

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 February 3, 2021 Board of Trustees Meeting

TRUSTEES PRESENT: Nat Bacchetti
Greg Pombo

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

The meeting was called to order by Trustee Bacchetti at 10:30 a.m.

ROLL CALL

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

PUBLIC COMMENT

No public comment.

CONSENT CALENDAR

Trustee Bacchetti read the items for consent.

Trustee Pombo moved to approve the minutes for the January 6, 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 Bacchetti seconded the motion. The matter was put to a vote and votes were cast as follows:

Trustee Nat Bacchetti:	Yes
Trustee Richard Pellegrini:	Absent
Trustee Greg Pombo:	Yes

The motion to approve the minutes for the January 6, 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.

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PRESENTATION, DISCUSSION, AND ACTION ITEMS:

A. Consider and Discuss Approval of Changes to Employee Handbook regarding Vacation Leave and Family Medical Leave

District Counsel reported that she updated the District Employee Handbook (Handbook) to reflect the Board's action regarding the changes to the District's health insurance premium contributions and direction regarding vacation and sick leave accrual policies. District Counsel requested clarification regarding whether District employees may choose a health plan offered by the District's insurance carrier. Trustees Bacchetti and Pombo confirmed that is accurate.

Trustee Bacchetti inquired whether the District employs any part-time employees that would qualify for the vacation and sick leave accrual provided in the Handbook. District Counsel reported that no part-time employees currently qualify.

District Counsel advised that the California Family Rights Act (CFRA) was previously not applicable to the District, but changes effective January 1, 2021 extended CFRA to smaller employers, like the District. District Counsel reviewed for the Board the revisions to Handbook provisions regarding unpaid medical leave, which now provide employees' eligibility to take family care and/or medical leaves of absence under CFRA.

District Counsel reported that once additional information regarding payroll is received, she will make further revisions to the Handbook for the Board's review and approval.

Trustee Pombo moved to approve the changes to the Handbook regarding health insurance premium contributions and vacation leave accrual, and eligibility for unpaid leave under CFRA. 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:	Absent
Trustee Greg Pombo:	Yes

The motion to approve the changes to the Handbook regarding health insurance premium contributions, vacation leave accrual, and eligibility for unpaid leave under CFRA was carried.

B. Consider and Discuss Approval of General Manager Employment Agreement

District Counsel advised that the District must advertise for the position of General Manager before it may consider and discuss approval of the General Manager

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Employment Agreement (GM Agreement). District Counsel will work with District Staff to advertise the position in accordance with law. Depending upon whether the District receives any responsible responses to the advertisement, the Board may consider the GM Agreement during the March Board of Trustee's meeting. The Board took no action on this item.

C. Consider and Discuss Director Compensation

District Counsel reported the conclusions of a memorandum prepared by her office setting forth the responsibilities for which Trustees may be compensated (e.g., attendance at meetings or educational conferences) and the applicable monetary limits for those responsibilities. District Counsel further reported that Trustee compensation may be increased up to 5 percent each year, but only after a compensation policy has been approved and certain legal requirements are observed.

Trustee Bacchetti inquired whether there are other ways in which the Trustees, especially those not receiving any health insurance premium contributions from the District, may be compensated. District Counsel reported that the law limits compensation for those serving on the governing boards of public agencies. The Board tabled the item until next meeting so Trustee Pellegrini could participate in the discussion. The Board took no action.

D. Consider and Discuss Approval of Encroachment Permit Agreement with Ridge Capital, Inc. for 3601 West Pescadero Avenue

District Counsel advised that her office assisted in preparing an encroachment agreement with Ridge Capital, Inc. (Encroachment Agreement) before inviting the District Engineer to provide the Board with background information on the scope and purpose of the Encroachment Agreement. The District Engineer reported that the purpose of the Encroachment Agreement was to allow access to the District's irrigation canal to test for possible soil contamination on the 3601 West Pescadero property (Property) caused by the former crop dusting operations. The soil sampling is tied to the possible purchase and sale of the Property to construct a warehouse. He further reported that soil samples will be taken with hand tools and a small excavator. Sampling will not occur in the canal, or on the canal's ledge. The District Engineer advised that the Encroachment Agreement may be the first of a few agreements, if contamination is detected and cleanup becomes necessary. The District Engineer added that if contamination is detected, the District will not be financially responsible.

