

# 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 March 3, 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 Gonser (District Staff)

The meeting was called to order by Trustee Bacchetti at 10:30 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 Pombo moved to approve the minutes for the February 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 Pellegrini seconded the motion. The matter was put to a vote and votes were cast as follows:

<b>Trustee Nat Bacchetti:</b>	<b>Yes</b>
<b>Trustee Richard Pellegrini:</b>	<b>Yes</b>
<b>Trustee Greg Pombo:</b>	<b>Yes</b>

The motion to approve the minutes for the February 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) was carried.

# PESCADERO RECLAMATION DISTRICT # 2058

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

## **PRESENTATION, DISCUSSION, AND ACTION ITEMS:**

### A. Consider and Discuss Director Compensation

District Counsel reported that this action item was carried over from the February 3, 2021, regular meeting so the Board could have a discussion with all of the Trustees present. District Counsel reported the conclusions of a memorandum prepared by her office setting forth the responsibilities for which Trustees may be compensated and the applicable monetary limits for those responsibilities generally, and on daily and monthly basis. District Counsel reported that whatever compensation policy the Board approves, if any, will apply to all Trustees equally and is separate from the health insurance premium contributions that the Trustees receive.

The Board discussed the responsibilities for which Trustees may be compensated. The Board determined it best to would await the completion of the financial audit before considering any further the adoption of a compensation policy. The Board did not take any action and may discuss the matter at a future meeting.

### B. Consider and Discuss General Manager Employment Agreement

District Counsel reported that District Staff will be placing an advertisement in the Tracy Press for the General Manager position. Publication will begin on March 5, 2021, and continue for two consecutive weeks. District Counsel reported that Ms. Ackerman updated the General Manager job description that will be posted to the District's website for interested applicants. District Counsel advised that if the District receives any applications, the Board must evaluate the applicant's qualifications and consider the applicant. If the District does not receive any responsive applications, the Board can consider executing the General Manager Employment Agreement with the current General Manager.

The Board did not take any action in this item.

### C. Consider and Discuss Approval of Changes to Employee Handbook regarding Timecard Due Date and Paydays

District Counsel reported on additional revisions to the District Employee Handbook (Handbook) necessary in light of ADP's administration of the District's payroll. These changes included the day of the week and time by which timecards must be submitted, as well as the last day of the pay period.

# PESCADERO RECLAMATION DISTRICT # 2058

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

Trustee Pombo moved to approve the changes to the Handbook related to the administration of the District's payroll. Trustee Pellegrini seconded the motion. The matter was put to a vote, and votes were cast as follows:

<b>Trustee Nat Bacchetti:</b>	<b>Yes</b>
<b>Trustee Richard Pellegrini:</b>	<b>Yes</b>
<b>Trustee Greg Pombo:</b>	<b>Yes</b>

The motion to approve the changes to the Handbook related to the administration of the District's payroll was carried.

## D. Review and Discuss Proposed Solution to "Double Counting" of Water Use Under Required Water Use Reporting

District Counsel reported the method of, and the deadlines by which, the District files water use reports for its water rights and the water rights of District landowners. District Counsel advised that the District received a notice from the Delta Watermaster (Watermaster) setting forth its strategy for avoiding duplicative reporting of water diversions and use in the Delta (Double Counting Proposal). District Counsel reported that the Watermaster requested water users in the Delta to voluntarily report water diversions and use under their most senior claim and report a token "1" for diversions under any junior rights. According to the Watermaster, the Double Counting Proposal will facilitate a better understanding of the actual water demand and, thus, assist the State Water Resources Control Board with its management of the water rights system to protect priority. District Counsel further reported that it has been requested that the State Water Resources Control Board institute a regulatory action to permanently address this issue.

The Board discussed possible issues associated with reporting in accordance with the Double Counting Proposal, such as a forfeiture. Following this discussion, District Counsel advised that she and District staff will report in accordance with the Double Counting Proposal. The Board took no action on this item.

## E. Review and Discuss Encroachment Permit Fees/Deposit

District Counsel reported the outcome of the research into whether the District could charge a fee for encroachment agreements rather than a security deposit. Currently, the District requires a deposit for persons requesting encroachment permits to cover the District's legal, engineering, administrative, and consultant costs incurred in both drafting the encroachment agreement and carrying out the District's duties thereunder. District Counsel advised that the District may charge a fee for the preparation and issuance of an encroachment permit, however, it must do so in accordance with a fee schedule, and the fee cannot be more than necessary to cover the reasonable costs of the District. District Counsel advised that, on balance, the District's current process is more efficient.

