

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Notice of Meeting

An In Person Meeting of the Van Sickle Island Board of Trustees
has been called by President Gerald Dinelli

9:00am Saturday October 14, 2023

Meeting to be Held at the Montezuma Farms Clubhouse
On Van Sickle Island

Meeting Agenda

Please note that there will be updates posted to this agenda online along with supporting meeting documents at the district website up until 72 hours before the meeting at:
<https://rd1607.specialdistrict.org/board-meetings>

1. Meeting Called to Order
2. Approval of Minutes of previous meetings
3. Financial Report
4. Levee Report FEMA progress, Next engineering steps.
5. Pumping
Action: How much money should the district commit for pumping?
6. West side access repairs.
Action: How much money should the district commit to repairing the Honker Bay erosion sites to provide access for equipment to reach the Sacramento Levee?
7. Spinner Island proposal.
Spinner Island has submitted a proposal for repairs on the Montezuma Slough levee and for the transfer of an internal levee to Spinner Island.
Action: How should the district respond to the Spinner Island Proposal?
8. Assessment Increases for levee repairs and pumping.
Discussion of steps needed to raise assessments for the future.
9. Changing of gate lock code
10. New Business/ Comments

The Montezuma Clubhouse is the first clubhouse south of the main gate on Van Sickle Island. If you are driving in from the county road through the main gate you can park on high ground around the house or along the levee by the main gate. Please allow room for other vehicles to pass. If you would like to come by boat let me know and I will give you instructions.

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Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Minutes of Board of Trustees Reclamation District 1607
August 14, 2023 at 4 pm At the District Office

A Meeting of the Board of Trustees was called to order by President Gerald Dinelli at 4:10 pm. Also present were Board members Kevin Confetti, Edmund Linscheid and Steve Thomas. Also present were Secretary Chris Lanzafame, Eric McConn, Matt Stretch, Mark Amaro and Nancy Lanzafame.

Mr. Lanzafame went over the current financial statements which showed that we had accumulated about \$350,000 with 2023-2024 lease payments from CRC, \$120,000 in time warrants and \$100,000 from 2022-23 subventions and 2017 FEMA reimbursements.

A discussion ensued regarding the costs and risks associated with the proposed preliminary repairs on the Sacramento Levee breaches. There was some discussion about whether we should wait until we hear from FEMA about their financial support but Mr. Lanzafame warned that the loss of interior levee crown width due to strong internal wind and wave action was accelerating to a dangerous level. Now that the money had become available and the risk of high tides diminished, it was likely the best chance to seal the breaches to allow the interior water levels to drop. This would be a risky repair as adding rip rap and material to the saturated levee could cause a subsequent failure. Discussion over the two proposal options centered around whether we should commit on the Decker Island material on option 2 or just approve the rock and free sand delivery of option 1. Engineer Mike Moncrief of MBK was summoned on the phone to get his take and he suggested choosing option 2 with the caveat that if the repair failed or a better source of material became available that Dutra would let us opt out of using the proposed Decker Island material in the proposal. Mr. Moncrief also explained the risks of adding too much weight to the levee and that the amount of money needed to actually complete final repairs was closer to \$3million now. Mr. McConn of the Concord club asked if we could put fabric or another protective membrane over the repairs to protect them from overtopping. Mr. Moncrief said he would ask Dutra to provide a price for doing that with Mirafar.

A motion was made by Mr. Confetti and seconded by Mr. Linscheid to accept option 2 but requesting that the district could ask to have a line-item veto to cancel the Decker material if better material becomes available or the whole project fails. The motion was passed unanimously.

Mr. Moncrief then explained the many conversations he has been having with DWR regarding taking the lead in helping us with a major project. He stated that if we were to get help from DWR instead of FEMA it could be a faster process and an easier project regarding cash flow since FEMA would not advance money ahead of project work. There was a consensus that MBK should continue trying to get a commitment from DWR at this time as we wait for a word from FEMA.

Mr. Moncrief also described the difficulty in getting permits to place rip rap on the damaged area on Honker Bay. He explained that we would have to make repairs with dirt, sandbags and plastic before this winter.

Mr. Dinelli asked to approve minutes of the minutes of May 9, 2022 and January 5, 2023 and a motion was made and seconded and approved unanimously. (Confetti,Linscheid)

Mr. Dinelli asked for a motion to adjourn with was made by Confetti, seconded by Linscheid and approved by all Adjournment was at :15 pm.

