



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

**JULY 9, 2021
MEETING MINUTES**

In light of COVID-19 and in Compliance with CA Executive Orders N-25-20 and N-29-20, members of the Board of Trustees and members of the public participated in this meeting by teleconference. This meeting was recorded without objection. Present were Board President Thom Gilbert; Board Vice President Elena Lee Reeder; Trustee Nick Avdis; Trustee Jag Bains; Trustee Tom Barandas; Trustee Debra G. Jones; Trustee Chris Burns; General Manager Kevin King; Co-General Counsel Scott Shapiro; Administrative Services Manager Joleen Gutierrez; Operations Manager Gabriel Holleman; and 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 and established a quorum.

Present: Trustee Thom Gilbert, Trustee Nick Avdis, Trustee Jag Bains, Trustee Chris Burns, Trustee Debra G. Jones, Trustee Elena Lee Reeder, Trustee Tom Barandas (arrived at the meeting at 8:40 am)

1.3. Approval of Agenda

General Manager Kevin King stated that Item 6.1 would be heard first due to Counsel Scott Shapiro's need to leave early from the Board meeting. This item was discussed after Item 3, Public Comment, under non-agenda items.

1.4. Pledge of Allegiance

ASM Gutierrez 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*)

No Trustee conflicts were identified.

2. PRESENTATIONS

2.1. No presentations were scheduled.

3. PUBLIC COMMENT (NON-AGENDA ITEMS)

General Manager Kevin King opened public comments on non-agendized items.

Scott Brown of Larsen Wurzel and Associates (LWA) commented as a business owner in Natomas and not as a District consultant. He stated at the Central Valley Flood Protection Board's Workshop (on 7/19), LWA will present an update to the Board on the status of a feasibility study (SSJDD Assessment). LWA will also discuss implications to the District regarding some of the services LWA is considering. A recording of the two-hour presentation will be available, and Scott believes this background will be valuable for our RD1000 Board members to understand.

There were no other public comments made.

4. INFORMATIONAL ITEMS

4.1. GENERAL MANAGER'S REPORT: Update on activities since the June 2021 Board Meeting.

General Manager Kevin King would like to schedule a two-hour workshop to set priorities with the Board. Trustee Burns requested an outline before the meeting. GM King agreed to distribute a Workplan outline one week in advance of the meeting. GM King will look at dates for everyone to consider targeting late July or early August to have this discussion.

4.2. OPERATIONS MANAGER'S REPORT: Update on activities since the June 2021 Board Meeting.

A copy of the Operations Manager's Report has been included in the June 2021 Board Packet. No questions or comments were made.

4.3. DISTRICT COUNSEL'S REPORT: Update on activities since the June 2021 Board Meeting.

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.

MOVED/SECONDED: Trustee Nick Avdis/Trustee Elena Lee Reeder

AYES: Trustee Thom Gilbert, Trustee Nick Avdis, Trustee Jag Bains, Trustee Chris Burns, Trustee Debra G. Jones, Trustee Elena Lee Reeder.

NOES: None

ABSTAIN: None

ABSENT: None

ACTION: Motion to approve the Consent Calendar is approved.

5.1. APPROVAL OF MINUTES: Approval of Minutes from June 11, 2021, Regular Board Meeting and June 15, 2021, Special Board Meeting.

5.2. TREASURER'S REPORT: Approve Treasurer's Report for June 2021.

- 5.3. EXPENDITURE REPORT: Review and Accept Report for June 2021.
- 5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for June 2021.
- 5.5. AUTHORIZATION TO INVEST IN LOCAL AGENCY INVESTMENT FUND: Review and Consider Adoption of Resolution No. 2021-07-01 Authorizing Officers to Invest District Funds in the Local Agency Investment Fund.

6. SCHEDULED ITEMS

- 6.1. REVIEW AND DISCUSS REQUEST TO USE AND OCCUPY DISTRICT PROPERTY: Review and Consider Authorizing the City of Sacramento to Include District Owned Property in Planning Documents for Temporary Housing Solutions.

General Manager Kevin King made known the City of Sacramento would like authorization to include District-owned property on Rosin Court (adjacent to Natomas East Main Drain) in planning documents as a potential site for temporary housing solutions for the unsheltered. GM King has not received a formal proposal or additional information.

If the City Council approves the plan, the City would then have to negotiate with the District for use. GM King would request the Board authorize staff and legal counsel time to negotiate an agreement if the City's plan is approved. Deal points to be requested by the District are available in the Board Item 6.1 Staff Report. GM King is waiting to hear back from the City on the requested considerations.