# PESCADERO RECLAMATION DISTRICT # 2058

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

Trustee Pombo expressed concern regarding whether the District recovers all of the costs associated with the encroachment agreements. District Counsel responded that the only uncaptured costs are those for District Staff, but those costs can be tracked and included in the deposit. The District Engineer recommended that the District prepare a schedule showing the hourly rates for District Counsel, the District Engineer, and Staff for their work on encroachment agreements. District Counsel advised that she would draft such schedule and present it to the Board for consideration and approval and later posting on the District's website.

## F. Review and Discuss 2021 Water Rates

District Counsel reported that this item was carried over from previous meetings. She further reported that the District Bookkeeper is still performing the audits on the District's finances. District Counsel asked the Board what, if any, other components the Board would like to assess prior to deciding whether to raise the water rates.

Trustee Bacchetti reported that he is concerned that the District's finances are in jeopardy without a rate increase because of the rising Pacific Gas and Electric (PG&E) rates. Trustee Pellegri agreed with Trustee Bacchetti, asking what a reasonable increase would be. Trustee Pombo asked about the propriety of charging different rates for flood irrigation versus drip irrigation.

A discussion about the different rates for flood and drip irrigation ensued. Trustee Pellegri reported that drip irrigation requires the most oversight and results in greater costs to the District. District Counsel inquired whether any nearby districts charge different rates for drip irrigation versus flood irrigation. Trustee Pombo responded that he was not aware of any, stating that charges are either based on the acreage irrigated, or acre-feet of water used by the landowner. The Board discussed other methods by which to charge for irrigation water that account for the costs to the District and are fair to landowners.

District Counsel informed the Board that this item was on the agenda for discussion only and that any action would need to wait until the April meeting or the Board could hold a special meeting to consider approval of water rates for 2021. The Board decided to hold a special meeting, scheduled for Friday, March 26, at which it would consider action with regard to the water rates for 2021.

## G. Review and Discuss Approval of Grant Deed to Gregory Gonser and Richard and Josephine Pellegri for 1,051 Square Feet

Ms. Gonser reported to the Board that her parcel does not currently include the land on which her garage sits. Instead, the garage was mistakenly constructed, by the previous landowner, on District land adjoining her parcel. To remedy this issue, she, with the assistance of District Engineer, proposed a "land swap" with the District whereby a 1,051 square-foot portion of her property will be swapped for the 1,051 square-foot area of the District's property under and around her garage. The size of the District's parcel and Ms. Gonser's parcel would stay the same.

# PESCADERO RECLAMATION DISTRICT # 2058

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

Trustee Pombo moved to approve the grant deed to Gregory Gonser and Richard and Josephine Pellegrini for 1,051 square feet. Trustee Bacchetti seconded the motion. Trustee Pellegrini did not participate in the deliberation or vote on this matter. The matter was put to a vote, and votes were cast as follows:

<b>Trustee Nat Bacchetti:</b>	<b>Yes</b>
<b>Trustee Richard Pellegrini:</b>	<b>Abstained</b>
<b>Trustee Greg Pombo:</b>	<b>Yes</b>

The motion to approve the grant deed to Gregory Gonser and Richard and Josephine Pellegrini for 1,051 square feet was carried.

H. Provide Update on Hussein Use Permit (No. PA-1800316) – Public Hearing  
Scheduled for March 4, 2021

District Counsel reported that the revisions to the San Joaquin County Planning Commission's Conditional Use Permit for the Ahmed Hussein Chicken Farm and Slaughterhouse (Project) adequately address the District's previous concerns with the Project, but that one condition of approval related to manure management and water quality protection could be improved. She reported that the Project's environmental document is vulnerable to challenges, and that certain nearby landowners may seek to challenge it, but that there is nothing of great concern to the District because of the revisions.

