

PESCADERO RECLAMATION DISTRICT # 2058

3650 W. Canal Blvd.
Tracy CA 95304
(209) 835 2293 FAX: (209) 835 2337

PESCADERO RECLAMATION DISTRICT MEETING MINUTES

Pursuant to Executive Order N-29-20 this meeting will be conducted exclusively by teleconference.

Minutes of April 15, 2021 Board of Trustees Meeting

TRUSTEES PRESENT: Nat Bacchetti
Richard Pellegrini
Greg Pombo

OTHERS PRESENT: Alexis Stevens (District Counsel)
Alyson Ackerman (Somach Simmons & Dunn)
Nick Prichard (District Engineer)
Francesca Gosner (District Staff)

The meeting was called to order by Trustee Bacchetti at 10:32 a.m.

ROLL CALL

Roll call was taken and Trustees Bacchetti, Pellegrini, and Pombo were present.

PUBLIC COMMENT

No public comment.

CONSENT CALENDAR

Trustee Bacchetti read the items for consent. Trustee Bacchetti noted a correction needed in the March 3, 2021 meeting minutes regarding the size of pipe that the General Manager reported was replaced due to rot.

With this correction, Trustee Pellegrini moved to approve the minutes for the March 3, 2021, regular Board Meeting, and approve Items B, C, and D of the consent calendar (review and approve claims for payment and financial report, review and approve pump report, and review and approve payroll, respectively).

Trustee Pombo seconded the motion. The matter was put to a vote and votes were cast as follows:

| | |
|------------------------------------|------------|
| Trustee Nat Bacchetti: | Yes |
| Trustee Richard Pellegrini: | Yes |
| Trustee Greg Pombo: | Yes |

The motion to approve the minutes for the March 3, 2021, regular Board Meeting and approve Items B, C, and D of the consent calendar (review and approve claims for

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payment and financial report, review and approve pump report, and review and approve payroll, respectively) was carried.

PRESENTATION, DISCUSSION, AND ACTION ITEMS:

A. Consider and Discuss Approval of Irrigation Rules 2021

District Counsel reported the changes she made to the Irrigation Rules to reflect the water rate increases approved at the March 26, 2021 special meeting. The new water rate for flood irrigation is \$19.00 per acre, per irrigation, and \$58.00 per acre-foot for drip irrigation, both of which will be effective May 15, 2021. District Counsel reported that she made no other changes to the Irrigation Rules.

Trustee Pombo moved to approve the Irrigation Rules 2021. Trustee Pellegri seconded the motion. The matter was put to a vote, and votes were cast as follows:

| | |
|------------------------------------|------------|
| Trustee Nat Bacchetti: | Yes |
| Trustee Richard Pellegrini: | Yes |
| Trustee Greg Pombo: | Yes |

The motion to approve the Irrigation Rules 2021 was carried.

B. Consider and Discuss Squirrel Abatement Issue

Trustee Pombo reported that he increased baiting efforts to better control the squirrels on the levees. He further reported that the squirrels are a nuisance throughout the District, not just on the levees, and that landowners should be encouraged to employ efforts to control the squirrels on their property. Trustee Pombo reported that he is communicating with other nearby districts regarding the manner and methods by which they control squirrels. Given that other districts in the county are facing squirrel issues, Trustee Pombo also raised the possibility of engaging the county to see if it is able to assist in squirrel abatement and control. Even the Department of Water Resources (DWR) Inspector, who was inspecting Paradise Cut, noted the squirrels during his inspection.

District Counsel asked whether any progress had been made regarding providing the landowners with bait to help control the squirrels. Trustee Pombo reported that he is hesitant for the District to expend the resources to provide the landowners with bait when it is not guaranteed that landowners will use it, noting that abatement is a District-wide issue needing a collective response. Trustee Pellegrini asked District Counsel whether the District rules include provisions related to rodent control. District Counsel reported Irrigation Rule number 12, governing the condition of private ditches and canals, is broad enough to apply to rodent control therein. Trustee Pellegrini requested District Counsel to add provisions to both the District's Irrigation and Levee Rules regarding landowners controlling rodents on their own property as a correlative benefit between them and the District.

