

**GENERAL MEETING OF THE BOARD OF TRUSTEES  
RECLAMATION DISTRICT NO. 2074**

**May 17, 2022**

Pursuant to written notice, a regularly scheduled meeting of the Board of Trustees of Reclamation District No. 2074 was held on Tuesday, May 17, 2022, at 9:00 a.m. at 3425 Brookside Road, Suite A, Stockton, California.

**1. Call to Order**

The meeting was called to order at 9:27 a.m. There were present at the meeting Trustees Nelson Bahler (via telephone) and Robert Ripken. Also present were George V. Hartmann (via telephone and then in person), Tony Lopes, Rhett Kilgore, Justin Roberts, Mark Croce, Dennis Shore, Omar Al-Hindi of SJAFCA, and Chris Elias of SJAFCA.

The meeting was held pursuant to the amended provisions of the Brown Act which allow for telephonic participation to deal with COVID-19 related issues.

**12. New/Old Business**

This item of business was taken out of order. Justin Roberts was present to discuss various tweaks to the website for the District, and various changes were suggested.

Mr. Roberts explained the functioning of the website and the addition of agendas and minutes via a single click from the home page. Mr. Roberts also stated that the website is in alignment with state law requirements as close as it can be, and he believes it is good enough at this point. Trustee Ripken inquired as to how many websites have been approved to date, and Justin Roberts was unsure.

The website created by Mr. Roberts is extremely cost effective. The County of San Joaquin would charge \$12,000 to \$13,000 to do something comparable, but most likely not as good, with additional costs of \$3,000/year for website maintenance and \$156/hour for support. Mr. Roberts would charge the District \$2,800 to build the complete website. Once Mr. Roberts receives final Trustee feedback, the website will go live. The District Counsel at that point stated that he doesn't think the Grand Jury will approve any websites, but will criticize and reject some for being defective, and District Counsel thinks we meet the general statute requirements for the website. Justin Roberts and Tony Lopes then discussed Tony's suggested edits for the website. Justin discussed linking contact information for the District's security company, but will wait until Trustee feedback is received to do that. Mr. Lopes then suggested waiting until the next meeting after everybody can see the website on the screen, unless there is some urgency. District Counsel stated that the supposed deadline is this May, but nobody has been calling from the Grand Jury, and so further discussions were put over to the next meeting.

## **11. Ten Mile Levee Issues**

This item of business was taken out of order in order to permit the representatives of SJAFCA to make their presentation and engage in discussion with the Trustees. Mr. Al-Hindi thanked everyone for the opportunity to attend the Trustees' meeting and described the Lower San Joaquin River Project that SJAFCA is working on with the United States Army Corps. The goal of the project was to start the first phase this year, but the deadline may have been missed due to the Army not being able to find suitable environmental mitigation for 104 trees and 10 elderberry shrubs that must be mitigated. Mr. Al-Hindi also discussed the RD 2074 levee and RD 2119 farming along the area of the project and the need to obtain a Right of Entry. The State and DWR are involved with the project, but SJAFCA is the local representative for same. Mr. Al-Hindi discussed the Right of Entry needed to deal with the vegetation mitigation and the time window during which work can be done, which is basically November 1<sup>st</sup> through February 14<sup>th</sup>. The elderberry bushes cannot be touched until the leaves drop off and a location has been found to relocate same. Mr. Al-Hindi then stated that in order to not miss another July 1<sup>st</sup> deadline, a Right of Entry must be received and he asked for assistance from RD 2074 to get the Right of Entry pushed through. Trustee Bahler then stated that the Right of Entry needs to be signed by the Wright Elmwood Tract landowners, and questioned the ownership of the levee. Mr. Lopes stated that he believes Brookside owns about 60% of the Ten Mile Levee and the landowners of RD 2119 own the rest of the levee. Mr. Lopes further stated that it is not clear what easements exist. Mr. Bahler stated that with regard to ownership concerns on Wright Elmwood Tract, Mr. Lopes should assume that Elmwood Partners is the owner and further stated he remembers proposed changes to the Right of Entry, but no document has come back with proposed changes. Mr. Al-Hindi stated that it had been returned by Brian of the Department of Water Resources with added color legends to make it clearer.

The discussion continued, covering various matters related to entry, mitigation and landowner approvals, and next steps to meet the work schedule and agendas.

