

MINUTES OF THE MEETING  
OF THE BOARD OF TRUSTEES OF  
RECLAMATION DISTRICT NO. 756 (BOULDIN ISLAND)  
HELD ON WEDNESDAY, APRIL 19, 2023

Upon Notice to and consent by the Trustees of Reclamation District No. 756 (Bouldin Island), of the County of San Joaquin, State of California, a Meeting of the Board of Trustees was held at the offices of the District, at 343 East Main Street, Suite 815, Stockton, California on Wednesday, April 19, 2023, at 10:30 A.M.

There were present and absent the following named Trustees, to-wit:

PRESENT

DAVID A. FORKEL  
RANDALL NEUDECK  
RUSSELL RYAN

ABSENT

NONE

There was also present Pamela A. Forbus, of the Law Offices of Hoslett and Forbus, Attorneys for the Reclamation District; Nate Hershey, of the firm MBK Engineers, the District's Engineer; Jack Cronin with MWD; and Andrew Petrini, the District's Assistant Superintendent.

Following the Roll Call, a quorum was declared present, and the meeting was called to order.

The Minutes of the meeting of the Board of Trustees held on March 15, 2023, were considered and upon motion made and seconded, it was:

RESOLUTION APPROVING MINUTES

RESOLVED AND ORDERED by the Board of Trustees of Reclamation District No. 756 (Bouldin Island), as follows:

1. That the Minutes of the meeting of the Board of Trustees of Reclamation District No. 756 (Bouldin Island) held on March 15, 2023, be and the same are hereby approved.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan  
Noes: None  
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Trustees were presented with the financial report for the District. The Trustees discussed the ratification and approval of warrants and checks issued in payment of obligations of the District. Upon motion duly made and seconded, it was:

RESOLUTION RATIFYING AND APPROVING WARRANTS  
AND CHECKS IN PAYMENT OF CURRENT OBLIGATIONS

RESOLVED AND ORDERED by the Board of Trustees of Reclamation District  
No. 756 (Bouldin Island), as follows:

1. That the Warrants and Checks written since the meeting held March 15, 2023, and presented to the Trustees at this April 19, 2023, meeting are hereby ratified, approved and authorized, a copy of which shall be attached to the minutes of the meeting, and which is incorporated by reference, are hereby approved.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan  
Noes: None  
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Trustees were advised that, with the payment of the current obligations of this Reclamation District, there was a balance on hand in the general account in the sum of \$442,257.21. The Trustees were further advised that there was a balance on hand in the District's account with the Bank of Stockton for special project BO-19-1.1 held the sum of \$5,841,594.43 and the Bank of Stockton special project BO-17-1.0 held the sum of \$924,720.85.

The Engineer presented the Trustees with a written report prior to the meeting, which included the following matters:

1. The Engineer reported on the District's participation in the Delta Levee Subventions Program, as follows:
  - A. Fiscal year 2021-22: The District submitted an application in the Program in the amount of \$631,000. An additional \$2 million was recently approved by the Central Valley Flood Protection Board, for a total of \$12 million for FY 2021-22. A final claim was submitted in the amount of \$292,577.83.