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C. Consider and Discuss Early Warning Notice from State Water Resources Control Board Regarding Dry Year and Potential Water Shortages

District Counsel reported that she prepared a letter to District landowners regarding the expected dry conditions this year, as reported in the State Water Resources Control Board (State Board's) early warning notice letter, as well as the District's increased water rates. Trustee Pombo reported that based on his conversations with landowners, the concern of dry conditions has not been widely considered.

The priority of the District's water rights arose, and Trustee Pellegrini noted that the concern this year will be whether there is sufficient water to fill Tom Payne Slough. Trustees Pombo and Pellegrini discussed the money that the South Delta Water Agency provided to the District for permanent pumps. Trustee Pellegrini reported that he expects the prototype for one pump to be ready in early May. He further reported that he provided early notice to Rain for Rent that the District may need to rent pumps again this summer, depending upon water conditions. The Board discussed actions that could help mitigate the expected dry conditions, including encouraging landowners to be mindful of the forecasted dry conditions when considering the crops they plant this year.

D. Consider and Discuss Approval of Preparation of Encroachment Permit Application, Fee Schedule for Encroachment Permits, and Addition of Information Regarding Same to the Website

District Counsel reported that her office prepared a fee schedule for encroachment permits that provides information on the potential costs associated with a permit from the District. Trustee Pombo advised that the District's costs should be more than \$20.00.

District Counsel reported that she and the District Engineer propose preparing an application for encroachment permits that, along with the fee schedule, could be posted on the District's website. Doing so would streamline the encroachment permit process, encourage better tracking of District time associated with the permits (e.g., field meetings), and make the information regarding the encroachment permit process more readily available. Trustee Pellegrini requested a narrative proposal of what exactly District Counsel and District Engineer envision.

The Board took no action on this item.

E. Consider and Discuss Approval of General Manager Employment Agreement

District Counsel reported that despite publishing the open General Manager position online and in the Tracy Press for two weeks, the District did not receive any applications or responses. District Counsel advised that because the District did not receive any applications, the Board may proceed with executing the General Manager

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Employment Agreement (Agreement) with Mr. Pellegrini. She advised that the Agreement in the Board packet for this meeting is the same as the version previously presented to the Board for review. Trustee Pombo reported that Agreement is very precise, capturing the role and responsibilities of the General Manager well. Trustee Pellegrini did not participate in discussion of this item.

District Counsel reported that having a Trustee also serve as the General Manager was an issue of concern raised by Mr. Nicolaou in her follow-up discussions with him regarding the District's Public Records Act response. District Counsel reported that she explained that either the District does not have a General Manager, or it does not have a full Board, neither of which would be workable for the functioning of the District. She advised that Mr. Nicolaou was understanding of this unique issue.

Trustee Pombo moved to approve the Agreement. Trustee Bacchetti seconded the motion. The matter was put to a vote, and votes were cast as follows:

| | |
|------------------------------------|------------------|
| Trustee Nat Bacchetti: | Yes |
| Trustee Richard Pellegrini: | Abstained |
| Trustee Greg Pombo: | Yes |

The motion to approve the General Manager Employment agreement was carried.

GENERAL MANAGER'S REPORT

A. Repairs and Maintenance

The General Manager reported that maintenance issues are improving. There are concrete repairs occurring along certain ditches and pipelines, and all pumps are operating well.

The General Manager reported that he executed an agreement with the California Department of Fish and Wildlife (CDFW) to install cameras along Tom Payne Slough for its nutria study. He notified the Board that CDFW will provide him notice before they come place cameras, per the agreement.

B. Irrigation

The General Manager reported that he spoke to the City of Tracy (City) regarding the pipeline installation on MacArthur Drive. He advised that the project may not proceed because an endangered species was discovered within the project radius: Swainson Hawk. The District is not the lead agency on the project, so it is not in control of whether and to what extent it progresses. The General Manager will provide an update to the Board when he has additional information.