## **12. New/Old Business (continued)**

District Counsel then stated that he had discussed Mr. Delaney's resignation with Mr. Delaney, and that he had verbally resigned due to health matters. District Counsel also stated that he had discussed replacing Mr. Delaney with Dennis Shore, who is a semi-retired local attorney, who is also a board member of the Golf Association, to fill the remainder of Mr. Delaney's term, subject to meeting all of the various requirements of appointing an interim Trustee. With the understanding that various posting and other requirements would be needed, and on motion by Trustee Ripken, seconded by Trustee Bahler, the Trustees agreed to the appointment of Dennis Shore to fill the remainder of Mr. Delaney's term.

## **2. Public Comment**

None.

### **3. Approval of Minutes**

The minutes of the April 19, 2022, General Meeting were previously distributed to the Trustees for their review prior to the meeting, and said minutes were approved on motion by Trustee Ripken and seconded by Trustee Bahler, with all Trustees voting in favor, together with a motion to proceed with a teleconference under the amended Brown Act rules governing COVID-19 related functions.

### **4. Communication From Members of the Public**

Rhett Kilgore discussed his contacts with members of the public, and stated they were basically all related to the recent levee inspection, with various questions and responses.

### **5. First Review of Budget for 2022-2023 & Review of Financial Statement**

Mr. Croce was present and reviewed the District's monthly financials and budget performance, and also discussed subvention reimbursement for the city tank farm should the city agree to the District's proposal. On motion by Trustee Ripken, seconded by Trustee Bahler, the monthly District financials were approved for filing.

The proposed budget for 2022-2023 was then read as a first reading. Mr. Croce gave input along with the District Engineer, and the ten year capital expenditure budget was discussed and reviewed. Various changes were proposed and the budget will come back for the second reading and possible adoption at the next meeting.

### **6. Checks and Warrants**

The Secretary presented the following warrants from the General Fund:

#4958 to Hartmann Law Firm for \$8,743.75  
#4959 to Siegfried Engineering, Inc. for \$12,608.28  
#4960 Void  
#4961 to ChemWeed LLC for \$4,225.00  
#4962 to Critter Control for \$1,529.00  
#4963 to Hammer Head Protection for \$1,150.00  
#4964 to C+R Fence Contractors, Inc. for \$2,178.00  
#4965 to CSV for \$3,280.00  
#4966 to RD 2074 for \$402.00

And the following warrants from Special Fund #83:  
None

And the following checks:

#2334 to Nelson Bahler for \$134.00

#2335 to Robert Ripken for \$134.00  
#2336 Void

The Trustees then took up the subject of the District's warrants and checks. Upon motion by Trustee Bahler, seconded by Trustee Ripken, all of said warrants and checks were approved for payment, with all Trustees voting in favor.

**7. Engineer's Report**

The District Engineer reported that the subvention reimbursement is on its way and we are just waiting for same.

The Army Corps has not yet produced its periodic inspection report, and the Corps is doing public outreach regarding flood awareness.

An encroachment permit was submitted by homeowner Buhari and the same was approved on motion by Trustee Bahler, seconded by Trustee Ripken, subject to all District encroachment standards now and hereafter existing.

The District Engineer then reported that Mike Baty had proposed a process for getting rid of blackberry bushes, which requires special treatment with a lot of labor and handwork required, and the same was approved on motion by Trustee Bahler, seconded by Trustee Ripken.

The District Counsel then explained to Mr. Shore the various duties of the District.

The District Engineer stated that the broken fence and gates had been repaired.

As a result of the spring levee inspection, 99 lots are in violation, with the same being mostly vegetation issues.

Rodent control – the jute netting is not working and it is mostly located on the EBMUD property. Trapping is also proving to be ineffective for foxes. There was then a discussion regarding putting 6" minus rock in the areas of fox dens. The issues related to pest control and other matters were then explained for the benefit of Mr. Shore.

**8. State Lands Lease/State Land Agreement.**

Tabled.

**9. Report of District Counsel**

Tabled.

**10. Capital Expenditure Projects**

Previously covered.

**13. Adjournment**

The meeting was then adjourned. The next regular District meeting was scheduled after the meeting adjourned and will occur on Tuesday, June 21, 2022, at 9:00 a.m. at the offices of District Counsel located at 3425 Brookside Road, Suite A, Stockton, California.

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GEORGE HARTMANN, Assistant Secretary

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Robert Ripken, Trustee