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

Trustee Nat Bacchetti:	Yes
Trustee Richard Pellegrini:	Absent
Trustee Greg Pombo:	Yes

The motion to approve the Encroachment Permit was carried.

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GENERAL MANAGER'S REPORT

Repairs and Maintenance

Trustee Pombo provided the General Manager's report on his behalf, reporting that the work on pipeline 8 is complete, and the invoice for that work will be submitted soon. He reported that there is an issue with motorcycles accessing and riding on the levee. A District Employee was assigned to police the area so that he can advise the County Sheriff.

Irrigation

Trustee Pombo reported that District Employees were working on the pump house, but the weather has kept them indoors. Accordingly, District Employees have been cleaning the shop.

LEVEE REPORT

Trustee Pombo reported that the District's rating in the Department of Water Resources' (DWR) final inspection reports increased by a small margin over last year. He reported that he contacted the inspector to discuss what could be improved to receive a higher rating next year.

Trustee Pombo reported that DWR will come out and inspect Sugar Cut as part of the Flood Control Subventions Program.

Trustee Pombo reported that the golf course called the District reporting issues with vandalism, theorizing that the vandals may be accessing the golf course from the levee. Trustee Pombo reported that Trustee Pellegri had previously discovered that the locks and chains were cut and replaced them. Trustee Pombo advised that District Employees will monitor the levees.

Trustee Pombo reported that certain landowners still want the District to perform squirrel abatement on their land. District Counsel cautioned against this. The District's responsibility is the operation and maintenance of the levees and its squirrel abatement efforts should be limited accordingly.

DISTRICT ENGINEER'S REPORT

The District Engineer reported that progress on the environmental easement on the Perry Property is not known, but it remains the only notable outstanding item on the Flood System Repair Project (FSRP). He reported that a subcontractor will begin reviewing the vegetation control for the FSRP to make sure that the area meets revegetation standards. Adequate revegetation is necessary for the District to close out of the State Water Board Construction General Permit and Storm Water Pollution Prevention Plan (SWPPP) document for this project.

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The District Engineer provided an update on the progress of the Silva Dairy/Seefreid Project, reporting that a new irrigation line is being installed on Grant Line Road, but that the weather stalled progress. The District Engineer also reported that the District removed all of the alfalfa valves from the old pipeline, advising that if the District were to use the pipeline before the bypass is complete, the old pipeline will leak and flood the construction site.

The District Engineer reported that previously the possibility of erecting a fence on the levee did not progress. He advised that if the District chose to erect a fence to ameliorate the motorcycle problem, it will likely require a permit from the U.S. Army Corps of Engineers. District Counsel proposed using large cement blocks in lieu of erecting a fence given the cost of fencing and permitting issues.

TRUSTEES' REPORTS

Trustee Bacchetti asked whether the Board will be raising water rates this year. District Counsel advised that the Board tabled the item pending the outcome of the financial review.

Trustee Pombo inquired whether the District is compensated for its costs associated with the Encroachment Agreement. District Counsel responded that the Encroachment Agreement requires a deposit to cover the District's costs (e.g., District Counsel and/or District Engineer time) and any unused costs are reimbursed to the permittee. If the District's costs exceed the deposit, the permittee is billed for the balance due. Trustee Pombo asked whether the District can impose a fee for encroachment permits. District Counsel reported that she would review the issue and report back.

Other Business

District Staff advised the Board of the need to acquire a new desktop computer given the age and speed of the current laptop computers, which the District uses to conduct its business. Staff advised that the speed of the computers is low resulting in productivity losses. Staff advised that a new desktop would cost approximately \$1,200, which includes installation costs. Staff further advised that the District could consider replacing the second laptop with a newer laptop at a later date, noting that a desktop system would sufficiently alleviate lost time caused by computer issues. The Board took no action.

CLOSED SESSION

The District did not go into closed session.

ADJOURNMENT

There being no further business, Trustee Bacchetti adjourned the meeting at 11:29 a.m.