LEVEE REPORT

Trustee Pombo reported that the DWR inspector noted vegetation along the levee that needs to be addressed. He further reported that he advised the inspector that some

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vegetation was expected because the goats have not yet begun their vegetation management. Trustee Pellegrini asked when the goats will start. Trustee Pombo reported that the goats will start in mid-July and should be less expensive this year because there is less vegetation as compared to last year.

DISTRICT ENGINEER'S REPORT

The District Engineer reported that progress on the environmental easement for the Perry Property still remains the only outstanding item on the Flood System Repair Project (FSRP). The District Engineer reported that he was advised that review of the environmental easement is complete and that the parties are simply awaiting signatures. The District Engineer reported that he was concerned that the final invoice for the FSRP has not yet been released. However, this concern was allayed when he received confirmation that the funds for the final invoice are available and will be paid to the District upon receipt.

The State Board "closed out" the Storm Water Pollution Prevention Program after approving the notice of termination.

The District Engineer reported that he has not had any contact with Ridge Capital since the field meeting. He reported that the property apparently has issues, which may render it unsuitable for Ridge Capital's proposed plans. These issues include the number of District facilities on the property, environmental concerns stemming from previous uses, and a California Department of Transportation planned on/off ramp in the area. The District Engineer reported that he has not been contacted about the soil investigation, which was the purpose of the encroachment agreement with the District.

The District Engineer provided an update on the progress of the Silva Dairy/Seefreid Project, reporting that the new irrigation line flowed water. However, the manhole covers and bolts installed were not "approved" and leaked during the flow test. He reported that someone without proper authority to approve a change to the manhole covers and bolts approved them prior to installation. The District Engineer advised the Board that he communicated the disapproval of these alternative manhole covers and bolts, stating that they need to be replaced prior to final inspection.

The District Engineer reported that the inspection of Sugar Cut, as part of the Flood Control Subventions Program, did not raise any issues or questions, and he expects to receive final approval.

The District Engineer reported that he submitted the application for the Delta Levees Maintenance Subventions Program 2021/2022 and received confirmation of receipt from the Delta Levee office.

The District Engineer reported that the location of the county's right of way might create an issue for the District's placement of "k-rails" or concrete blocks to prevent people from accessing the levee for unauthorized purposes. District Engineer reported that he reached out to the county on this issue and did not receive a response.

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The District Engineer reported that the Encroachment Agreement with the City entitles the District to receive reimbursement for costs the District incurs as a result of allowing the City to use its facilities for dewatering purposes. Trustee Bacchetti raised a concern with regard to the quality of the water being discharged into Tom Paine Slough. District Counsel advised that the City should have a discharge permit (or the discharge may fall under a general permit) if it is discharging into Tom Paine Slough. She further advised that generally a permitted discharge is required to meet certain standards to ensure water quality is not degraded. The District Engineer reported that he would contact the City and request a copy of the discharge permit.

GENERAL COUNSEL REPORT

District Counsel advised that the next regularly scheduled Board meeting is May 5, 2021 and sought confirmation from the Board regarding whether there is District business to address at that meeting. District Counsel advised that if there is no District business, the Board may cancel the meeting and simply meet in June at the regularly scheduled meeting. The Board discussed this and decided to cancel the May meeting and reconvene on June 2, 2021.

TRUSTEES' REPORTS

Trustee Bacchetti reported that the amount of traffic on Canal Road is increasing greatly. He reported that he called the county to discuss installation of a four-way stop sign, which was not an especially productive conversation. Trustee Bacchetti reported that he then called a county supervisor to make him aware of the traffic concern. Trustee Bacchetti reported that the supervisor told him that he does not believe installing a four-way stop at the intersection would pose an issue, given the amount of traffic passing through; however, the supervisor will raise the issue at the next county Board of Supervisor's meeting. It is possible that a traffic survey must be conducted prior to installing a four-way stop sign.

Trustee Pellegrini reported that he contacted the county about installing a farm equipment crossing sign on Canal Road, as well as marking the road such that passing is not permitted because of all of the commuter traffic.

CLOSED SESSION

The District did not go into closed session.

ADJOURNMENT

There being no further business, Trustee Bacchetti adjourned the meeting at 11:41 a.m.