Reclamation District 1607
Balance Sheet
as of 10/10/23

Assets

Current Assets

Cash In Bank-County Fund 205
Cash In Bank - WF Checking
Accounts Receivable
Total Current Assets

\$ 117,863.22
43,099.65
39,755.70

200,718.57

Total Assets

\$ 200,718.57

Liabilities & Equity

Current Liabilities

Accounts Payable
Total Current Liabilities

\$ 71,940.65

71,940.65

Long Term Liabilities

Time Warrants Payable
DWR Advance Payable
Total Long Term Liabilities

120,000.00
5,716.54

125,716.54

Owners' Equity

Equity
Retained Earnings
Current income
Total Owners' Equity

127,060.32
(123,946.85)
(52.09)

3,061.38

Total Liabilities & Equity

\$ 200,718.57



Treasurer-Tax Collector-County Clerk
CHARLES LOMELI

Statement of Account Balance
Reclamation District 1607
Fund 205
September 30, 2023

					Balance	
Date	Description	Deposits	Withdrawals	Interest	\$	
					\$	167,383.22
6-Sep-23	DP 265504	480.00			\$	167,863.22
20-Sep-23	JE 24001482		50,000.00		\$	117,863.22
Totals		480.00	50,000.00	-		

Outstanding Warrants \$ -

Closing Balance \$ 117,863.22

*revised
10-10-23*

State/Local Government Checking

September 26, 2023 ■ Page 1 of 4



RECLAMATION DISTRICT NO. 1607
119 LOREN LN
OAKLEY CA 94561-2463

Questions?

Available by phone Mon-Sat 7:00am-11:00pm Eastern Time, Sun 9:00am-10:00pm Eastern Time:

We accept all relay calls, including 711

1-800-CALL-WELLS (1-800-225-5935)

En español: 1-877-337-7454

Online: wells Fargo.com/biz

Write: Wells Fargo Bank, N.A. (114)
P.O. Box 6995
Portland, OR 97228-6995

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Account options

A check mark in the box indicates you have these convenient services with your account(s). Go to wellsfargo.com/biz or call the number above if you have questions or if you would like to add new services.

Business Online Banking	<input checked="" type="checkbox"/>
Online Statements	<input checked="" type="checkbox"/>
Business Bill Pay	<input type="checkbox"/>
Business Spending Report	<input checked="" type="checkbox"/>
Overdraft Protection	<input type="checkbox"/>

Other Wells Fargo Benefits

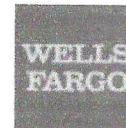
It's a new day for the Security Center in the Wells Fargo Mobile® app. With a new look, easier navigation, and a brand new interactive security check-up tool, you can see your security settings in one place and make sure they are up to date. It's live now, so sign-on or download the Wells Fargo Mobile app today to check it out and learn about ways to help protect your accounts and information.

Statement period activity summary

Beginning balance on 8/24	\$210,527.19
Deposits/Credits	51,226.41
Withdrawals/Debits	- 6,440.57
Ending balance on 9/26	\$255,313.03

Account number: 2358693477
RECLAMATION DISTRICT NO. 1607
California account terms and conditions apply
For Direct Deposit use
Routing Number (RTN): 121042882
For Wire Transfers use
Routing Number (RTN): 121000248

*reconciled
10-8-23*



Interest summary

Interest paid this statement	\$20.15
Average collected balance	\$216,281.30
Annual percentage yield earned	0.10%
Interest earned this statement period	\$20.15
Interest paid this year	\$72.78

Transaction history

Date	Check Number	Description	Deposits/ Credits	Withdrawals/ Debits	Ending daily balance
8/31	2331	Check		6,310.00 ✓	204,217.19
9/5		Pgande Web Online SEP 23 65175590090423 Reclamation District N		23.82 ✓	
9/5	<	Business to Business ACH Debit - Getstreamline.CO Getstreaml St-V3A2F900WOW5 Reclamation District 1		63.00 ✓	204,130.37
9/11		Mobile Deposit : Ref Number :011090888704	1,158.00 ✓		205,288.37
9/12	2332	Check		43.75 ✓	205,244.62
9/20		Solano County Tr Transfers Rec Distr 1607 Xfer Funds to The Operating Account of Reclamatio	50,000.00 ✓		255,244.62
9/26		Mobile Deposit : Ref Number :321250076438	48.26		
9/26		Interest Payment	20.15 ✓		255,313.03
Ending balance on 9/26					255,313.03
Totals			\$51,226.41 ✓	\$6,440.57 ✓	

The Ending Daily Balance does not reflect any pending withdrawals or holds on deposited funds that may have been outstanding on your account when your transactions posted. If you had insufficient available funds when a transaction posted, fees may have been assessed.