- B. Fiscal year 2022-23: The District submitted an application in the Program in the amount of \$631,000. \$12 million was recently approved by the Central Valley Flood Protection Board for the Program for FY 2022-23.
  - C. Fiscal year 2023-24: The District submitted an application in the Program in the amount of \$631,000.
- 2. Annual Maintenance: The Engineer provided the Trustees with a list of the current maintenance items that the District is tracking. The Engineer recently completed an updated survey of the levee system. Areas have been identified that have appeared to have settled, suggesting maintenance should be considered after the flood season. The sites where boils occurred on the west levee have been explored. Once encroachment, a deteriorated riveted steel pipe, was located and removed.
  - 3. FEMA: A request for Public Assistance has been submitted for damages sustained during the January 2023 emergency. MBK had a preliminary Exploratory Call with FEMA on March 30, 2023 to discuss the damages listed in the claim. A recovery Scoping Meeting (RSM) has been scheduled with FEMA and CalOES at MBK's office on April 20. Prior to the meeting, MBK will complete a Damage Inventory (DI) and compile documentation supporting the claim. At the RSM, the DI will be discussed and determine the next steps in the recovery process.
  - 4. Five Year Plan: Work on the Five-Year Plan is nearly complete. The District has addressed DWR's comments and have submitted the final version of the Plan. Upon DWR's final acceptance, the document will be uploaded to the RD's website.
  - 5. SB 88: MBK has obtained quotes for the equipment required at the 51 remaining metering sites. These flow meters will be installed over the next two years due to the number of sites and levee projects that begin in 2023. Prior to installation of flow meters, MBK has identified 12 sites that need to be tested for asbestos or tar coating by Bovee Environmental Management. One of these sites, siphon 12 on Webb Tract, could not be accessed due to high tide. However, upon further review, MBK and Bovee concluded that the potentially hazardous materials would not be disturbed during the installation process. Of the remaining 11 sites, 3 on Bacon and 1 on Bouldin Island tested positive for hazardous materials. These 4 sites will be abated by W.C. Maloney prior to any flow meter installation.

MWD and the RDs are in compliance for calendar year 2023 under an approved extension of time. The extension was approved by the Delta Watermaster on January 13, 2022 and will expire on January 1, 2024. The extension of time included a Plan for Compliance which provides details regarding the methods to estimate diversions on siphons without flow meters and provides a measurement equipment installation schedule. MWD currently anticipates that installing all the flow meters will take five years. Therefore, MBK has provided cost estimates for flange magnetic meters with telemetry equipment installed on the water side of all active siphons.

Development of the Delta-wide ACP by the Delta Measurement Experiment Consortium to utilize Open ET for measuring and reporting diversions continues. Place of use polygons for each island have been completed and will be used in conjunction with Open ET to report on diversions. MBK and MWD continue to participate in the Consortium.

6. Special Projects: Construction of the Directed Action project to rehabilitate the north levee (BO-19-1-SP) is in progress. They are working with the Contractor to begin construction on May 1. A preliminary construction schedule for the remainder of the project has been developed and provided to the District. The Engineer is in the process of reviewing various submittals, requests for information, and supporting Sukut and the consultant team preparing for the start of construction. Work on the levee setback project (BO-17-1-SP) near the Camp 5 pump station (west levee) has been accelerated due to the recent instability observed on the landside slope. DWR and CDFW are allowing the District to move forward with work on the landside on an emergency basis to stabilize the area. A streamlined Scope of Work will be submitted for approval and work will likely commence in June or sooner if possible.  
A concept proposal was submitted to DWR for the Projects Solicitation Package (PSP) for multi-benefit projects. DWR acknowledged receipt and is currently evaluating the proposals.

Following a discussion of this matter, the Trustees determined it was necessary to declare that an emergency situation exists on Bouldin Island. Upon motion duly made and seconded, it was:

#### **RESOLUTION DECLARING A STATE OF EMERGENCY DUE TO FLOOD AND WEATHER CONDITIONS**

WHEREAS, the Sacramento San Joaquin Delta is experiencing high water levels resulting from heavy rainfalls and runoff, and high winds, creating an imminent risk of uncontrolled flooding and levee damage within Reclamation District No. 756's boundaries; and

WHEREAS, the District has observed continued slope instability in the project areas and has initiated flood fight measures to stabilize the landside slope and to contain boils on the landside slope in the area due to high water; and,

WHEREAS, these conditions create an immediate risk to public facilities, and are a crippling activity that severely impairs 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 finds and declares on **March 10, 2023** that an emergency situation exists, and immediate action is required to respond to these conditions.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Trustees of the Reclamation District No. 756 (Bouldin Island), as follows:

1. As of **March 10, 2023** an emergency situation exists within the District, due to uncontrolled flooding and flood damage, and a forecast of further precipitation and high winds which 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 Trustees, Officers and Engineer, or any of them, are 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. This emergency shall be deemed to have commenced on March 10, 2023 and shall continue until further action of this Board.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan  
Noes: None  
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

