



RECLAMATION DISTRICT 900

Post Office Box 673

West Sacramento, CA 95691

PH: (916) 371-1483 • [email: admin@rd900.org](mailto:admin@rd900.org)

January 15, 2020
City Hall, Council Chambers
1110 West Capitol Avenue, West Sacramento
4:30 P.M.

MINUTES OF THE SPECIAL MEETING OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 900

The members of the Board of Trustees of Reclamation District No. 900 convened at the above time and place. President Christopher Cabaldon called the meeting to order. Also in attendance were Trustees; Quirina Orozco, Beverly Sandeen, and Chris Ledesma, Secretary/Manager Tim Mallen and Attorney Ralph Nevis. Absent was Trustee Martha Guerrero.

1. Agenda Approval. President Cabaldon asked for a motion to approve the agenda, Trustee Ledesma made the motion, Trustee Orozco seconded the motion and it carried 4-0.
2. Approval of the minutes of the November 14, 2019 Regular Meeting. President Cabaldon noted that none of the current Board was in attendance at the previous meeting and that accepting the meeting would be in good faith of Manager Mallen's account of the proceedings. President Cabaldon asked for a motion to approve the minutes as presented, Trustee Ledesma made the motion, Trustee Orozco seconded the motion and it carried 4-0.
3. District Finances. The General fund claims and Bank Reconciliations were presented for approval, along with two wire transfers, one for \$75,000 dated November 21, 2019 and another for \$100,000 dated December 26, 2019. President Cabaldon asked for clarification as to the purpose of presenting the financials. Manager Mallen explained that this has always been common practice for the Manager to present the month to month financial statements to the Board so that they can review and that all Trustees have always signed off on each statement. This was done not for approval but for verification of review. President Cabaldon stated that with the oversight of audits that this would probably not be desirable in the future.
4. Public Comment. One member of the public asked to speak, Comments were made by the individual that they have contacted the City multiple times about the ATVs going up and down the port levee and tearing up the slope and that they felt nothing was being done. Manager Mallen commented that the Police had reached out to the District and they were given a gate key for the purpose of pursuing the ATVs. The individual commented again that nothing is being done, President Cabaldon stated that Manager Mallen's response was sufficient and that this was now a City problem and not for the Board to discuss further. Additionally the comment was made they felt that not having the

Agenda posted on the City Website was a violation of the Brown Act, President Cabaldon explained that this was RD 900 not the City and as such it is on the District's website only.

5. Appointment of Board Members to represent RD 900 on the WSAFCA Board as primary and alternate members. A discussion was had about the positions and that Trustee Sandeen already serves on the Board as the City's representative. President Cabaldon asked if Trustee Ledesma would be willing to be primary and that Trustee Orozco be alternate, both agreed and President Cabaldon asked for a motion to approve the appointments. Trustee Sandeen made the motion, President Cabaldon seconded the motion and it carried 4-0.
6. Establish new Regular Board Meeting Schedule. After a discussion with the Director of the Port, Aaron Laurel, whose meetings start at 4:00pm, it was decided that RD 900's meetings would all be at 5:00pm rather than 4:30pm on evenings where both meetings occur prior to Council. Trustee Orozco made the motion to approve the schedule as amended and Trustee Sandeen seconded, it carried 4-0.
7. Consideration of Resolution 2020-01-01, funding agreement between the State of California and Reclamation District 900 for O & M as part of the Flood Maintenance Assistance Program (FMAP) 2020. Manager Mallen explained that this is a program provided by DWR to assist in the costs associated with levee maintenance and repair. It was clarified at the request of Trustee Ledesma that this is money appropriated by the state budget and it will be distributed year after year until it is all expended. Last year it was used by the District to purchase numerous pieces of mowing equipment but under the current rules that is no longer allowed so fewer funds were requested this year. Last year out of the \$490,000.00 RD 900 had available to them approximately \$20,000 was not spent on the items being tracked. Manager Mallen stated that he was still working out if there was another qualifying expense so that the monies would not have to be refunded. Trustee Sandeen asked why the proposal did not have any monies for rodent abatement if it was cited as a prior deficiency. Manager Mallen explained that the previous deficiency was not as a result of a problem but rather a lack of visible bait traps to show an "active program" that there were not currently any problem areas. President Cabaldon asked if some of the money could be used for MA4 deficiencies once those levees were acquired. Manager Mallen stated yes and that there are a lot of rodent and vegetation projects that could be done there allowing for a larger ask for money. President Cabaldon asked if there was a way to increase the funding asked for, what the limiting factor was? Manager Mallen explained that the largest guaranteed use is for herbicides and the wages of the employees for time spent working on the levees and that those are not enough to even cover all the money currently asked for. That there is some money that would probably be used for slips that usually occur on the port levee and also for a desired patrol road project that would rehabilitate the last

deficient stretch of patrol road. Manager Mallen explained that an emergency is the only real way to justify more, but that mid-year increases did occur last year for RD 537 to repair slip sites, so that is always possible. President Cabaldon asked for a motion to approve funding agreement as presented. Trustee Ledesma made the motion, Trustee Sandeen seconded the motion and it carried 4-0.

