



**RECLAMATION DISTRICT NO. 1000
BOARD OF TRUSTEES MEETING**

**NOVEMBER 18, 2022
MEETING MINUTES**

In compliance with CA Assembly Bill 361, members of the Board of Trustees and members of the public participated in this meeting by teleconference. Present were Board President Thom Gilbert; Vice President Elena Lee Reeder; Trustee Nick Avdis; Trustee Jag Bains; Trustee Tom Barandas, Trustee Chris Burns; Trustee Tom Smith; General Co-Counsel Rebecca Smith; General Co-Counsel Scott Shapiro; General Manager Kevin King; Operations Manager Gabe Holleman; Administrative Services Manager Joleen Gutierrez; Administrative Assistant Christina Forehand.

1. PRELIMINARY

1.1. Call Meeting to Order

Board President Thom Gilbert called the meeting to order.

1.2. Roll Call

ASM Gutierrez called the roll.

Trustees Present: Thom Gilbert, Elena Lee Reeder, Nick Avdis, Jag Bains, Tom Barandas, Chris Burns (left the meeting at 8:57 am), Tom Smith

Trustees Absent: None

1.3. Approval of Agenda

Agenda change: Due to an expected lengthy board meeting, General Manager Kevin King requested to move up Item 6.2, a resolution recognizing Councilman Jeff Harris.

Moved/Second: Trustee Avdis, Trustee Lee Reeder

AYES: Trustee Thom Gilbert, Trustee Elena Lee Reeder, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Chris Burns, Trustee Tom Smith

NOES: None

ABSTAIN: None

ACTION: Motion to approve the November 18, 2022 Board of Trustees meeting Agenda with one change is approved.

1.4. Pledge of Allegiance

Board President Thom Gilbert led the Pledge of Allegiance.

1.5. Conflict of Interest (*Any Agenda items that might be a conflict of interest to any Trustee should be identified at this time by the Trustee involved*)

There were no conflicts of interest identified by the Trustees.

Item 6.2 was moved up and discussed after Item 1.5.

General Manager King, Trustee Avdis, Trustee Lee Reeder, and Trustee Bains thanked Councilman Jeff Harris for his vision, leadership, advocacy, and contributions toward improving the region's flood protection arena.

Councilmember Harris said we had made huge strides with total funding to complete the Natomas Levee Improvement Project (NLIP) and make Natomas flood safe for up to 200-year protection. Also, with the widening of the weir, the region will benefit from up to 500-year flood protection. He touched on the importance of Local Maintaining Agencies (LMA's) and shared his appreciation for the work of RD1000, truly keeping the levees maintained even with the new challenges of the unhoused.

Moved/Second: Trustee Avdis, Trustee Lee Reeder

AYES: Trustee Thom Gilbert, Trustee Elena Lee Reeder, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Chris Burns, Trustee Tom Smith

NOES: None

ABSTAIN: None

ACTION: Motion to adopt Resolution No. 2022-11-03 Recognizing Sacramento City Council Member & Sacramento Area Flood Control Agency Board of Director Jeff Harris for Service to the Community is approved.

2. PRESENTATIONS

2.1 PUBLIC HEARING ON PROPOSED RD1000 STORMWATER SERVICE FEE: Conduct public hearing on property-related fee pursuant to Article XII D, Section 6 and consider protests regarding the same.

District Counsel Rebecca Smith provided an overview & progress to date for the Stormwater Fee Public Hearing. She explained that we would accept comments and protests in an organized way. Protests need to be in writing, and Counsel Smith encourages anyone wishing to file a protest to do so by email or the close of the public hearing. Protests will then be tallied by staff. If there is a majority protest, the fee process stops. If there is less than a majority protest, then the next step for the District will be to send the proposed fee and fee study out for approval by the landowners.

