

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Minutes of Board of Trustees Reclamation District 1607 March 25, 2023 at 9am At the Montezuma Slough Clubhouse Van Sickle Island.

A Meeting of the Board of Trustees was called to order by President Gerald Dinelli at 9am. Also present were Board members Mike Warriner, Kevin Confetti, Edmund Linscheid and new member Steve Thomas who replaced the vacated seat of Jay Gudebski. Also present were Secretary Chris Lanzafame, Michael Luippold, Bills Luippold, Bob Pinkston, Rich Nave Jr, Eric McConn, Andrew Cain, Tom Nave, Nick Luoma and Matt Stretch.

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

Mr. Lanzafame pointed out that even though not on the agenda, a lawsuit had been filed by Mr. Richard Grillat, owner of 4 G ranch, against the district for damage to his property due to flooding. In addition Mr. Lanzafame explained that an anonymous and slanderous posting on the Suisun Marsh News Facebook page accused the District of negligence in not preventing flooding and fraud in it's attempt to qualify for FEMA funding and alleging that a claim had been filed with FEMA regarding fraud. Mr. Lanzafame explained that this was difficult for him personally and if the Board felt that at any time he wasn't doing a good job or acting properly he would step down if requested and allow the Board to select a new Secretary. Mr. Lanzafame stated that no decisions could be made about the law suit since it was not on the current agenda but that he would consult with district attorneys and report back to the Board. Andrew Cain asked if evidence of an actual claim to FEMA existed that could jeopardize our chance for FEMA assistance regarding the flood but Mr. Lanzafame stated that he did not know. Most were concerned about the question that such a complaint could delay or cancel FEMA assistance which will deliver a serious blow to our repair efforts.

Mr. Lanzafame reviewed the current financial situation as presented by the financial statements that are attached to these minutes. He explained that the District had completed winter flood protection before the end of the year by dredging material on the RiverDog and Hit Miss clubs to raise the levees there and to provide extra material to make additional repairs in the spring. Also, funds were spent on three new aquadams which were deployed in October and November to add to additional protection that was placed on critical spots on the Sacramento River levee during the summer. Unfortunately, these aquadams were not adequate to protect the levee due to the unexpectedly extra high tide on January 5th during the storm when they were swept off of the levee and onto the island. Continuous high water during the many following atmospheric river storms eventually caused a 60foot breach in the levee which has also caused the Island to flood. Because more high tides and rain storms were predicted along with more state dam releases, it was deemed impractical to attempt repairs until water levels on the river and dam releases were stabilized at a lower level. The early repairs attempted in similar circumstances in the floods of 2017 failed miserably due to lingering high tides and dam releases and our District engineers and District Secretary did not want to make the same mistake of attempting repairs before the water levels were safe to work in. Water levels have risen since the initial damage in early January and with continued rain and high tides with moderate low tides, water levels inside the island have risen over the past two weeks significantly flooding over all internal levees and covering every club on island evenly with water. Several clubs and structures now have water covering their floors and will continue to have water until the tide levels on the Sacramento River subside or until the many damaged spots that are leaking can be repaired.

Because current funds in the district account have been inadequate to initiate repairs since the time of the flood, Mr. Lanzafame had proposed resolution 3.25.2 to raise cash flow through the sale of \$120,000 of time warrants as was done in 2017. These would allow the district to raise cash deposits to allow for permitting and repairs to get underway in anticipation of our FEMA repair project and to cover the district's share to make permanent repairs. These time warrants sold in \$10,000 increments would yield 7% interest and would have terms of up to 5 years as allowed by the California Water code provision 53040. Mr. Lanzafame also stated that he has recently requested CRC, the gas well operator on the Island, to match their support that was offered in 2017. Following that flood, CRC paid two years of its \$50,000 annual lease in advance and kicked in a one-time donation of \$80,000 to help with repairs.

A discussion ensued regarding the district's difficulty in not having enough funds annually to maintain 9 miles of levees. Our last assessment increase was after the floods of 1998 and our current quarterly assessments of \$24,488.09 per quarter are have not been able to keep up with inflation of permitting and repair costs. Mr. Confetti stated that we have a short-term problem and a long-term problem; The short-term problem is to get the levees repaired and the long-term problem would be to discuss the need to raise assessments which should be dealt with when the levees are finally repaired. He stated that we haven't raised assessments in 25 years but all of our costs have grown exponentially. He made a motion to approve motion 3.25.2 to solve the short-term problem and suggested that we return to the assessment increase issue as soon as our levees are repaired. The motion was seconded by Mr. Linscheid and was approved unanimously. Mr. Cain commented that even with a future

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

assessment increases it will still not be enough money to maintain our levees without new sources of funds so we need to continue to convince state partners to help fund our levees.

Mr. Lanzafame presented Resolution 3.25.1 which authorizes 2023-2024 subventions work which is needed each year.

