

Reclamation District No. 1607

VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA

Minutes of Meeting

A Special Meeting of the Van Sickle Island Board of Trustees
August 9, 2024 at 4 pm held at the District Office at 4301 Inverness Drive, Pittsburg,
CA

An online component was also available for those who would prefer to participate remotely.

The meeting of the Board of Trustees was called to order by President Gerald Dinelli at 4:34 pm. Also present were Board members Kevin Confetti, Robert Pinkston, Ed Linscheid and Steve Thomas. Also present were Secretary Chris Lanzafame, Eric Conn, Steve Confetti, and Matt Stretch. Online attendees were Mark Amaro, Shawn Kelly, Todd Clark, Andrew Cain and other phone numbers that weren't identified.

The minutes of February 19, 2024 were unanimously approved as read. (motion Confetti, second Thomas)

Mr. Lanzafame went over the financial statements which are attached to these minutes. The district had received two \$50,000 emergency grants from DWR and the money was deposited into our checking account. This money is specifically earmarked to make repairs to the sheet pile wall and the erosion at marker 102 on the Sacramento Levee. The district is required to spend \$16,666 for each emergency to use the full \$50,000 per project.

Mr. Lanzafame reported that there had been no update from FEMA on our claim from the 2023 flood and that our request was being held up by the EHP review process along with almost every other claimant in the Sacramento River area. Mr. Lanzafame stated that our engineering firm has reached out along with other firms to our congressional delegation to investigate why approval is not forthcoming.

Mr. Lanzafame explained to the board discussed the need to re-declare an emergency for our two worst sites since our previous plea for contractors to bid on necessary repairs failed due to our lack of ability to fund such repairs. With recent emergency funding from the state, resolution 2024-06 and 07 were proposed to emergency conditions have worsened and with two projects funded with \$50,000 we should do everything possible to find contractors to make repairs under the direction of the District Engineer Mike Moncrief of MBK.

Emergency Resolution 2024.6

EMERGENCY RESOLUTION No. 2024-06

RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1607 DECLARING A STATE OF EMERGENCY DUE TO EXPECTATION OF SHEET PILE AND LEVEE FAILURE

WHEREAS, on February 4, 2024 the Sacramento River experienced high water levels resulting from heavy rainfalls, runoff, and high winds, creating an imminent risk of flooding and levee damage within Reclamation District No. 1607's boundaries; and

WHEREAS, these conditions created an immediate risk that severely impaired public health and safety, consistent with the emergency declaration requirements of the Government Code and the Public Contracting Code; and

WHEREAS, after consultation with the district staff and engineers the district found and declared on February 19, 2024 that an emergency situation existed, and immediate action was required to respond to these conditions.

WHEREAS, despite attempts to secure a contractor to make repairs with the ability to wait for future payment no contractor could be found,

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WHEREAS, continued deterioration of the sheet pile wall and site 102 have degraded to a point of imminent failure,

and WHEREAS, the subsequent receipt of two \$50,000 DWR emergency grants to secure a contractor had been delayed and now received and can be used for these repairs to help avoid immediate flooding,

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of the Reclamation District No. 1607, as follows:

1. As of August 9th, an emergency situation exists within the district due to on-going flooding and flood damage and levee deterioration, and oncoming high tides will compound the existing flood conditions. The public interest and necessity demand the immediate expenditure of public money to safeguard life, health, and property to respond to this emergency.
2. The district's engineer is authorized to take immediate action to repair or replace public facilities, to take any directly related and immediate action required by that emergency, and to procure the necessary equipment, services, and supplies for those purposes, without giving notice for bids to let contracts. The district engineer shall take these actions in consultation with District Trustees.
3. Pursuant to Public Contracting Code 20926, the district shall expend any sum reasonably required to respond to this emergency. District personnel will, if practicable, informally solicit bids or requests for proposals to seek to obtain the best terms possible, including the lowest price term, given the urgent circumstances of the emergency, and, promptly after the emergency ends, shall document the circumstances of the emergency and the bid or proposal accepted.
4. The district will make an attempt to reach out to the Department of Water Resources, CalOES, Solano County OES and any other regulatory agency to help inform and to secure a source of funding to take any necessary action to the secure the levees.
5. This emergency declaration will be revisited by the Board of Trustees at the earlier of its next regularly scheduled meeting, or within 7 days of this declaration.