8. Levee Patrol Road Rehabilitation Project Update. Manager Mallen reported that this was for the placement of a patrol road over a waterside crown bench that was in the north portion of the Southport Levee to facilitate being able to see the waterside slope while patrolling. It was stated that all the rock was placed in a single day but that required compaction couldn't be achieved and that this would be done once dried out in the spring. The surface supports vehicles as is, just not tractors, so this was an acceptable path. The Trustees all stated their desire to have the informational items to continue at future meetings to bring them all up to speed, but stated that they should not all always been presented, rather as milestones are hit they should be discussed. Trustee Orozco expressed a desire to also have a tour of all these projects and issues to allow for a better understanding.
9. Blacker Canal Update. Manager Mallen explained that there is a portion of Blacker west of Jefferson to the Main Canal that is collapsing and as a result one side is already inaccessible to equipment. This project was submitted to FEMA 3 years ago and again 2 years ago but denied both times, recently FEMA with no additional requests from the District sent an RFI, the response was prepared and environmental documents initiated with Marcus Bole as a result of the questions. Now just awaiting a response. Manager Mallen further explained that this project had been prioritized for this year so the timing is good. The project needs to happen within the next couple years to avoid private property damage based on the rate of failure. The designed solution is to rebuild the slope with rock filled gabion baskets and then cover with soil.
10. Update on USACE conversations regarding Navigation Levee and Jurisdiction over Main Canal. Manager Mallen reported that through MBK conversations have begun with the USACE to discuss maintenance and emergency response on the DWSC west levee which is the actual flood protection feature for the bypass, not the east levee that is designated by the USACE. He reported that the levee is under the purview of the Navigation Division which is run out of San Francisco and that it has been confirmed they do not maintain it as if it is a flood protection feature, nor do they patrol during high water events. It was also reported that previously it had been part of the Flood Division and at that time it was maintained by the DWR Bryte yard and managed by Meegan Nagy. Documentation about what the maintenance agreement was and how funding for this was handled has been requested and should shed light on how this can look moving forward.

Manager Mallen also reported on the situation that has arisen with the Main Canal, as a result of the Yarbrough projects internal review process, their consultant Madrone was alerted that the USACE intends to declare the Main Canal jurisdictional. This given the extensive alteration proposed to the Main Canal would stop that project as they would need a Streambed Alteration Agreement. Additionally this would severely impact the District as everything from spraying, to vegetation removal, to dredging would now require an agreement and may just not be allowed. A joint City, RD 900 letter was submitted through the Consultant to the USACE pleading the case for exemption. The grounds for exemption are that the canal was built in upland which is justified by providing historical evidence of the construction sequence. The District first constructed the levee system, dried up and cleared the land and then constructed the canal. This was submitted prior to December 23rd when that exemption went out of effect but no decision was made so it is unclear where we stand. A meeting between all parties is scheduled for the end of the month to discuss further. Manager Mallen explained there is still similar exemption language that is permitted but that it is looser and allows for the USACE to make discretionary action.

President Cabaldon inquired given the importance of these issues if he should elevate them to higher level on his upcoming trip to DC. Manager Mallen stated not on the Main Canal jurisdictional nature, but that the DWSC levee could certainly be elevated.

11. Update on conversations regarding RD 900 taking over responsibilities for MA 4. As part of the City's proposal to LAFCo as well as prior RD 900 direction conversations have resumed with CVFPB about how to go about with a absorption of MA4. Manager Mallen reported that he spoke with Darren Suen with the CVFPB and was assured that he knows of no opposition and that the Board would support any timeline desired. Manager Mallen stated his first thought is that given the RD 537 merger being imminent that waiting until after a certain transition time would be advantageous instead of all at once. President Cabaldon said it would be better to just do it all at once. Trustee Ledesma said Manager Mallen should bring to the Board a list of pros and cons for each path so that a decision can be made. Manager Mallen reported that Darren is supposed to be providing example submittal materials from a previous similar merger made by American River Flood Control, as well as the appropriate contact with DWR to discuss.
12. WSAFCA Projects Update. President Cabaldon asked to have the WSAFCA Manager Greg Fabun who was in attendance to offer an update. Greg stated that the 35% design plans for the USACE critical repair sites was delivered on time on January 14th. The plans are being done by MGE as the Agency is taking the lead on the USACEs behalf until at least the 65% design is complete. Greg also reported that a recent trip to DC was successful on

connecting with decision makers to bring our plea for urgency on a new start this budget year. This allows WSAFCA to remain on track for the system wide reconstruction timeline. It was stated there were at most two New Starts to be awarded and we should know on February 10th when the USACE budget is released.

13. Discussion of District owned property at 889 Drever in West Sacramento. Manager Mallen discussed the property acquired last year to replace both the current shop and office. This discussion is as a result of Board concerns regarding such a large purchase during the LAFCo process. It was explained that the property had been pursued by the District for several years but it took a long time for the owner to decide to list it. The property is roughly 3200 sq. ft. of office and over 13,000 sq. ft. of shop. This allows for all of the District's implements to be parked inside and for all records to be housed in one place. Currently most equipment is parked outside and the current shop buildings need to be torn down, they are both very old and constructed against the levee in violation of the CVFPB requirements. Additionally both the shop and office do not comply with ADA standards in most respects. Currently many of the District's older records are kept at a pump station without climate control as a result of insufficient office space. Manager Mallen explained that a bid package is nearing completion which would cover a complete update of the new building. The plans will include fire sprinklers, ADA improvements and new fencing as well as a face lift of everything else; no structural modifications are required as the layout is already ideal. President Cabaldon explained he would like an opportunity to look through all the purchase documentation and records to understand why and how this purchase came to be.

14. Adjourn. There being nothing further, President Cabaldon asked for a motion to adjourn. Trustee Ledesma moved and Trustee Sandeen seconded the motion.



Timothy Mallen, PE
General Manager/Secretary