

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

**Board of Trustees**  
**Minutes of Special Meeting Held May 26, 2016**

**CALL TO ORDER:**

The special meeting of the Board of Trustees of Reclamation District No. 2140 (RD 2140) held on May 26, 2016 at the Hamilton City Community Services District office was called to order at 3:05 p.m. by Board President Lee Ann Grigsby-Puente.

**Board Members present:** Lea Ann Grigsby-Puente, Dawit Zeleke and Walt Stile.

**Board Members absent:** None

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

**GUESTS:** Jose Puente, General Manager Hamilton City Community Services District  
Eric Nagy, MBK Engineers, Seth Wurzel (LWA), Megan Jonnson (LWA by telephone), Dan James (Hamilton City Fire Chief), Hank Irick (Hamilton City Deputy Fire Chief – arrived 3:15 p.m.), Wayne Gunter and Larry Knecht.

**PUBLIC COMMENT:** Mr. Knecht asked why there was no flag salute. Mr. Gunter asked about tribal monitoring (item 2). President Grigsby-Puente proceeded to item 2 to continue the discussion.

**NEW BUSINESS:**

2. A discussion was held concerning the approval of a contract between RD 2140 and Far Western Anthropological Research Group, Inc. of Davis, California for the provision of cultural resource monitoring. Mr. Nagy reported that the U.S. Army Corps of Engineers (U.S. COE) is responsible for project and archeological monitoring but not the discovery of human remains or artifacts. The most effective way for RD 2140 to meet the monitoring needs is to enter into a third-party agreement at a cost not to exceed \$15,000. This would provide one day/week on-site monitoring through Phase 1. Board member Stile made a motion to approve the agreement.

Mr. Gunter asked if such an agreement is required by law. Mr. Paris advised that it was not required by law. Mr. Gunter stated that this was something the Mechoopda tribe wanted. Mr. Paris replied that the agreement should be contingent on the tribe's approval of a Burial Treatment Plan (BTP) and if no BTP is agreed upon then the monitoring agreement should not be approved. Mr. Gunter stated his belief RD 2140 should not pay for the tribal monitoring. Mr. Paris replied that another project was halted under similar circumstances. Mr. Gunter stated remains were found along Hwy 45 and there was no outcry over that. Mr. Paris replied that it is well-known that human remains are in the area.

Mr. Gunter stated that “this is exactly the kind of stuff” that caused the last election to fail. He further stated: “You are sticking your head in the grinder.” Mr. Wurzel commented that a project in Sutter County without the monitoring was “shut down”. The “5% cost savings” to avoid monitoring resulted in a far greater cost due to the delays. That Project Manager believes, in hindsight, it would have been better to enter into a monitoring agreement beforehand. Mr. Gunter questioned why RD 2140 should pay tribal monitoring (under agreement with Far Western) if Far Western was already doing work for U.S. COE. Mr. Paris responded that the tribes generally do not trust the existing U.S. COE monitoring process. Mr. Irick commented that the Mechoopda tribal representative is a fair person.

Board Member Stile amended his motion that the monitoring agreement to be contingent on an agreement of a Burial Treatment Plan with the Mechoopda Tribe. Board member Zeleke seconded the motion and it passed by a unanimous vote.

Mr. Gunter left the meeting at 3:20 p.m.

1. The board discussed the assessment methodology. Mr. Paris examined the history of the RD 2140 benefit assessment and explained the process under Proposition 218. He noted the different approach than what was previously done. He also reviewed the steps needed to have information submitted to the County Department of Finance by the August 10<sup>th</sup> deadline.

Mr. Knecht asked if LWA was aware of the reasons the previous election failed. Mr. Nagy stated that this election will provide monies for Operations and Maintenance (O&M) activities once the various phases of levee construction are completed and RD 2140 becomes responsible for O&M activities. Mr. Paris stated the RD 2140 Board was aware of the public’s concerns and has responded to those concerns. Mr. Knecht noted that Mr. Gunter was instrumental in getting the project started. Board Member Zeleke commented that he would like to see everyone support this project. Mr. Knecht asked that, since the project is “locked in”, why are trips to Washington D.C. still needed? Mr. Paris explained the benefits of making personal contact with the elected officials in Washington D.C.

Mr. Knecht left the meeting at 3:40 p.m.

Mr. Wurzel noted he and Ms. Jonnson have received excellent feedback on the methodology proposal. He noted the RD 2140 O&M budget needs to be established. Mr. Nagy concurred that the budget function must now shift from startup activities to O&M and the basis for the assessment is to show the special benefit of “avoided damage” (from draft report, page 12). Mr. Nagy noted that the flood damage curve is based on a national standard and is not necessarily

intuitive. Mr. Wurzel noted an annual escalation provision is included (draft report, page 44). Board Member Stile asked how to sell that concept since the previous election failed with a similar provision considered. Mr. Wurzel noted that the principal author of Proposition 218 (Howard Jarvis) did not oppose an escalation provision. Mr. Wurzel stated the cost to conduct periodic elections can be greater than the needed additional revenues. Board Member Zeleke asked how will this new methodology be perceived?

Mr. Paris summed up actions/decisions needed:

- a. Budget
- b. Minimum \$25 assessment
- c. Escalation provision
- d. Duration of assessment

**ADJOURNMENT: 5:05 p.m.**

The next regular Board Meeting will be held Friday, June 17, 2016, at the HCCSD office at 211 Main Street, beginning at 9:00 a.m.

Respectively submitted,

Arthur T. (Tom) Tom Anderson  
Interim Secretary