RECLAMATION DISTRICT 799

(Hotchkiss Tract)

PO Box 353/6325 Bethel Island Rd., Bethel Island, CA 94511

www.RD799.com

Regular Board Meeting

**Thursday, July 30, 2020**

**Regular Board Meeting at 6:00 PM**

AGENDA

1. **Call to Order/Roll Call:** The meeting was called to order at 6: 00.pm. Present were President Price and Trustees Kent, Pierce and Hanson. One trustee vacancy.

Others present for the meeting included District Manager Alverez, Levee Superintendent Vornhagen and District Secretary Holder. A list of homeowners in attendance is outlined on the meeting sign in sheet.

1. **Public Comments**: None
2. **Consent Calendar**: All numbered consent calendar items listed will be acted upon under one vote unless specifically removed from the consent calendar by a member of the Board.
   1. Meeting Minutes from the Regular Meeting on June 25, 2020, 6:00pm\*
   2. Warrants\*
   3. Financial Report(s)\*

**A motion was made by Trustee Pierce and seconded by Trustee Hanson to approve items a – c on the consent calendar. The vote showed four trustees in favor (one vacancy). Motion carried.**

1. **Discussion/Action Items:**
   1. Update/report on Cypress Preserves and Summer Lake North developments by District Manager/District Engineer/District Legal Counsel

District Manager Alvarez stated that up until three weeks ago there had not been any contact from either developer. Recently, the District Engineer, the District Manager and President Price met with Encore Capital at their Walnut Creek office. The main boss (Tony Avila) of Encore Capital was in attendance. Mr. Avila wanted to make sure that everyone involved knew he was the one who signed the checks. Mr. Avila stated that they are ready to move forward with their project and that the City of Oakley has approved the one-hundred-year levee. It meets the FEMA requirements. District Manager Alvarez expressed that as a district, we need to be aware that Encore is very conscious of spending and they will watch every penny spent. An estimate from the fire clean-up was given to RD-799 with the intent that the district would be covering these costs. Later, Mr. Avila reached out to District Manager Alvarez and invited him for a meeting to the Encore headquarters in Corte Madera. District Manager Alvarez felt that Mr. Avila was trying to get a feel from him on how we as a district were going to deal with this project. President Price enforced the fact that we can move forward with this project in harmony or with difficulties, but Encore will move forward no matter what. President Price felt that as developers they are not going to sit on this project for a long period of time. Trustee Pierce asked about the 100 versus 200 levee standards; at this time, they are meeting the requirements for the City of Oakley. Trustee Pierce wondered if we could put a clause in the deal that if the standards changed Encore would have to change the levee. It is unlikely that it would ever happen because these levees are dry levees,

* 1. Review application(s) for open Trustee seat and consideration of appointment to fill vacancy\*

Irene Ydens was the only person to apply for the board vacancy. Irene grew up in Rio Vista. She has firsthand knowledge of surviving a flood. Irene was 10 years old when the flood of Andrus Island happened in 1972. Irene attended San Jose State. Irene and her husband have owned a vacation home on Sandmound for the last 12 years.

**A motion was made by Trustee Hanson and seconded by Trustee Pierce to appoint Irene Ydens as a Reclamation District 799 board trustee. The vote showed four trustees in favor (one vacancy).** Direction was given to staff to begin the process of updating the authorized signers on the District’s various bank accounts.

* 1. Swear in newly appointed trustee

District Secretary Holder swore in Irene Ydens as a RD 799 trustee. Trustee Ydens joined the board.

* 1. Discussion and consideration of authorizing the transfer of $200,000 from the General Fund to the LAIF account (to earn interest) \*

**A motion was made by Trustee Hanson and seconded by Trustee Pierce to authorize the transfer of $200,000 from the General Fund to the LAIF account. The vote showed five trustees in favor. Motion carried.**

* 1. Conduct Biennial Review of the District’s Conflict of Interest Code as Required by the Political Reform Act\*

There was a recommended addition to the last paragraph made by our legal team to keep up with the current changes in the Government Code.

**A motion was made by Trustee Pierce and seconded by Trustee Hanson to approve the 2020 Local Agency Biennial Notice as prepared and attached: including adopting the amendment to Appendix B “Disclosure Categories”. The vote showed five trustees in favor. Motion carried.**

* 1. Discussion and consideration of requested reparations with respect to the aftermath of the Encore Capital peat fire\*

District Manager Alvarez reported that when he attended the meeting with Encore Capital, Mr. Avila handed him an estimate of the fire damage cleanup costs. Even though it was an estimate that is considered a claim and therefore the board needs to vote on whether to send this claim to the district’s insurance company.

**A motion was made Trustee Pierce and seconded by Trustee Hanson to send the claim form Encore Capital to our insurance company (Glatfelter). A vote showed five votes in favor. Motion carried.**

1. **Permits** – Discuss & Possible Action on all New and Pending Permits:
   1. Report of approved permits for routine encroachments\*
   2. Update on Potential Enforcement Actions - none
2. **Engineer’s Report**\*
3. **Information Items**:

Required Board Trustee Training\*

1. **Field Reports**:
   1. District Manager Alvarez\*
   2. Levee Superintendent Vornhagen\*

Levee Superintendent Vornhagen reported that almost all of the ditches have been re-sloped. Beaver dams have been removed. Inspections of levees and pumps are done on a consistent basis. Dutch Slough trees have been pruned on water and dry side for future rocking. All equipment has been serviced. Berry bushes from Dutch Slough were removed for re-rocking. Two new flood containers were put in the yard with sandbags and flood control material.

1. **Office Manager’s Report\***
2. **Chairman’s Report**: None
3. **Trustee Reports**: None
4. **Adjournment**: The meeting adjourned at 6:37 pm.

Meeting Minutes submitted by Secretary Holder.

\*denotes supporting documentation available electronically and at the Reclamation District 799 office.

Notice Is Hereby Given:

That the Board of Trustees will consider oral and written public comments. The Chair may announce time limits and direct the focus of public comments for any given proposal. For agenda items not requiring a formal motion, the Chair will announce the opening and closing of the public comments session. If you wish to speak, please stand and state your name and address. Please speak clearly and loud enough for everyone to hear. “This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12132) and the Ralph M. Brown Act (California Government Code 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the District Secretary Dina Holder at (925) 684-2398, during regular business hours, 10:00 am - 2:00 pm Monday - Friday, at least 24 hours prior to the time of the meeting.” Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the District office located at 6325 Bethel Island Rd. Bethel Island, CA 94511