A discussion of Resolution 2024-6 and 2024-7 was held and the conclusion was that the district has no choice but to allow the Engineer to devise an immediate plan using the state emergency grants to the best of his ability to keep the levee from deteriorating further with the hope that subsequent flood fighting and/or future funding from state or federal sources could help us make it through the winter.

Emergency Resolution 2024.7

RESOLUTION No. 2024-07

**A RESOLUTION OF THE BOARD OF TRUSTEES OF
RECLAMATION DISTRICT NO. 1607 SETTING PRIORITIES FOR
DECISION MAKING AUTHORITY IN EVENT OF EMERGENCY**

WHEREAS, in the event any or all Trustees of the Reclamation District are not available, and an emergency action requires that authority be exercised, there is a need to establish a chain of command for such emergency decision making authority;

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WHEREAS, pursuant to California Public Contract Code section 20926 and section 22050, Reclamation District No. 1607 may take action to negotiate and award a contract for construction of work to prevent damage or repair damaged works, and procure necessary equipment, services, and supplies, without advertising for bids and expend any sum reasonably required in an emergency; and

WHEREAS, such action either requires a 2/3 vote of the Board of Trustees, and/or such authority may be delegated to an appropriate person or persons;

WHEREAS, the Board of Trustees desires to delegate such authority as set forth in this Resolution.

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED BY THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1607 AS FOLLOWS:

1. In the unavailability either in person or telephone of a majority of the Board of Trustees, emergency decision-making authority relative to emergencies may be exercised by the following persons in the order of priority listed.

- a. The President of the Board of Trustees;
- b. Any single Trustee;
- c. Engineers for the District, who are presently MBK Engineers:
 - Name: Michael Moncrief
 - Day Phone: (916) 456-4400
 - Mobile Phone: (916) 761-1281
- d. Manager/Secretary Name: Chris Lanzafame
 - Cell Phone (925) 698-9252
 - Reclamation District No. 1607
 - VAN SICKLE ISLAND-SOLANO COUNTY, CALIFORNIA
 - 4301 Inverness Drive Pittsburg, CA 94565 Phone: 925-698-9252

2. Such emergency decision-making authority includes the following powers:

a. In case of emergency, the person designated above as the emergency decision-maker may negotiate and award a contract for construction of work to prevent damage or repair damaged works, and procure necessary equipment, services, and supplies, and take any directly related and immediate action required by that emergency, without advertising for bids, and expend any sum reasonably necessary to cure the emergency.

b. The emergency decision-maker shall, if practicable, informally solicit bids or request for proposals to seek to obtain the best terms possible, including the lowest price term, given the urgent circumstances of the emergency, and, promptly after the emergency ends, shall document the circumstances of the emergency and the bid or proposal accepted.

c. The emergency decision-maker shall report to the Board of Trustees the reasons justifying why the emergency did not permit a delay resulting from a competitive solicitation for bids and why the action was necessary to respond to the emergency. Such report shall be made at the next regular meeting of the District, if such meeting occurs within 14 days of the emergency, or if no such meeting will occur within 14 days, the decision-maker shall call a special meeting

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of the Board of Trustees within 7 days after the emergency, and make such report at that time, and, for this purpose only, shall have the power to call such meeting.

3. For the purpose of this Resolution, “emergency” is defined as an imminent threat to public health, safety, or welfare or an imminent threat to the flood control or drainage facilities of Reclamation District No. 1607, or an imminent threat of flooding of Reclamation District 1607, and action is necessary to respond to such threat, and the imminence of such is that it will not permit a delay resulting from a competitive solicitation of bids.

4. All previous resolutions relating to the subject of this resolution are repealed.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 1607 Trustees this August 9, 2024, by the following vote for resolutions 2024-6 and 2024-7: Moved by Confetti, second by Pinkston

Vote: Confetti aye, Dinelli aye, Pinkston aye, Linscheid aye, Thomas was absent during the vote but later confirmed his support and voted aye.

Andrew Cain who attended the meeting remotely was asked to describe recent discussions with the Landify company in an attempt to identify sources of usable material to bring our levees up to the 5 year plan status and above. Mr. Cain described numerous meetings with Landify and several trips to our island to come up with a way for them to deliver usable, clean material at little or no cost to us. Landify is a dirt broker that can handle soil inspections and delivery at the cost of the companies or agencies that need to dispose of dirt. Mr. Cain has been working diligently with SRCD and the water boards to simplify and better define the soil testing standards in the marsh. The prospects for receiving material from this relationship looks promising and Mr. Lanzafame and Stretch were going to be meeting with some from their team on Monday morning August 12 to show them our two emergency sites and other sites hoping that material could be earmarked very soon. Mr. Cain has worked very hard on this project on his own and everyone hopes that the hard work will pay off with a long term supply of usable material.

