



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

**MARCH 11, 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. 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 Chris Burns; Trustee Debra G. Jones; and Co-General Counsel Scott Shapiro; Co-General Counsel Rebecca Smith; General Manager Kevin King; Operations Manager Gabriel Holleman, Administrative Services Manager Joleen Gutierrez, and Administrative Assistant Christina Forehand.

**1. PRELIMINARY**

**1.1. Call Meeting to Order**

Board President Thom Gilbert called the meeting to order at 8:00 am.

**1.2. Roll Call**

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

ABSENT FOR ROLL CALL: Trustee Nick Avdis (arrived at 8:02 am)

**1.3. Approval of Agenda**

General Manager Kevin King made one change to the meeting agenda. He requested to revise Item 7.1.1 Committee Meetings. The minutes from the Personnel Committee were distributed to the Trustees after distribution of the March Board Packet as the Personnel Committee meeting had yet to occur before the packet was published.

MOVED/SECOND: Trustee Debra G. Jones/Trustee Lee Reeder

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

NOES: None

ABSTAIN: None

ABSENT: None

ACTION: The March 11, 2022 Board Meeting Agenda is approved.

**1.4. Pledge of Allegiance**

Trustee Tom Barandas 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*)**

Trustee Nick Avdis made it known that he would recuse himself from Item 6.2 (re: Greenbriar Development) and noted that his camera would be turned off. There were no other conflicts of interest identified by the Trustees.

## **2. PRESENTATIONS**

### **2.1. System Wide Improvement Framework – Kevin King (RD 1000 General Manager)**

On February 23, the District held its first community meeting for Garden Highway residents regarding mailed vegetation modification and abatement letters. At this meeting, the "Seeing Levees, Saves Lives" theme developed by Allan Strategic kicked off the levee visibility campaign. This campaign will help the community to understand that they are part of a whole flood management system due to its critical location, transportation corridors, and economic function of Natomas and its wide-region impact.

Ric Reinhardt, P.E., Principal, MBK Engineers, the certifying engineer for the levee recertification process for FEMA, joined the meeting.

#### **System-Wide Improvement Framework (SWIF)**

The SWIF is a locally designed framework created by RD1000 to comply with Federal Levee safety standards.

**Step 1:** RD1000 – Created plan to comply with the Federal O&M Manual mandated by USACE.

**Step 2:** Achieve compliance. Identify current levee encroachments that need fixing to become compliant with this manual. The list was compiled using past State Levee Inspection Reports, USACE Periodic Inspections, and RD1000's 2019 Encroachment Survey.

**Step 3:** High Hazard encroachments were identified and must be fixed before the levee system can be certified for FEMA coverage and financial protections. RD1000 must abate the High Hazard Encroachments identified to maintain status in PL84-99 for Federal Disaster Relief Funding.

#### **Why is enforcement occurring now?**

Field of view regulations has changed. Federal levee standards now require significant reductions in the number of non-compliant encroachments. The District's plan does allow for compromise to come into compliance while ensuring the integrity of the levee.

Properties with very little view due to fencing, trees, hedges, large shrubs near the road prevent proper visual inspection. Waterside access and visibility zones have been created to make compliance easier. The District will receive 450k in Flood Maintenance Assistance Program (FMAP) grant funding through the CA Department of Water Resources to assist landowners with vegetation modifications.

### **Abatement Timeline**

March: Postcards will be mailed out within the next two weeks to notify property owners of the next meeting and talk about our contractor and modification of the vegetation.

April 27, 2022: Final Community check-in

June 1, 2022- Abatement Project Begins

December 1, 2022: Abatement Project ends, and ongoing abatement continues beyond this date.

Properties that are unwilling to comply with vegetative variance, in a decision by the Board, may be turned over to the Central Valley Flood Protection Board for enforcement.

### Trustee Comments

Trustee Nick Avdis requested a discussion of the public comments from the meeting. GM King explained that many questions were related to "Why now, what's changed?" Are there other methods (satellite, drones)? Drive-by is the most effective way because we must be on continuous patrol during certain river elevation stages. GM King will send out FAQs to all Trustees once the final draft is approved.

Trustee Avdis asked about resources if folks had questions after the meeting. GM King made known we have our SWIF email address [SWIF@rd1000.org](mailto:SWIF@rd1000.org); Operations Manager Gabe Holleman meets with landowners daily. Trustee Avdis requested that the District be transparent, open, and accessible to answer community questions.

Trustee Debra G. Jones suggested the information be created in a downloadable PDF format, as not everyone utilizes the internet. She suggested having a hard copy mailed to everyone affected, and due to the demographic of our community, having FAQs translated into Spanish and other applicable languages. GM King shared that the letter went out as a hard copy, and the postcard will go as well. He will work with Allen Strategic on translation and request a downloadable PDF.

Trustee Chris Burns inquired about how we are keeping track of landowners that have reached out to us and those that have not. GM King stated Operations Manager Holleman is keeping track by APN on who he has contacted, the nature of the visit, and any follow-up. GM King noted that we are making our best effort to connect with those affected.

