

# Reclamation District No. 1607

## VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

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### Minutes of Meeting

December 11, 2021

The meeting was called to order by President Dinelli at 1:01 pm at the Montezuma Clubhouse. In attendance besides President Gerry Dinelli were Trustees Edmund Linscheid, Mike Warriner and Jay Gudebski. Also in attendance were Secretary Chris Lanzafame, Matt Stretch, Rich Nave Jr., Jeff Cavanaugh and Walter Newell.

Mr. Dinelli changed the order of the agenda to discuss the Cavanaugh Road issue since Jeff Cavanaugh and Walter Newell representing RD 2130 were in attendance to discuss the use and maintenance of the road. Mr. Cavanaugh presented a bill for recent maintenance work that was done on the road this past October for \$16,740. Mr. Cavanaugh also explained that there had been a slip out on the road and then placed a layer of gravel over the entire road. Mr. Cavanaugh also explained that the recorded easement for our landowners to use the road required RD1607 to pay half of the maintenance costs of the road which would total \$8,370. Mr. Newell, whose parcel contains the road, stated that it was a pretty simple conclusion that the easement requires RD1607 should pay 50% of the cost. Mr. Newell also stated that the road is known to them as Rack Creek Road which is how we will refer to it from this point on.

Mr. Stretch, a member of the Concord Club, stated that since RD1607 had paid \$108,000 to rebuild the road in 2006 that has not been reimbursed to us from RD2130. He thought RD 2130 should credit apply a credit of \$54,000 for its half share making leaving a credit balance owed to RD1607 \$45,630. Mr. Linscheid agreed with that position.

Mr. Lanzafame stated that RD 1607 should be responsible for routine maintenance on the road based on the amount of use that RD1607 places on the road and which translates to the amount of damage that this use causes. Mr. Lanzafame explained that he had done a survey of the number of trips that the clubs on the west side of Van Sickle island made last year and the amount was surprisingly low. Most of the clubs are restricted to using the road only during the summer months since the western levee along honker bay is completely closed during the hunting seasons and doesn't open until the late spring when the earthen levees dry out. The wreck slough club is the only club that drives over the Rack Creek Road year round and they estimate they made 100 trips in the past year. They often drive over the road through the middle of their pond as do many of the other Van Sickle members who have permission to do so. Most of the Van Sickle clubs have made zero or less than 5 trips this past year over the Rack Creek Road. Mr. Lanzafame said even if 250 trips were made in a year the amount of damage to the road is minimal since the majority of traffic would be in the dry summer months. Mr. Lanzafame felt that an annual payment of \$1000 per year should be enough to cover the costs of minimal damage based on the amount of use towards a maintenance fund and that RD1607 should not be responsible for the structural integrity of the road or failures caused by extreme storms and high tides.

Mr. Cavanaugh stated that their District, in conjunction with their current mitigation project plans would like to put aside \$10,000 per year into a road maintenance fund and that RD1607 should contribute \$5,000 per year to that fund to use the road. Mr. Linscheid and Mr. Gudbski both agreed that this amount of contribution was way to high since we could barely maintain our own levees given our current budget.

Mr. Cavanaugh stated that the recorded easement was clear and should be followed and started to read from an unrecorded attachment from an easement with another entity. Mr. Lanzafame stated that the existing lease with RD2130 should be re-negotiated. Mr. Lanzafame suggested that RD1607 should break the stalemate by offering to pay \$5000 now which would translate to a good faith deposit towards renegotiating a new easement that reflects the actual amount of contribution each year to cover the maintenance portions

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of the road based on the use it gets. He mentioned that this was especially true since RD2130 does not allow PGE to travel on this road and this would require RD1607 to consider creating and maintaining a new road for PGE to use to service the west side of Van Sickle. Mr. Cavanaugh had previously submitted a copy of the actual PGE easement which shows the access point on the east side of the Wreck Slough Club pond. This could force RD1607 to pay to maintain two roads.

Mr. Newell had to leave and he said he would accept a \$5,000 payment for now but that RD1607 would have to pay for 50% of future work. Mr. Gudebski favored the idea of paying a flat fee of around \$1000 per year since we can barely maintain our own levees. Mr. Warriner made a motion that RD1607 would pay \$5,000 now as its share for the recent maintenance work that had been done but that any work in the future would need to be discussed prior to doing the work so we could decide what was maintenance work and what was structural work. Mr. Gudebski seconded the motion and it was approved 3 to 1 with Linscheid as the dissenting vote. There was no consensus on whether the current easement would be continued or whether it would be abandoned or amended and that the \$5000 payment was a good faith payment to allow time to revisit the agreement before more maintenance needed to be done. It would also give RD1607 to meet with PGE to discuss future access to their power structures.

Minutes of the meetings of April 19,2021 and June 30, 2021 were approved as read (Moved Linscheid/seconded Warriner)

Mr. Lanzafame discussed the financial report that is attached to these minutes.

Mr. Lanzafame stated that we were still expecting a load of Rip Rap from Dutra by mid December and that we would be paying off our time warrants from the 2017 floods on January 1, 2022.

A motion was made by Mr. Warriner to adjourn at 2:55 and was approved unanimously. (Second Linschied).

Approved 6.16.22