Having decided to proceed with the emergency work on Bouldin Island in connection with the prior Resolution, Trustees next reviewed and discussed the provisions and exemptions of the California Environmental Quality Act. Following a discussion of this matter, upon motion duly made and seconded, it was:

RESOLUTION FINDING PROJECTS  
EXEMPT FROM CEQA

RESOLVED AND ORDERED by the Board of Trustees of Reclamation District No. 756 (Bouldin Island), as follows:

1. That instability of the landside levee slope has been observed between Stations 500-550 resulting in settlement of approximately two feet in areas on the landside slope, boils and further cracking and deformation of the levee.
2. That the District finds that urgency is required to implement the proposed emergency repair work to reduce threats to health and property and falls within the statutory exemptions to the California Environmental Quality Act pursuant to Section 15269 (Class I) of the Guidelines for the California Environmental Quality Act, California Administrative Code of Regulations, Title 14, Chapter 3, Article 18.
3. That the District finds that the proposed work will not have a material adverse effect upon the environment.
4. That said work constitutes a statutory exception to the California Environmental Quality Act.
5. That the District Secretary and Engineer, or either of them, hereby are directed to prepare and file with the County Clerk of San Joaquin County for posting, a "Notice of Exemption" pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062 and 15269.

ROLL CALL:

Ayes: Trustees Forkel, Neudeck and Ryan  
Noes: None  
Absent: None

Upon Roll Call, the foregoing Resolution was declared unanimously passed and adopted.

The Chair asked for Public Comment. There being no one present wishing to address the Board of Trustees, the Public Comment session was closed. There being no further business to come before the Board, the meeting was adjourned.

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PAMELA A. FORBUS, Secretary  
Reclamation District No. 756 (Bouldin Island)

Minutes of the Meeting  
held on April 19, 2023,  
are hereby approved.

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Trustees of Reclamation  
District No. 756 (Bouldin Island)

**RECLAMATION DISTRICT 756**  
**WARRANT LIST**

**From: 03/11/2023 through 04/14/2023**

<u>Date</u>	<u>Num</u>	<u>Payee</u>	<u>Account</u>	<u>Payment</u>
03/16/2023	4052	MBK Engineers	50140 Engineering - Routine	88.50
			55140 Engineering Serv	15,638.06
			57185 BO-18-1 5YR Plan	254.00
03/16/2023	4053	Hoslett and Forbus, Attorneys at Law	50160 Legal/Administration	12,311.83
03/16/2023	4054	Delta Pump Co	50110 Fuel & Oil	136.25
03/16/2023	4055	PG&E	50212 Utilities	33,696.41
03/16/2023	4056	Petrini Land Company LLC	50211 Security Services	1,030.35
03/16/2023	4071	Rec Dist No. 756 Payroll Acct	15100 Bank of Stockton-Payroll	25,000.00
03/29/2023	4072	MBK Engineers	50140 Engineering - Routine	88.50
			55140 Engineering Serv	7,585.00
03/29/2023	4073	Delta Pump Co	50110 Fuel & Oil	272.50
04/05/2023	4074	PG&E	50212 Utilities	22,238.08
04/05/2023	4075	PG&E	50212 Utilities	24.92
04/11/2023	4076	MBK Engineers	57227 BO-17-1 Engineering	66,766.15
			<b>Total</b>	<b>\$ 185,130.55</b>
<b><u>Account Balances 04/14/2023</u></b>				
<b>General Fund</b>				<b>\$ 442,257.21</b>
<b>Delta 2 Flood Project ( included in the General Fund Balance)</b>				<b>\$ 7,446.21</b>
<b>Bank of Stockton - Payroll</b>				<b>\$ 22,974.06</b>
<b>Outstanding Registered Warrants</b>				<b>\$ -</b>
<b>BO-19-1 Bank of Stockton Acct</b>				<b>\$ 5,841,594.43</b>
<b>BO-17-1 Bank of Stockton Acct</b>				<b>\$ 924,720.85</b>
04/11/2023	103	PB #3		57,110.71