RESOLUTION 3.25.1 OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT No. 1607

RESOLVED that the work included in Reclamation District No. 1607's ("District") 2023-2024 Delta Levee Subventions Program Application consists of the maintenance and/or repair of existing levee improvements which involves negligible or no expansion of said improvements' existing uses and, hence, falls within the categorical exemption to the California Environmental Quality Act set forth in California Code of Regulations, title 14, section 15301; that said work does not constitute an exception to the exemptions of the California Environmental Quality Act; and that the District's Engineer is authorized to prepare and file with the County of Solano the appropriate Notice of Exemption on behalf of the District.

FURTHER RESOLVED that the President or Secretary of Reclamation District No. 1607 be and hereby is authorized to execute on behalf of this District that Agreement between The Reclamation Board of the State of California and Reclamation District No. 1607 covering participation in the Delta Levee Subventions Program pursuant to Part 9, Division 6 of the Water Code as amended by SB 34, Chapter 28, Statutes of 1988 for fiscal year 2023-2024 and the work to be reported to the State thereunder is determined to be categorically exempt under the California Environmental Quality Act (Pub. Resources Code, § 21000 et seq.) for the reasons set forth above.

The motion was made by Confetti and seconded Warriner and approved unanimously

Mr. Lanzafame presented the Engineer's Report which was prepared by District Engineer Emily Pappalardo at MBK. That report is attached to these minutes and covers first estimated costs of \$2,280,000 spent over damaged spots along the Sacramento River levee, Montezuma Slough and some other spots on Honker Bay and the Wreck Slough Club. Special permits will likely be required due to the quantity of imported material needed however it is possible that current permits may provide an opportunity to seal the breaches first if the engineers feel it is possible. If repairing the breach first is not possible without a high risk of failure, we will have to wait until the entire project is done at one time later in the summer when water levels and snow melt subside. There will also be money needed for debris removal and for eligible damage that may be covered with water such as District owned rights of ways or pipes and pumping facilities

Ms. Pappalardo's report also covers several other possible funding sources for continued levee upgrades that MBK is exploring on our behalf. We will need to wait and see if any of the sources become available. These are outlined in the Engineer's Report.

A discussion of timing ensued and the consensus was for the board to listen to the engineers' recommendations once FEMA and Cal OES make a site visit to discuss our repair proposal and make a financial commitment.

Mr. Cain wanted to know if a rumor that a tree fell and damaged a levee. Mr. Lanzafame stated that two trees had fallen over at the entrance to Spoonbill Slough but they were on the non-Island side of Tin Can Slough. He was not aware of any other trees that have fallen at the time of the meeting. He also wanted to know how often do we flood and why water levels coming down the river were still so high and the answer is related to dam releases and that in recent years we have flooded in 2023, 2017, 2006, 1998 and 1986. Before that there have been floods in many other years as evidenced by board meeting minutes from 1914 until present and from old district photos. Matt Stretch explained that the state publishes dam release records and that some of the state predictions were lower than actual tides and at wrong times suggesting that large blocks of water releases for dams have been coming down the river which have caused spikes in the tides.

Nick Luoma suggested that when the levees are fixed we should drain the Island below shoot level.

Mike Warriner suggested that we close the District Levee roads that are still intact to protect them for getting further damaged by cars driving over them. He thought we should take emergency action to protect from further damage until we finish repairs. Parts of the existing Montezuma Slough Road is already in dire need of repairs and continued use of the road will only damage it further. He feels that any use of the road should be by ATV's and emergency or levee repair equipment only. It was suggested that the road be closed at the first gas well we where people could make a U-turn.

Mr. Warriner made the following motion to post a sign discouraging non-essential driving on the levees based on the District's right to place warnings the prevent damage to its property and to prevent injury or death to drivers.

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Motion 3.25.3 for a warning sign to be posted on the Montezuma slough levee:

“Based on the RD1607 Board of Trustee’s review of the damage we have right now and after review of the recent Engineer’s Report, the Board considers that levee use should be limited to emergency use only and if you proceed you do so at your own risk until further notice.”

Motion seconded by Steve Thomas and approved unanimously.
Mr. Lanzafame stated that he will post the sign this coming week.

Steve Thomas made the point that the recent lawsuit filed against the district and subsequent anonymous postings of alleged district attempts to commit fraud against FEMA could jeopardize our efforts to receive FEMA funding. He suggested that our District should consider filing a counter suit to provide for damages in the event that funding does not materialize because of baseless claims. Mr. Lanzafame stated that we should discuss matters with our legal counsel and report back to the Board. Mr. Thomas and Mr. Confetti expressed an interest in being involved with discussions with our attorneys regarding this matter.

At 10:50 am President Dinelli called for a motion to adjourn and it was moved and approved unanimously.
(Confetti/Linscheid)

Thank you to the Montezuma Club and Rich Jr and Tom Nave for the use of their clubhouse and the doughnuts for the meeting.