## **GENERAL MANAGER'S REPORT**

A. Repairs and Maintenance

The General Manager reported that the California Department of Fish and Wildlife (CDFW) is looking to place cameras along Tom Payne Slough for its nutria study. To do so, CDFW will need an encroachment agreement with the District. The General Manager reported that CDFW may want the encroachment agreement approved by March 15. The General Manager further reported that the ditch servicing the golf course has been cleaned and cleared out. The repairs on Pump No. 2 are completed and it can now send water to Pump No. 8. The General Manager reported that he replaced a 36-inch line on Pump No. 8 because that segment of line rotted.

B. Irrigation

The General Manager reported that he is running water on Pump Nos. 1 and 3.

## **LEVEE REPORT**

Trustee Pombo reported that he started performing vegetation control on the levee. He further reported that there are discrete locations on the levee where squirrels are causing issues that he will address. Trustee Pombo further proposed the District investigate performing squirrel abatement on a more regular basis. District Counsel

# PESCADERO RECLAMATION DISTRICT # 2058

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

reported that she spoke with a landowner who was advocating that the District perform squirrel abatement on his property. The landowner reported to District Counsel that the bait stations are mildly effective. The landowner told District Counsel that the carbon dioxide abatement was more effective, but the District only performed it once. District Counsel reported that she informed the landowner that she would discuss the possibility of the District performing squirrel abatement more often, but explained that the scope of the District's obligations regarding squirrel abatement was limited to the levees.

Trustee Pellegrini advised the Board that previously West Side Irrigation District (WSID), WSID would provide squirrel bait to landowners on a per acre-basis, from the agricultural station in Stockton, CA to encourage landowners to assist in squirrel abatement on their own properties. Trustee Pombo stated that he would look into the costs of initiating something similar in the District.

## **DISTRICT ENGINEER'S REPORT**

The District Engineer reported that progress on the environmental easement on the Perry Property remains the only notable outstanding item on the Flood System Repair Project (FSRP).

The District Engineer reported that he took photographs of the levee to document revegetation and began the paperwork to terminate the State Water Board Construction General Permit and Storm Water Pollution Prevention Plan for the FSRP project.

The District Engineer reported that he had a field meeting with the General Manager and representatives from Ridge Capital. Ridge Capital is interested in purchasing two parcels in the District, located on the corner of West Pescadero Avenue and Paradise Road, and constructing a warehouse in the middle of the two parcels. He further reported that Ridge Capital has not provided him notice regarding the soil sampling covered by the encroachment agreement.

The District Engineer reported that the California Department of Transportation (CalTrans) is in the process of designing new cloverleaf on-ramps as part of a larger highway improvement project. Part of this project will result in the realignment of roads within the District. Trustee Pellegrini and the District Engineer discussed the possible implications of this project to District infrastructure. The District Engineer reported that he will monitor developments on the project.

The District Engineer provided an update on the progress of the Silva Dairy/Seefreid Project, reporting that the new irrigation line is being connected to existing facilities, but that the connection would not be complete for approximately two weeks. The District Engineer advised that he would move forward with the easement documents for the relocated facilities.

# PESCADERO RECLAMATION DISTRICT # 2058

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

The District Engineer reported that the Department of Water Resources will come out and inspect Sugar Cut as part of the Flood Control Subventions Program, but that the CDFW rendered a desktop approval and will not be performing an inspection.

The District Engineer recommended the District consider using “k-rails” or concrete blocks to prevent people from accessing the levee for unauthorized purposes as these barriers likely do not require any permitting. He stated that he will research pricing of these barriers and noted for the Board that delivery is usually a bulk of the costs. Trustee Pombo reported that he spoke with representatives from Reclamation District No. 2095, who called the rural crime unit of the San Joaquin County Sherriff’s to issue citations to motorcyclists on the levee. Trustee Pombo reported that he has not seen any motorcyclists in or on the levee in the past week.

## **TRUSTEES’ REPORTS**

None.

## **Other Business**

District Counsel reported that the District responded to the Public Records Act request that the District received in February. She advised the Board that her office will assist in preparing the Statements of Economic Interests - Form 700 (Form 700s) for 2021 to correct minor issues that have carried over from years past. The Form 700s are due on April 1.

District Counsel reported that the District received the San Joaquin County Grand Jury Survey on Independent Special Districts and will submit the response by March 8, 2021 deadline.

## **CLOSED SESSION**

The District did not go into closed session.

## **ADJOURNMENT**

There being no further business, Trustee Bacchetti adjourned the meeting at 12:09 p.m.