RECLAMATION DISTRICT 799

(Hotchkiss Tract)

PO Box 353/6325 Bethel Island Rd., Bethel Island, CA 94511

www.RD799.com

Regular Board Meeting

**Thursday, August 26, 2021**

**Regular Board Meeting at 6:00 PM**

Meeting Minutes

PLEASE BE ADVISED THAT DUE TO THE CORONAVIRUS PANDEMIC, THE DISTRICT REQUIRES THE FOLLOWING SAFETY PROTOCOLS BE PRACTICED WHILE ON DISTRICT PREMISES

* A PROPERLY WORN FACE MASK (COMPLETELY COVERING YOUR NOSE AND MOUTH) IS REQUIRED AT ALL TIMES
* PLEASE MAINTAIN AT LEAST SIX FEET DISTANCE BETWEEN ALL PERSONS
* IF YOU ARE SICK, PLEASE DO NOT ATTEND

PLEASE NOTE THAT YOU WILL BE POLITELY ASKED TO LEAVE IF YOU DON’T COMPLY WITH THE ABOVE SAFETY PROTOCOLS

1. **Call to Order/Roll Call:** The meeting was called to order at 5:59 pm. Present were President Price and Trustees Pierce, Hanson, and Ydens. Trustee Kent was absent.

Others present for the meeting included District Manager Alvarez and District Secretary Holder. A list of homeowners is outlined on the meeting sign in sheet.

1. **Public Comments**: None
2. **Consent Calendar**: All numbered consent calendar items listed will be acted upon under one vote unless specifically removed from the consent calendar by a member of the Board.
   1. Meeting Minutes from the Regular Meeting on July 29, 2021, 6:00pm\*
   2. Warrants\*
   3. Financial Report(s)\*
   4. Authorizing President Price to complete the execution of the Reimbursement Agreement between District and 411 South Lincoln Avenue, LLC (Spinnaker Cove) \*

**A motion was made by Trustee Pierce and seconded by President Price to approve items a – d on the consent calendar. The vote showed four trustees in favor (Trustee Kent was absent). Motion passed.**

1. **Discussion/Action Items:**
   1. Update/report on Cypress Preserves and Summer Lake North developments by District Manager/District Engineer/District Legal Counsel.

District Manager Alvarez stated that Cypress Preserves has been sent a budget (O & M budget) to review. District Manager Alvarez and District Engineer Mirmazaheri spent many hours calculating costs and expenses and put together an estimate of $546, 000 per year. Additional funds may be added as time goes on. Cypress Preserves is now reviewing the information. We expect further discussions on this matter. Cypress Preserves is coming along with the construction of piling dirt. They have reassured District personnel that the piled dirt is not the dry levee.

District Manager Alvarez, District Engineer Mirmazaheri met in person with DeNova Homes in Concord on Monday and Attorney Brenner attended the meeting by phone. DeNova was represented by their attorney and the Director of Forward Planning. Encore is completely out of the picture moving forward. One of items that District Manager Alvarez brought up was the acquisition of the 11 acres for our mitigation to continue. They were verbally agreeable. A letter was sent to the residents in that area that DeNova Homes will be beginning construction around October 1, 2021. They have taken a different approach in dealing with District negotiations. On August 2, 2021, the District received a letter stating that DeNova Homes would like to move further beyond the term sheet and advance to a maintenance agreement. District Manager Alvarez emphasized points in the proposed letter to DeNova Homes for the board to study for further discussions. The walking trail on the dry levee will be temporarily closed when the construction begins. During the meeting, pump station four was brought up and DeNova Homes would like to get some figures and calculations for contributing to the replacement pump for pump station four.

President Price asked how we came up with the figures on the O & M for Cypress Preserves District Manager Alvarez stated there is no O & M with Summer Lakes. The O & M costs were based on maintenance and employee costs and our engineer brought in the prices for pump maintenance and electricity by kilo watts. We did consider the replacement costs of the pumps and inflation which will need to be added. District Manager Alvarez met with Chuck Lande the other day and he was not aware of the special assessment fees that are included in the property taxes that all new homeowners pay. He was very surprised to hear this and would be talking to his team about these assessments because they will have to be incorporated into the cost of each of the homes.

* 1. Discussion concerning issues related to the future progress of Spinnaker Cove

The Reimbursement Agreement has been returned signed along with a check in the amount of $25,000. District Manager Alvarez’ concern is with the pipe they want to go through our levee. The engineer on this project has been involved since the start. He knows all the history and has all the knowledge to date. The client he is representing is limited in the English language. The Engineer states that the current client is not interested in building the homes; he wants to get the water in place and that will increase the value of the property so he can then sell the property. The worry is once this is done, they will bypass the District and the impacts of this project on our levees could put the levees in danger if we aren’t included in all the planning of this project. In the agreement, the second paragraph states that the developer must include RD 799 in all the progress. President Price feels that there needs to be changes to the way the paragraph is written to better emphasize that the District must be involved during the whole process. Despite having approved the execution of the Reimbursement Agreement with 411 South Lincoln Avenue under the Consent Calendar, the Board authorized President Price and District Manager Alvarez to work together to make the changes to the agreement that will better support our needs in the future and then re-submit the Reimbursement Agreement to the other party for their review and signature.

* 1. Update on Dutch Slough “No-Parking” sign project

District Manager Alvarez met last Tuesday with all the agencies involved with the No-Parking signs. The Sheriff’s office said they will enforce the signs. The Fire Chief wants the speed bumps taken out and paint the No-Parking signs on the pavement, instead of putting up signs. CoCoCo Public Works will look into the matter.

1. **Permits** – Discuss & Possible Action on all New and Pending Permits:
   1. Report of approved permits for routine encroachments - none
   2. Update on Potential Enforcement Actions - none
2. **Engineer’s Report**\*
3. **Information Items**:

Required Board Trustee Training\*

District Secretary Holder stated that three current board member’s terms are up in November. She asked the three trustees to stay after the meeting to obtain the necessary paperwork if they plan on re-running for the board in the upcoming election.

1. **Field Reports**:
   1. District Manager Alvarez\*
   2. Levee Superintendent Vornhagen\*

1. **Office Manager’s Report\***
2. **Chairman’s Report**: None
3. **Trustee Reports**: None
4. **Adjournment**: The meeting adjourned at 6:42 pm.

Meeting Minutes were submitted by District Secretary Holder

\*denotes supporting documentation available electronically and at the Reclamation District 799 office.

Notice Is Hereby Given:

That the Board of Trustees will consider oral and written public comments. The Chair may announce time limits and direct the focus of public comments for any given proposal. For agenda items not requiring a formal motion, the Chair will announce the opening and closing of the public comments session. If you wish to speak, please stand and state your name and address. Please speak clearly and loud enough for everyone to hear. “This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12132) and the Ralph M. Brown Act (California Government Code 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the District Secretary Dina Holder at (925) 684-2398, during regular business hours, 10:00 am - 2:00 pm Monday - Friday, at least 24 hours prior to the time of the meeting.” Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the District office located at 6325 Bethel Island Rd. Bethel Island, CA 94511