< *Business to Business ACH: If this is a business account, this transaction has a return time frame of one business day from post date. This time frame does not apply to consumer accounts.*

Summary of checks written (checks listed are also displayed in the preceding Transaction history)

Number	Date	Amount	Number	Date	Amount
2331	8/31	6,310.00	2332	9/12	43.75

Monthly service fee summary

For a complete list of fees and detailed account information, see the disclosures applicable to your account or talk to a banker. Go to wellsfargo.com/feefaq for a link to these documents, and answers to common monthly service fee questions.

Fee period 08/24/2023 - 09/26/2023 Standard monthly service fee \$10.00 You paid \$0.00

The bank has waived the fee for this fee period.

How to avoid the monthly service fee	Minimum required	This fee period
Have any ONE of the following each fee period		
• Average ledger balance	\$1,000.00	\$216,281.00 <input checked="" type="checkbox"/>
• Minimum daily balance	\$500.00	\$204,130.37 <input checked="" type="checkbox"/>

RD 1607 Treasurer's Report 10.14.23
Known Expenses Through 1.1.24

Cash and Bank Accounts

County Fund Cash	\$	117,383.22
DWR Advance 5 year Plan advance reserve	\$	(5,716.54)
Wells Fargo Checking Cash	\$	43,099.65

Total Available Cash 10.9.23 **\$ 154,766.33**

Assessments Receivable	\$	39,755.70
Less Delinquent Accounts over 60 days	\$	(10,664.68)

Expected Funds **\$ 183,857.35**

Committed Payables and Projects

Dutra Preliminary Retention on Rock Delivery	\$	10,982.00	
Dutra Delivery and Placement of Levee Material	\$	157,022.00	Due Now
Accounts Payable Five Year Plan MBK	\$	7,009.70	
Administration and project inspections 7/1-12/31	\$	10,000.00	
Time Warrant interest	\$	4,200.00	
Pay Off Time Warrant 1 and 2 Due 1/1/24	\$	20,000.00	
Engineering Current amount Due	\$	55,242.29	
Engineering Not Billed/ Permits	\$	35,000.00	
2022-2023 Audit	\$	7,000.00	
Misc	\$	5,000.00	
Total Expected Committed Expenses	\$	311,455.99	

Net Balance 1/1/24 expected deficit **\$ (127,598.64)**

Additional Needed Projects before Winter

- Repair Honker Bay Levee \$25000?
- Montezuma Slough Levee \$25000?
- Pumping Ponds down to Shoot level \$25000?
- Plastic/Fabric/Labor to protect levee for winter \$10,000?
- Completion of Sacramento Material Placement \$35000
- Removal of beaver Den on Sacramento \$500-\$2500
- Repair of Access Road between Concord and Spinner
- SRCD Permit RGP3 \$9928 January

**SRCD Water Manager Portable Pump Program
PUMP RENTAL AGREEMENT AND RELEASE**

Program Purpose: The 2005 Revised Suisun Marsh Preservation Agreement provided funding to SRCD to purchase portable pumps to be operated by the SRCD Water Managers. The operation of the portable pumps was to benefit managed wetlands by providing better removal of soil salts during drainage. These portable pumps were intended to be used on those managed wetlands that couldn't effectively tidally drain and accelerate the drainage of high salinity soil water and to facilitate the properties ability to flood and drain in 30 days (consistent with the properties Management Plan).

SRCD Prioritization for Portable Pump Availability and Installation:

1. To complete managed wetlands flood and drain cycles within 30 days to perform effective spring leach cycles.
2. To complete a final drain of the managed wetlands. The removal of water from low pond bottom areas and ditches that cannot be effectively removed by tidal drainage. This will help avoid the accumulation of salinity in the managed wetlands soils.
3. To support the completion of managed wetland enhancement construction activities.
4. To supplement the managed wetland units drainage capacity – when existing water management infrastructure is damaged or incapable of meeting habitat management objectives. The use of the pump is intended to be short term assistances, until the existing infrastructure is replaced or repaired. The SRCD pumps will not be used for long term installations in lieu making repairs to water management infrastructure, such as, pumps, exterior levees and exterior flood and drain gates.
5. Pumps are not available for operation during waterfowl season to avoid flooding of duck blinds, parking lots, roads, infrastructure, or facilities.