6. Conflict of Interest: Resolution 2024.7.2

The following proposal was presented to the board for discussion and vote.

Reclamation District 1607 CONFLICT OF INTEREST CODE

The political Reform Act (Government Code sections 81000, et seq.) requires local government agencies to adopt and promulgate conflict of interest codes. The Fair Political Practices Commission has adopted Title 2 of the California Code of Regulations, section 18730, which contains the terms of a standard conflict of interest code and may be incorporated by reference in an agency’s code. Therefore, the terms of 2 CCR section 18730, and any amendments to it adopted by the Fair Political Practices Commission, are hereby incorporated by reference in this code. This regulation and the attached appendices designating positions and establishing disclosure requirements shall constitute the Reclamation District 1607 (District) conflict of interest code.

The members of the District’s Board of Trustees and individuals holding designated positions shall file a Statement of Economic Interest Form 700 in accordance with the disclosure categories listed in the attached Appendix B. The Statement of Economic Interest shall be filed with the District’s filing officer, and if so required, with the District’s code reviewing body, the Solano County Board of Supervisors. The District shall make the statements available for public review, inspection and reproduction. (Gov. Code section 81008.) Upon receipt of the statements for the District’s Board members and the District Manager, the

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District shall make and retain a copy and forward the original of these statements to the Solano County Board of Supervisors.

The provisions of all Conflict-of-Interest Codes and amendments thereto previously adopted by the District are hereby superseded.

Adopted by Reclamation District 1607 Board of Directors on March 13, 2019.

Reconfirmed by Reclamation District 1607 Board of Directors on _____

APPENDIX A DESIGNATED POSITIONS

Designated Position	Disclosure Category
Board of Trustee Member	1
District Manager	1

Disclosures for Third Party Consultants

Third party consultants are “designated employees” who must disclose financial interest as determined on a case-by-case basis by the District Manager or his/her designee. The written determination of the District Manager or designee shall include a description of the consultant’s duties and a statement of the extent of disclosure requirements based upon that description. All such determinations are public records and shall be retained for public inspection along with this conflict of interest code.

For purposes of this section and for compliance with the Political Reform Act and 2 CCR section 18701, a consultant is defined as an individual who, pursuant to a contract with the District, makes a governmental decision whether to:

1. Approve a rate, rule or regulation;
2. Adopt or enforce a law;
3. Issue, deny suspend, or revoke a permit, license, application, certificate, approval, order or similar authorization or entitlement;
4. Authorize the District to enter into, modify, or renew a contract that requires District approval
5. Grant District approval to a contract that requires District approval and in which the District is a party, or to the specifications for such a contract;
6. Grant District approval to a plan, design, report, study or similar item; or
7. Adopt or grant District approval of District policies, standards or guidelines.

A consultant also means an individual who, pursuant tot a contract with the District, serves in a staff capacity with the District and in that capacity participates in making a governmental decision as defined in 23 CCR section 18702.2 or performs the same or substantially all the same duties for the District that would otherwise be performed by an individual holding a position specified in the District’s conflict of interest code. (2 CCR section 18701.)

APPENDIX B DISCLOSURE CATEGORIES

Category 1:

A person designated Category 1 shall disclose:

- a. Interests in real property located entirely or partly within District boundaries, or within two miles of District boundaries or of any land owned or used by the District.

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- b. Investments and business positions in business entities, and income, including loans, gifts, and travel payments, from all sources.

Category 2:

A person designated Category 2 shall disclose:

- a. Investments or business positions in or income from sources, which are contractors or subcontractors engaged in work or services of the type used by the District.
- b. Investments or business positions in or income from sources, which manufacture or sell supplies, books, machinery or equipment of the type used by the District.

The question was called by Kevin Confetti and seconded by Steve Thomas. A roll call vote was held: Dinelli Yes, Thomas Yes, Pinkston Yes, Confetti Yes, Linscheid Yes.

The last item on the agenda was about the status of the assessment increase project. Board member Confetti stated that he had spoken to John Bliss of SCI and that he was waiting for a response from Mike Moncrief as to when they could discuss the issue further.

Mr. Confetti moved that the meeting be adjourned and Mr. Thomas seconded the motion. The board voted unanimously to adjourn the meeting at 5:52 pm.