Trustee Nick Avdis made clear that RD1000 is not an enforcement agency and that Central Valley Flood Protection Board is the agency that will bring enforcement actions.

### **3. PUBLIC COMMENT (NON-AGENDA ITEMS)**

Garden Highway resident Patrick Tully requested to comment on the presentation agenda Item 2.1. He received a letter regarding the removal of the landscape. The meeting was generally not well received by Garden Highway landowners. There was a difference between what the letter stated (removal of all vegetation encroachments) and what was said at the meeting (vegetation

modification). The message needs to be clear. The SWIF was never available for public comment. He has a hedge that protects his property from noise. You can see over the hedge and around. He received a letter saying that his hedge is a high hazard. He fails to see how many of these infractions are a high hazard. Natomas will not flood because of his hedges. He and his neighbors will work hard with all agencies to resolve issues.

There were no other public comments made.

#### **4. INFORMATIONAL ITEMS**

##### **4.1. GENERAL MANAGER'S REPORT: Update on activities since the March 2022 Board Meeting.**

A copy of the General Manager's Report has been included in the Board packet. General Manager Kevin King provided a verbal report out on the following:

##### CSDA Leadership Conference for Board Members

GM King reminded Trustees of an educational opportunity. The CSDA Napa Leadership Conference will be held in September. Two Trustees are interested in attending. If any other Trustees are interested, they should let GM King know in the next week so that registrations can be completed.

##### Upcoming Committee Meetings

The District's Budget Process will begin soon. Committee meeting requests will be sent out. On committee meeting notifications, notifications are changing to eliminate confusion in scheduling. Calendar invites will only be sent to committee members. A separate email will go out to Trustees not on the Committee. Trustees who elect to attend meetings they are not assigned to should advise GM King of their desire to participate in or observe a particular meeting.

##### Request for Proposals - Vegetation Management on March 15 for SWIF Work

GM King announced the District intends to go out to public bid with contractors for the SWIF vegetation removal project, with a potential award to be scheduled in May.

##### Hydraulic Model

Trustee Nick Avdis inquired about the status of the Hydraulic Model. GM King reached out to our contractor; they are working in the background, and some projects have been produced, but he is still waiting for a schedule to close us out. GM King will follow up with Tom Plumber.

We do have monthly meetings with the interior levee recertification group City of Sac and County we're in a holding pattern now until the model is finished. GM King also noted that Ric Reinhardt, Paul Devereux, and legal counsel need to meet and go over the PGC culverts and their incorporation into the O&M Manual.

##### **4.2. OPERATIONS MANAGER'S REPORT: Update on activities since the February 2022 Board Meeting.**

A copy of the Operations Manager's Report has been included in the March 2022 Board packet. There were no questions or comments made.

4.3. DISTRICT COUNSEL'S REPORT: Update on activities since the January 2022 Board Meeting.

Co-General Counsel Rebecca Smith Ongoing AB 361 compliance provided clarity. She mentions that we still are in a statewide state of emergency and virtual meetings are still in play. She states her work in the past month includes SWIF, and Lone Tree Canal.

Trustee Chris Burns clarified whether it is a Board decision to continue with virtual or in-person meetings. Counsel Scott Shapiro confirmed it is a Board decision to make.

**5. CONSENT CALENDAR**

*The Board considers all Consent Calendar items to be routine and will adopt them in one motion. There is 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.*

FIRST/SECOND: Trustee Nick Avdis /Trustee Chris Burns

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

NOES: None

ABSTAIN: None

ABSENT: None

ACTION: Motion to approve the Consent Calendar Items 5.1 – 5.8 is approved.

5.1. APPROVAL OF MINUTES: Approval of Minutes from February 2022, Regular Board Meeting.

5.2. TREASURER'S REPORT: Approve Treasurer's Report for February 2022.

5.3. EXPENDITURE REPORT: Review and Accept Report for February 2022.

5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for February 2022.

5.5. ASSEMBLY BILL 361: Review and Consider Adoption of Resolution No. 2022-02-01 - 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. NATOMAS FOUNTAINS: Review and Consider Authorizing the General Manager to Execute Funding Agreement with Tricap Development, LLC. for Natomas Fountains Development Project Processing.

5.7. AUTHORIZATION TO ACCEPT EASEMENT: Review and Consider Adoption of Resolution No. 2022-03-02 Authorizing General Manager to Accept Grant of Access Easement Deed from Tricap Development, LLC.

5.8. NATOMAS FOUNTAINS: Review and Consider Adoption of Resolution No. 2022-03-03 Authorizing General Manager to Quit Claim Grant of Easement Deed.

**6. SCHEDULED ITEMS**

6.1. CITY OF SACRAMENTO STORMWATER FEE: Review and Consider Authorizing the General Manager to Submit a Ballot on behalf of the District in the City of Sacramento's Water Pollution & Flood Prevention Measure.

GM King stated the District received ballots for several RD1000 properties subject to the proposed stormwater services fee of \$1000 per month. The request from staff is to support and recommends the Board approve this measure and submit ballots in favor of this measure.