Board President Thom Gilbert opened the Public Hearing for the Proposed 218 Stormwater Service Fee. The following public comments were made:

Commentor Pamela Coat

Ms. Coat states that she lives near the edge of one of the detention ponds (near the North Natomas Community Park). She recalled last year; the pond level was high with potential flooding. Either the pumps are not efficient, or there is a blockage. Her concerns are that the pond is not well maintained; it is always green and has fallen trees. Aside from her concerns, she does not mind paying the fee if these issues are addressed.

Commentor Mark Gorton

Mr. Gorton, is a property owner in Natomas. There is an urgency for the pumps to be repaired and water runoff. RD1000 is already levying taxes of \$28.70 on the Natomas people. It seems like a duplicate tax for the same thing and takes issue with being taxed again for the same purpose.

Commentor Sylvia Vela

Ms. Vela states that since 2014 there has been a constant flow of water in the gutter in front of her home. She is concerned about paying a second fee for the same service.

Commentor Brad Morrows

Mr. Morrows spoke in opposition to the proposed stormwater fee and rate structure that primarily burdens residential properties. The vast majority of runoff comes from commercial properties. Considering the pollution, oil, grease, and runoff that goes into our stormwater drains and water, it is the source of the problem where stormwater was not part of commercial design.

Commentor Ed Perez

Mr. Perez, a property owner, a resident of Natomas, and Trustee Elect urged the Board to proceed with the proposal for the assessment. He shared that while running for the Board, numerous people are unaware of the work that RD1000 performs. Once he described the vital role of the District, it was an easy conversation. He believes additional work can be done to inform residents in the Basin about the purpose of RD1000. It's an investment, and he urged the public to support the fee.

Commentator Peter

Peter asked whether fees would help with insurance rates. General Manager asked Peter to contact him directly to discuss this portion with him. Counsel encouraged the public to review our Comprehensive Financial Plan to understand the District's needs better.

Commentor Chris Wicks

Mr. Wicks stated that he has 10 acres and a minimal impervious area. He wants to understand the calculation for the impervious area. For 10 acres, the calculation is \$200,000. He was not able to locate the calculations. General Manager Kevin King encouraged Mr. Wicks to contact him privately to better explain the methodology and process.

Commentor Chris McKenzie

The McKenzie Family has been farming in the North Natomas area, and he is concerned with the rate structure as it applies to farmland as it has a different absorption rate and flow factor than asphalt and rooftops where there is no retention or absorption. As Natomas continues to build and pave, the impact of rapid runoff becomes a problem that the District is dealing with, requiring moving vast amounts of water very fast with no place to build up. Presently, in the Natomas Main Drain, there is no water. He adds that this policy should not discourage farming by raising agricultural taxes. Twenty dollars an acre is a big deal to him. General Manager King will reach out to Mr. McKenzie next week.

Board President Thom Gilbert closed the Public Hearing at 8:49 am and directed staff to tally all received protests.

3. PUBLIC COMMENT (NON-AGENDA ITEMS)

Any person desiring to speak on a matter that is not scheduled on this Agenda may do so under the Public Comments section. Speaker times are limited to three (3) minutes per person on any matter within RD 1000's jurisdiction not on the Agenda.

Trustee Elect Ed Perez congratulated Jag Bains and Elena Lee Reeder on their reelection and thanked staff for making the Election process easier to navigate.

4. INFORMATIONAL ITEMS

4.1. GENERAL MANAGER’S REPORT: Update on activities since the October 2022 Board Meeting.

General Manager Kevin King provided an update on the Election, results, and next steps. The Election concluded on November 17, 2022. He acknowledged the election board, counsel, and staff for their help. The District had a record turnout of ballots returned and votes cast. Outreach efforts increased community awareness.