This prioritization ranking was approved by the SRCD Board of Directors January 14th, 2015.

This PUMP RENTAL AGREEMENT AND RELEASE (the "Agreement") is made between the Suisun Resource Conservation District ("SRCD") and

(Ownership name) _____ ("Renter") as of _____, 2023

(Ownership number)

Under the General Conditions attached to and incorporated into this Agreement as Exhibit A, SRCD rents to Renter the pumps named and identified in the following "List of Equipment," for use at the location depicted on the map attached to and incorporated into this Agreement as Exhibit C, at the rental rate and for approximately such time as is stated in the List of Equipment below and as calculated on Exhibit B, attached to and incorporated into this Agreement.

**CLAIM OF SPINNER ISLAND, LLC
A CALIFORNIA LIMITED LIABILITY COMPANY**

(SECTION 910 OF THE GOVERNMENT CODE)

To the **RECLAMATION DISTRICT NO. 1607**:

You are hereby notified that **SPINNER ISLAND, LLC** claims damages from
RECLAMATION DISTRICT NO. 1607 as follows:

I. NAME AND ADDRESS OF THE CLAIMANT.

The address of the claimant is as follows:

SPINNER ISLAND, LLC
By President Pat Drudge
347 Rose Ann Avenue
Pittsburg, CA 94565

**II. THE ADDRESS TO WHICH THE CLAIMANTS DESIRE NOTICE
SENT.**

All notices or other communications with regard to this claim should be via both email
and mailed to:

Pat Drudge
Spinner940manager@gmail.com
347 Rose Ann Avenue
Pittsburg, CA 94565

III. THE DATE, PLACE AND OTHER CIRCUMSTANCES OF THE OCCURRENCE OR TRANSACTION WHICH GAVE RISE TO THE CLAIM.

This claim is based upon the following facts and legal theories.

A. Facts.

Reclamation District No. 1607 (the "District") is a reclamation district located in the County of Solano, organized and existing under and by virtue of the laws of the State of California and is vested by law with authority to exercise the power of eminent domain pursuant to Code of Civil Procedure section 1230.010 *et seq.* and Water Code section 50000, *et seq.*

Claimant is the owner of certain real property commonly known as Spinner Island. Spinner Island abuts and is adjacent to certain real property commonly known as Van Sickle Island. Certain levees bounding Van Sickle Island, particularly those facing Honker Bay and Montezuma Slough are controlled, managed and maintained by Reclamation District No. 1607.

The levees located on Van Sickle Island facing Honker Bay and Montezuma Slough were negligently designed, maintained and constructed by Reclamation District No. 1607, so as to be unable to withstand pressure from the flood and/or tidal waters of the Sacramento River and that foreseeability could flood Van Sickle Island and all adjacent properties including Spinner Island and Claimant's property.

The design and construction of said levees were done inadequately in spite of Reclamation District No. 1607's knowledge of tidal elevations and maximum rain falls in Solano and upriver counties. The levees have further been negligently repaired and maintained by the District so as to continue and perpetuate the danger of flooding from a breach of said levee during the course of heavy rainfall and or tidal conditions all of which are foreseeable and expected.

As a proximate result of the aforementioned acts of the District, in March of 2023, approximately March 22, 2023, Claimant's property was flooded. The flooding killed wildlife, damaged the residence and out buildings, damaged the land and existing levees, damaged the

dockworks and ramps, and prevented the normal operation of Claimant's duck hunting club and other annual activities including hunting, fishing, boating and social events.

The flooding occurred from waters from the breach in the levees on Van Sickle Island, designed, constructed and maintained by the District and not from other sources. Claimant's property would not have been flooded or damaged if the levees had been properly designed, constructed and maintained.

As a proximate, direct and necessary result of the plan, design, approval, construction, operation, and maintenance of the levees, and lack thereof, the District has caused flooding, erosion and damage to the Claimant's property.

The Secretary to the Board of Trustees of the District (Chris Lanzafame) has stated that the water intrusion will be for a long time or even permanent. He has stated that the District lacks the funds to repair the levee. Claimant is informed that the District has sought assistance from FEMA but that this assistance has not been provided. Based on these statements and the doctrine of most injurious use, Claimant believes that their property has been flooded and that the flooding is permanent.