There were no public comments made.

MOVED/SECOND: Avdis/Lee Reeder

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

NOES: Trustee Chris Burns

ABSTAIN: None

ABSENT: None

ACTION: Motion to approve the City of Sacramento Stormwater Fee and authorize the General Manager to submit ballots in favor of the measure is approved.

- 6.2. GREENBRIAR DEVELOPMENT: Review and Consider Adoption of Resolution No. 2022-03-04 Authorizing the General Manager to Execute Real Estate Transfer Agreement with Greenbriar Project Owner, LLC. for Acquisition of Lone Tree Canal.

Trustee Nick Avdis recused himself from this item and turned off his camera during the discussion of this item.

GM King stated the District has been working with Greenbriar Development Group for the past 1.5 years regarding their request to take real estate transfer of Developer's Lone Tree Canal environmental easements. There are not many inherent risks in taking over this property.

Counsel Rebecca Smith stated the District already performs flood control activities on the parcel. The District is not acquiring the property at a cost. There is an existing conservation easement on the property. An endowment will fund the management and operations; the District would not take on new responsibilities, management, or expense in transferring this property.

There were no public comments made.

MOVED/SECOND: Trustee Jag Bains/ Trustee Chris Burns

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

NOES: None

ABSTAIN: None

ABSENT: None

RECUSED: Trustee Nick Avdis

ACTION: Motion to Adopt Resolution No. 2022-03-04 authorizing the General Manager to execute a real estate transfer agreement with Greenbriar Project Owner, LLC. For acquisition of Lone Tree Canal is approved.

- 6.3 CONSOLIDATED CAPITAL ASSESSMENT DISTRICT NO. 2: Review and Consider Authorizing the General Manager to Execute Agreement with Sacramento Area Flood Control Agency for Consolidated Capital Assessment District No. 2 (CCAD2).

RD1000's funding agreement with SAFCA, also known as the Consolidated Capital Assessment District No. 2 (CCAD2), authorizes the levying and collection of special benefits assessments. The assessments cover a portion of the levee improvements protecting the Natomas area operated

and maintained by RD1000. RD1000 is tasked to operate, maintain, repair, rehabilitate and replace (OMRR&R) the improved levees and related facilities in the Natomas area per the U.S. Army Corps of Engineers levee maintenance standards and State Central Valley Flood Protection Board guidelines, with funds provided in part by the assessment. RD1000 receives 1.4 million dollars annually, with an annual 1.5% escalator beginning FY 2022-23. Should costs of OMRR&R exceed the current rate, SAFCA may accommodate reasonable requests to increase the assessment. The agreement will automatically renew on an annual basis for the duration of the assessment district unless terminated by both parties.

MOVED/SECOND: Trustee Nick Avdis/Trustee Debra G. Jones

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

NOES: None

ABSENT: None

ACTION: Motion to authorize General Manager Kevin King to execute the Agreement with SAFCA for Consolidated Capital Assessment District No. 2 (CCAD2) is approved.

#### 6.4 DISTRICT GENERAL ELECTION 2022: Review and Consider Adoption of Resolution No. 2022-03-05: Calling District 2022 General Election.

A correction was noted; an error in paragraph two, line two.

Correction: There will be "three parcel seats" and not "two parcel seats" as written.

GM Kevin King reminded the Board of a question from last month's meeting, resetting an Urbanization Committee meeting to review and make a determination between the assessment seat vs. parcel seat. GM King will schedule a committee meeting when he receives the assessment report. Counsel Rebecca Smith reminds all that a determination must happen by mid-May.

MOVED/SECOND: Trustee Thom Gilbert/Trustee Tom Barandas

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

NOES: None

ACTION: Motion to adopt Resolution 2022-03-05: Calling for the District's 2022 General Election I approved.

#### 6.5 SACRAMENTO COUNTY TREASURY OVERSIGHT COMMITTEE: Review and Consider Nomination for Special Districts Representatives for the Sacramento County Treasury Oversight Committee.

General Manager King announced the opportunity to serve on the Sacramento County Treasury Oversight Committee. There was no interest or action taken on this item.

## 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) March 2, 2022
- Personnel Committee (Jones, Bains & Barandas) March 8, 2022

7.1.2. RD 1000 Committees No Meetings Since Last Board Meeting

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

**8. CLOSED SESSION**

8.1. PERSONNEL EVALUATION: Pursuant to Government Code § 54957, hold annual personnel evaluation of the General Manager. The Board will appraise and comment upon the performance of the General Manager. If any substantial changes in duties, compensation, or benefits are to be considered or proposed, they will be considered in open session.

**9. Reconvene to Open Session**

9.1. Report from Closed Session.

The Board completed its annual personnel evaluation of General Manager Kevin King. The overall review was favorable, with no changes to the general manager's duties or compensation.

**10. ADJOURN**

FIRST/SECOND: Trustee Chris Burns/Trustee Debra G. Jones

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

NOES: None

ABSTAIN: None

ABSENT: None

ACTION: Motion to adjourn the meeting is approved.