GM King congratulated Trustee Lee Reeder and Trustee Jag Bains on their reelection. He welcomed Trustee Elect Ed Perez. He thanked Trustee Chris Burns for his service as a Board Trustee. Trustee Nick Avdis thanked Trustee Chris Burns for his service, congratulated Trustee Elect Ed Perez, and congratulated Trustee Bains and Trustee Lee Reeder on their reelection to the Board. Trustee Elena Lee Reeder congratulated Trustee Elect Ed Perez.

4.2. OPERATIONS MANAGER’S REPORT: Update on activities since the October 2022 Board Meeting.

GM King reported on the recent Steelhead Creek Cleanup and preparations for flood season. A cleanup report and photos of the cleanup are available for review in the November 18 Board packet. Additionally, the District’s operations manager is coordinating with the City of Sacramento and the Department of Community Response to properly notice and begin removals of several homeless encampments on district property, starting with a site behind Home Depot.

Trustee Nick Avdis shared his appreciation for the District’s interagency coordination. He realizes the duties and scope of authority for various government agencies are difficult for the community to see. He stated that we have district drainage and flood facilities that need protection and maintenance and that our primary mission is to protect the Natomas basin from floods.

**Trustee Chris Burns left the meeting at 8:57 am.*

4.3. DISTRICT COUNSEL’S REPORT: Update on activities since the October 2022 Board Meeting.

Counsel Rebecca Smith provided a verbal report.

5. CONSENT CALENDAR

The Board considers all Consent Calendar items to be routine and will adopt them in one motion. There will be no discussion on these items before the Board votes on the motion, unless Trustees, staff or the public request specific items be discussed and/or removed from the Consent Calendar.

GM King called for public comments. There were none.

MOVED/SECOND: Trustee Avdis /Trustee Gilbert

AYES: Trustee Thom Gilbert, Trustee Elena Lee Reeder, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Tom Smith

NOES: None

ABSENT: Trustee Chris Burns

ABSTAIN: None

ACTION: The motion to approve Items 5.1 – 5.6 on the Consent Calendar is approved.

- 5.1. APPROVAL OF MINUTES: Approval of Minutes from the October 14, 2022 Regular Board Meeting.
- 5.2. TREASURER'S REPORT: Approve Treasurer's Report for October 2022.
- 5.3. EXPENDITURE REPORT: Review and Accept Report for October 2022.
- 5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for October 2022.
- 5.5. ASSEMBLY BILL 361: Review and Consider Adoption of Resolution No. 2022-11-01 - Proclaiming a Local Emergency, Ratifying the Covid-19 State of Emergency, and Authorizing Remote Teleconference Meetings of Reclamation District No. 1000 Pursuant to The Ralph M. Brown Act.
- 5.6. WARRANT FOR FUND TRANSFER: Review and Consider Approval of Warrant for Transferring Funds between Investment Accounts.

6. SCHEDULED ITEMS

- 6.1. STORMWATER SERVICE FEE: Review and Consider Adoption of Resolution No. 2022-11-02, Tabulating Results of Protest Proceeding for Proposed Stormwater Service Fee.
 - If no majority protest exists following the close of the Public Hearing: report results and direct staff to proceed with balloting process for proposed fee
 - If majority protest exists following the close of the Public Hearing: report results and conclude process.

GM King asked staff if there were additional protest forms received. ASM Gutierrez replied that administrative staff did not receive additional protest ballots. Counsel Smith provided protest results & direction.

- Total Protest Lodged: 2,961
- Total Parcels: 32,816
- Percentage of Total Parcels Protesting: 9.02%
 - As of the close of the Public Hearing on November 18, 2022, a majority protest *did not exist*.
 - The Board may adopt Resolution 2022-11-02: Accepting the tabulation of protests and directing further action to present the fee to a majority vote.

Counsel stated Resolution No. 2022-11-02 memorializes the protest count and directs the staff to move to the next step in the fee consideration process.