General Manager King opened this item for public comments:

GM King read two public comments into the record. The first letter received by David Ingram, a longtime Garden Highway resident, opposes using District property as a temporary housing solution due to excessive trash and environmental destruction already realized along our levee and flood protection system.

The second letter read aloud was by Mark Jungkeit, a Garden Highway resident. Mr. Jungkeit is also in opposition to the use of District property as a temporary housing solution. He regularly participates in trash cleanups and attests to environmental destruction to District property, sewage in our waterways, and public safety concerns created by the unhoused population.

Ken Wegner asked for an explanation of the proposed site locations. GM King stated there is only one RD 1000 proposed site on Rosin Court, in City limits.

Counsel Scott Shapiro indicated the list of identified conditions does an excellent legal job of protecting the District. From a legal perspective, he takes no issue with the District being a part of a solution that should benefit our district lands and levee maintenance. Counsel Shapiro believes this is a Board policy decision to decide where it wants to go and whether it wants to be part of listing its property in the City's Masterplan. He reiterated Board approval only means being included in the City's report analysis and after determining actual deal points.

Trustee Chris Burns asked about specifics of whether the City would be ok with leaving space at this site closest to the levee for levee projects and road building? GM King has not heard back from city staff. An additional site inspection will occur once the City determines actual sites to be included in their plan. Trustee Burns stated he would like to see space included for levee projects.

Trustee Debra G. Jones shared that she has concerns about the process. After a site visit to the Natomas East Main Drain Canal (NEMDC), her main concern is encampments closest to Hazel Mahone College Prep K-8 School. Trustee Jones contacted the school to ask about their interactions with this population and discovered the unhoused are daily escorted off campus and regularly deterred from using the school's fountains to bathe.

Trustee Jones made known the District's primary function is not trash pickup, and our staff puts themselves at risk when picking up trash and debris. She is concerned that if the District's Rosin Court site is chosen, when does that end? Who is going to be responsible for cleanup? Is that us, the City? What are we going to be left with once site use is over? For these reasons, Trustee Jones is reluctant to move forward with including the District's site in the City's Masterplan. Once this Masterplan goes to the City Council, it may or may not be subject to CEQA. She stated there are sensitive land uses that do not render this appropriate as a site for consideration.

Trustee Thom Gilbert stated all of these issues would stay on the table and would need to be resolved. That aside, he is reluctant to say no to the idea without details. Trustee Gilbert wouldn't be supportive of denying being listed in the Masterplan.

Trustee Jag Bains, echoed Trustee Gilbert's comments. He believes there is not enough information to say no to this idea as a solution. He commented that the District should discuss appropriate fair compensation for the land use or a land exchange because there is a chance we may not get that property back for a long time. GM King acknowledged that he would include compensation to the District in the deal points and quantify compensation.

Trustee Nick Avdis continues to find appalling the conditions people are living in along the NEMDC and shares concerns Trustee Jones has brought up. He agrees that the District's flood protection activity should not be impeded. To address some of the commenters from the Garden Highway residents, Trustee Avdis extends his appreciation for continued cleanups. He wanted to reiterate the only property being considered at this time is Rosin Court. He believes that the discussion needs to move forward because we owe it to our partners and stakeholders to go to the next level of detail. He would be very supportive of taking the next step in obtaining additional information. His understanding is that agreeing to be included in the City's Masterplan does not presuppose the District is entering into an agreement with the City. GM King confirmed that this is correct.

Trustee Elena Lee Reeder stated that we have gone from 8 to 100 encampments in the past eight years. The District has spent over 60k annually and 15k to make levee repairs. Trustee Lee Reeder would like to have a more extended discussion to discuss what happens if we cannot keep moving

people and make repairs. She has concerns over flooding and a levee breach that could potentially endanger the whole community.

GM King opened the item up for additional public comment.

Brian O'Malley, a Garden Highway resident, regularly involved in organizing cleanups and enforcement of significant homeless RV campsites near his home, commented. The Rosin Court site would bring an element at night along Garden Highway where burglaries happen in our area, and license plates are tracked back to homeless encampments. He does not support any avenue that provides access to Garden Highway.

Ken Wegner stated he does not support this issue moving forward. He said the City needs to find alternative solutions instead of expanding into land and more space. He would like the District to push back as this is not the District's primary responsibility or expense to be incurred.

Additional public comment emails were received and have been included in the July 9 meeting minutes as ATTACHMENT 1.