The damage to the levees, water intrusion, damage to the Claimant's property and improvements was reasonably foreseeable, was not remote, and Claimant has suffered direct physical damage as a proximate result of the District's acts and omissions as deliberately planned and carried out by the District.

The District's plan, design, approval, construction, operation, and maintenance of the levees and roadways was the actual cause of damage to the Claimant's property and was a substantial cause to the damage to the Claimant's property.

The cause and effect relationship between the plan, design, approval, construction, operation, and maintenance of the levees was entirely within the District's control.

The plan, design, approval, construction, operation, and maintenance of the levees increased the risk of flooding and damage to Claimant's property, and increase the future risk of flooding and damage to Claimant's Property.

The design, construction and maintenance of the levees was the primary duty of the District, fell below the standard of care, was negligent, the duty was breached, and the negligence of the District caused damage to Claimant's property.

The District's adopted plan, design, approval, construction, operation, maintenance plan, and actual maintenance of the levees was unreasonable and failed.

The District has failed to act reasonably in the plan, design, approval, construction, operation, and maintenance of the levees and the flooding of and damage to Claimant's property was a foreseeable result of the District's acts and omissions.

The substandard construction and/or maintenance of the levees constitute a private nuisance within the meaning of Sections 3479 and 3484 of the Civil Code of California, in that they pose a continuing threat to the free use of Claimant's property and duck club, resulting in damages to same.

The substandard construction and/or maintenance of the levees constitute a public nuisance in that they pose a continuing threat to the free use of Claimant's property and duck club, resulting in damages to same.

Claimant is entitled to abatement of this nuisance by proper construction and maintenance of the levees in question.

The acts and failures of action by the District are a trespass to Claimant's property.

The acts and failures of action by the District created an unsafe condition of public property.

B. Legal Theories.

The legal theories upon which Claimant bases this claim include, but are not limited to the following:

1. Inverse Condemnation.
2. Trespass.
3. Public Nuisance.
4. Private Nuisance.

5. Dangerous Condition of Public Roadway.

IV. A GENERAL DESCRIPTION OF THE INDEBTEDNESS, OBLIGATION, INJURY, DAMAGE OR LOSS INCURRED SO FAR AS IT IS CURRENTLY KNOWN.

As a result of the above-described damage to Claimant's property, Claimant has been damaged in an amount to be determined at trial, and which is within the jurisdictional limit of this Superior Court, Unlimited Jurisdiction. This damage includes but is not limited to damage to Claimant's real and personal property, a decrease in the value of Claimant's property, costs of repair, costs of clean-up, etc.

V. THE NAMES OF THE PUBLIC EMPLOYEES CAUSING THE INJURY, DAMAGE, OR LOSS, AS KNOWN AT THE TIME OF THIS CLAIM.

The names of the public employees having knowledge of the above facts as known as of the time this claim is presented are as follows:

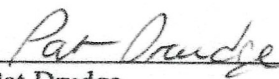
1. Chris Lanzafame.
2. Gerald Dinelli – District President .
3. Ed Linscheid.
4. Mike Warriner.
5. Kevin Confetti.
6. Steve Thomas.

VI. THE AMOUNT CLAIMED.

Jurisdiction over this claim would rest in the Superior Court of the County of Solano, Unlimited Jurisdiction.

DATED: August 4th, 2023

SPINNER ISLAND, LLC



Pat Drudge
President

To make it simple here's our requirements in a written agreement.

1. The District agrees to undertake the year-round maintenance of the upper levee road, from the main gate to Spinner, ensuring it is adequately gravelled for vehicular access.
2. It is agreed that all water hyacinth within Spinner Slough and associated channels will be removed by no later than December 1, 2023 by District.
3. The entrance to Spinner will be repaired and gravelled, specifically to the area south of the club house, which was damaged by floodwaters.
4. Upon the completion of the necessary repairs to the levee between Van Sickle and Spinner to 7 foot surveyed elevation by MBK, both the District and Concord will mutually sign over their legal rights to this levee. Spinner will assume responsibility for ongoing maintenance under the District's RGP permits on a biannual basis, utilizing materials from up to 65 feet from the center of the levee on the Van Sickle side.
5. It is explicitly stipulated that no entity other than Spinner shall have permission to use the levee between Spinner and Van Sickle, except for Spinner LLC members.
6. Spinner shall grant authorization for construction equipment required for District levee maintenance to pass through their property. In the event of any damage caused to the spinner levee by such equipment, responsibility for repair and restitution shall lie with the District.

Spinner Island LLC