Majority Ballot & Approval Process

Counsel Rebecca Smith provided a timeline for what happens next in the fee process. The District will formally notify every affected parcel holder. We will let them know how their fees have been calculated. She stated March 10, 2023 is the proposed election date and final hearing date. If the Board directs staff to move forward, in early December, staff will begin to send out outreach materials, reminders, and ballots with returns received in 2023. Counsel Smith stated the District is looking for 50% + one of the parcels voting in favor of the fee. If a ballot is not returned, it is not counted. If voting reaches majority ballot approval in March, the fee will move forward, and

the levy will go into effect in the 2023-2024 fiscal year. If a majority ballot approval is not reached, then the Board would need to reevaluate how it will proceed.

General Manager King announced he received two comments via email regarding the time/day of the Board meeting. It does not change the protest fee count, as their mailed protest ballots were received and counted.

Board President Gilbert asked called for questions and comments from the Trustees.

Trustee Nick Avdis stated that adequate time was provided to the public to return protest ballots and submit comments. The next step in the process is an important vote for the district and property owners as it increases what they are assessed. The statutory minimum time is 45 days, but Trustee Avdis requested clarification on when the time begins.

GM King made known the Prop 218 ballot will go out in early January, allowing more than the statutory minimum of 45 days for review.

GM King made known the vote tabulation will reflect the numbers already shared. The Resolution will be filled in with the numbers.

MOVED/SECOND: Trustee Avdis /Trustee Lee Reeder

AYES: Trustee Thom Gilbert, Trustee Elena Lee Reeder, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Tom Smith

NOES: None

ABSENT: Trustee Chris Burns

ABSTAIN: None

ACTION: A motion to Adopt Resolution No. 2022-11-02 Tabulating Results of Protest Proceeding for Proposed Stormwater Service Fee is approved.

- 6.2. RECOGNITION OF SERVICE: Review and Consider Adoption of Resolution No. 2022-11-03, Recognizing Sacramento City Council Member & Sacramento Area Flood Control Agency Board of Director Jeff Harris for Service to the Community.

This item was moved up on the agenda and discussed after Item 1.5.

7. BOARD OF TRUSTEE'S COMMENTS/REPORTS

7.1. BOARD ACTIVITY UPDATES:

7.1.1. RD 1000 Committee Meetings Since Last Board Meeting

- Executive Committee (Gilbert & Lee Reeder) November 9, 2022
- Finance Committee (Gilbert, Bains & Burns) November 16, 2022

The Finance Committee met to review the Draft Audit report for FY 2021-2022 on November 16, 2022. There were two recommendations from the Finance Committee.

- 1) The recommendation from the Finance Committee was to take the Audit report and finalize it at the Board of Trustees meeting in December for review and acceptance, and authorization for our auditor Richardson & Company to submit by the deadline in January 2023, our financial audit from 2021-2022. GM King

made known it was again an unmodified and unqualified opinion this year, the highest audit rating we can receive.

- 2) There were a few notes made in the management discussion on improving things, and we will discuss these during the December Board meeting. One of those comments is to have district staff develop a formal Purchasing Policy by the end of this Fiscal Year to clean up some of the comments in the draft audit report and what you'll hear in December.

GM King asked Finance Committee Chair Thom Gilbert if he would like to add any comments. Chairman Gilbert stated the District has a good auditor and staff did a good job closing the books.

7.1.2. RD 1000 Committees No Meetings Since Last Board Meeting

- Legal Committee (Avdis, Barandas, & Gilbert)
- Operations Committee (Bains, Barandas & Burns)
- Personnel Committee (Bains, Barandas & Smith)
- Urbanization Committee (Lee Reeder, Burns & Smith)

8. CLOSED SESSION

There were no Closed Session items.

9. ADJOURN

MOVED/SECOND: Trustee Avdis/Trustee Barandas

AYES: Trustee Thom Gilbert, Trustee Elena Lee Reeder, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Tom Smith

NOES: None

ABSENT: Trustee Chris Burns

ABSTAIN: None

ACTION: A motion to adjourn the meeting is approved.