GM King turned the item back for a motion. The staff recommendation is to review and consider authorizing the City to include this Rosin Court property in their Masterplan, which they'll take up during the July 20 council meeting. Post the City Council approving the Masterplan, allow for staff and legal counsel to work with the City on a potential agreement, and that we would return to the Board in draft form for review and discussion in closed session.

Trustee Chris Burns wanted to make sure that a Motion would include the following points Trustee Bains made earlier in the discussion: 1) Fair compensation for the use of District property 2) Reserve backside of the property for District use. GM King added both items to the motion.

MOTION/SECONDED: Trustee Chris Burns/Trustee Nick Avdis

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

NOES: Trustee Debra G. Jones

ABSTAIN: None.

ABSENT: None.

MOTION: Motion to authorize the City of Sacramento to include District-owned property in Planning Documents for Temporary Housing Solutions, and if selected, negotiate deal points, request fair compensation for the use of the property, and reserve the backside of the property for District use – is approved.

6.2. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION: Review and Consider Selection of California Special Districts Association Board of Director Seat A and Authorize Board Secretary to Cast Vote.

Trustee Chris Burns personally knows and recommends Noelle Mattock; she has Capitol and local government experience and makes a motion to support Noelle Mattock.

No public comments were made.

MOVED/SECONDED: Trustee Chris Burns/Trustee Nick Avdis

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

NOES: None.

ABSTAIN: Trustee Debra G. Jones, Trustee Tom Barandas

ABSENT: None.

ACTION: Motion to select Noelle Mattock for the CSDA Board of Director's Seat A and authorize the Board Secretary to Cast Vote is approved.

6.3. PUBLIC HEARING – ADOPTION OF FISCAL YEAR 2021/2022 OPERATION AND MAINTENANCE ASSESSMENT: Review and Consider Adoption of Resolution No. 2021-07-02 Authorizing Levying of Operations and Maintenance Assessment for Fiscal Year 2021/2022.

Trustee Jag Bains asked about the assessment process. He wanted to know if we take the District's O/M projected expenses and try to have an assessment that will generate that revenue?

GM King explained the assessed property valuation. He added that Phase 2 of our Financial Plan is underway, and the District will look at our projected expenses to determine a projected rate or fee increase down the road as costs continue to climb. Whether it's inflationary reasons or our CIP, those will be considered in the future, but this is the same assessment approved for the past 30 years.

Trustee Bains inquired why we do not consider our operating expenses and then set our rate? GM King stated based on the way the public voted and approved our current method; we are locked into this process.

Trustee Bains also inquired about the existing calculation used for assessments on agricultural land and how the conversion of agricultural land to residential land will impact the assessment rate in the future. GM King acknowledged this concern and explained why Phase 2 of our Financial Plan is underway.

There were no public comments.

MOTION/SECONDED: Trustee Nick Avdis/Trustee Thom Gilbert

AYES: Trustee Thom Gilbert, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Chris Burns, Trustee Elena Lee Reeder, Trustee Debra G. Jones

NOES: None.

ABSTAIN: None.

ABSENT: None.

ACTION: Motion to adopt Resolution No. 2021-07-02 Authorizing Levying of Operations and Maintenance Assessment for the Fiscal Year 2021/2022 is approved.

6.4. CERTIFICATION OF LEGAL PROCESS FOR SPECIAL ASSESSMENT: Review and Consider Adoption of Resolution No. 2021-07-03 Certifying to the County of Sutter the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll for Fiscal Year 2021/2022.

GM King explained annual certification is routine.

No public comments were made.

MOTION/SECONDED: Trustee Jag Bains/Trustee Elena Lee Reeder

AYES: Trustee Thom Gilbert, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Chris Burns, Trustee Elena Lee Reeder, Trustee Debra G. Jones

NOES: None.

ABSTAIN: None.

ABSENT: None.

ACTION: Motion to adopt Resolution No. 2021-07-03 Certifying to the County of Sutter the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll for Fiscal Year 2021/2022 is approved.

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) June 30, 2021

7.1.2. RD 1000 Committees No Meetings Since Last Board Meeting

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

8. CLOSED SESSION

8.1. No Scheduled Closed Session Items.

9. ADJOURN

MOTION/SECONDED: Trustee Nick Avdis/Trustee Chris Burns

AYES: Trustee Thom Gilbert, Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Chris Burns, Trustee Elena Lee Reeder, Trustee Debra G. Jones

NOES: None.

ABSTAIN: None.

ABSENT: None.

ACTION: Motion is approved, and the meeting is adjourned.