MBK and is joining LWA. The

scope of work will be modified to reflect changes in his role but will reflect MBK's continued services to the District which includes preparation of the quarterly reports.

A motion to approve the MBK contract amendment No. 2 was made by Board Member Stile and seconded by Board President Grigsby-Puente. The motion was approved by a unanimous vote of the Board Members present.

4. (Discussion order no. 2). The Board discussed the "Plan of Action for the Potential Discovery of Native American Human Remains" developed jointly with the Mechoopda Indian Tribe of Chico Rancheria. The intent is to provide a protocol if human remains are discovered to properly and respectfully handle the remains while avoiding/minimizing construction delays. Mr. Nagy stated that this is consistent with the approach with Far Western Anthropological Research Group and has been approved by the Mechoopda Tribe. It also is consistent with language the U.S. Army Corps of Engineers has agreed to. Board member Stile expressed concern that no dollar amount is specified.

A motion to enter into the agreement at an amount not to exceed \$15,000.00 for Phase 1 construction activities was made by Board Member Stile and seconded by Board President Grigsby-Puente. The motion was approved by a unanimous vote of the Board Members present.

5. (Discussion order no. 4). The Board considered action on FY 2016-2017 "Certification of Assessment" required to be submitted to the county auditor by July 15, 2016. Since the benefit assessment expired, June 30, 2016, and the next election will not be completed before the deadline established, no action is needed at this time. Secretary Anderson will notify the county.
6. (Discussion order no. 5). A discussion was held concerning the new requirements placed upon special districts by the County Department of Finance (DOF) for collecting special assessments such as the RD 2140 benefit assessment. Mr. Wurzel advised that what the DOF is proposing is consistent with what he has seen other counties do. He also advised that RD 2140 needs to determine how unpaid assessments can be collected. No further action was considered at this time.

REVIEW of FINANCIAL ACTIVITEIS:

1. The Board reviewed the Director's report from the County Department of Finance (DOF) for the period ending 5/31/2016.

REPORTS:

1. **Board:** No report.
2. **Secretary:** Will seek clarification on A-87 cost allocation.

3. **Legal Counsel:** Mr. Paris advised that RD 2140 has acquired a temporary work area easement which allows access to private lands. Mr. Bains has lodged a complaint that construction activities have interfered with his farming operations and he is seeking a remedy. Mr. Paris reiterated the RD 2140 legal rights in this regard. Mr. Bains paid a discounted price for the property, knowing there would be an easement. In essence, he has been compensated for the inconvenience. RD 2140 will continue to work with U.S. CAE and others to resolve this issue.

PAYMENT OF RD 2140 BILLS:

Interim Secretary Anderson presented a list of claims for payment (bills) submitted to the County Department of Finance for the period 5/24/2016 to 6/10/2016 and totaling \$24,739.68. Board Member Stile questioned the \$19,915.64 payment to P.G. & E. and made a motion to approve payment of the bills. Board President LeeAnn Grigsby-Puente seconded the motion and it carried unanimously among the Board members present.

Note: After the meeting, Secretary Anderson researched the P.G. & E. claim and determined that, at the recommendation of Erik Nagy, payment was withheld until further notice. The correct total for claims is \$4,824.04.

ADJOURNMENT: 10:25 a.m.

Due to conflicting schedules of various individuals, the July 2016 Board meeting will be held Friday, July 29th.

Respectively submitted,

Arthur T. (Tom) Anderson
Interim Secretary