



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

**FRIDAY, APRIL 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; Vice President Elena Lee Reeder; Trustee Nick Avdis; Trustee Jag Bains; Trustee Tom Barandas; Trustee Debra G. Jones; Appointed 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 attended the meeting.

**1. PRELIMINARY**

1.1. Call Meeting to Order

The meeting was called to order by Board President Thom Gilbert.

1.2. Roll Call

ASM Gutierrez called the roll and established a quorum.

1.3. Approval of Agenda

**Motion/Second:** Trustee Nick Avdis/Trustee Debra G. Jones

**Ayes:** Trustee Nick Avdis, Trustee Jag Bains, Trustee Tom Barandas, Trustee Gilbert, Trustee Debra G. Jones, Trustee Lee Reeder

**Noes:** None

**Action:** The April 9, 2021 Board meeting agenda is approved.

1.4. Pledge of Allegiance

The Pledge was led by Trustee Thom Gilbert.

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*)

There were no conflicts of interest identified by the Trustees.

## **2. PRESENTATIONS**

### **2.1. CALIFORNIA SPECIAL DISTRICTS ASSOCIATION: Presentation by CSDA's Dane Wadlé.**

CSDA's Senior Public Affairs Field Coordinator Dane Wadlé presented a legislative update touching upon the \$26 Billion American Rescue Plan Act, the coalition behind it, and advocacy efforts to secure some of the funding for special districts.

On the federal level, Mr. Wadlé discussed the comeback of Community Project Funds, better known as earmarks for infrastructure, innovation, and investment. Each member of congress can request funding for up to ten shovel-ready projects for the entire fiscal year. The process is competitive, and Dane encouraged the District to consider the opportunity within the next week and get involved in the process.

Mr. Wadlé provided an update on AB 361 (Rivas): a CSDA Call to Action. The bill would allow public agencies to continue to conduct remote meetings in the event of a state or local emergency. To ensure and preserve transparency, opposition to AB 361 proposed the following bill amendments: 1) the Board would have to revisit its decision every 30 days. 2) There must be an opportunity for the public to make real-time comments. 3) The Board would need to refrain from taking any action on items in any meeting with a broadcast disruption.

As a legal update, Mr. Wadlé informed the Board of a recent Supreme Court decision *Kaanaana v. Barret Business Services*, where the court's ruling potentially broadens the scope of work included under "public works," which could qualify for prevailing wage for some special districts. The legislature will take a look at this decision to provide clarity and guidance under this decision.

Trustee Lee Reeder inquired about the opposition to AB 361 and also thanked Mr. Wadlé for his efforts and representation on AB 1958 last year.

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

There were no public comments.

## **4. INFORMATIONAL ITEMS**

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

A copy of the General Manager's Report for April 2021 was included in the Board packet. General Manager King discussed and answered questions related to the following items:

#### Urbanization Committee Meeting

General Manager Kevin King informed Trustees that beginning with the April 9 Board Meeting, Board Meetings will be posted online per the Urbanization Committee unanimously recommended that staff post Board meetings. Staff will begin posting video meetings from GoToMeeting, starting with the District's 4/9/21 Board meeting.

### Budget Prep

GM King stated the Personnel Committee met on 4/6/21 to review personnel budget assumptions, and the Committee supported his budget draft assumptions. The April 6 Personnel Committee meeting minutes will be available in the May 2021 Board Meeting packet.

### Hydraulic Model

Trustee Avdis inquired about the status of the Hydraulic Model, wanting to know where the consultant is at in terms of percentage of completion, and requested information about the funding agreement. GM King will follow up with the City staff to see if the Council approved funding. He will also prepare a project schedule to share at a future Board meeting to understand project milestones.

### FMAP

Staff have ordered two pieces of equipment and submitted an advance payment request to the state for approximately \$781K. GM King will soon prepare our scope of service and RFP for vegetation management work.

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

The Operation Manager's Report was included in the April 2021 Board packet for review. There were no questions or comments made.

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

General Counsel Scott Shapiro provided a verbal update of his work since the March 2021 Board Meeting. He spent time supporting the Board in the general manager's annual performance evaluation.

Counsel Shapiro shared information about a prevailing wage case that Downey Brand is actively tracking. Trustee Avdis requested a memo, and Counsel Shapiro agreed to provide case information to the District's Legal Committee for review and share with other Board members.

## 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.*

**Motion/Second:** Trustee Nick Avdis/Trustee Thom Gilbert

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

**Noes:** None

**Action:** Motion to approve Consent Calendar Items 5.1, 5.2, 5.3, 5.4 is approved.

#### 5.1. APPROVAL OF MINUTES: Approval of Minutes from March 12, 2021, Regular Board Meeting.

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

5.3. EXPENDITURE REPORT: Review and Accept Report for March 2021.

5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for March 2021.

## 6. SCHEDULED ITEMS

6.1. APPOINTMENT OF TRUSTEE: Hold a Board of Trustees Appointment Proceeding for the Vacant Trustee Position and Adopt Resolution No. 2021-04-01 Appointing a New Trustee to Fulfill the Term of the Vacant Position.

General Manager Kevin King provided a summary of the trustee appointment process, deadlines, and required notice. He then offered an opportunity for public comments. There were none. Applicants for Appointment of Trustee Tom Smith and Chris Burns separately introduced themselves, provided an overview of their qualifications, and expressed reasons for desiring to represent the Natomas community and becoming a Board member.

Trustee Jones asked candidate Tom Smith about his experience in governance with a public agency. Mr. Smith described his experience as mainly limited to an advisory capacity, and he has not previously served on a government board. He stated he has experience working with governments, has provided many presentations, and shared that patience and listening skills are his strengths.

Trustee Lee Reeder declared, "The main responsibility of this job is oversight and transparency, and a huge part of that is holding staff accountable and addressing injustices." She asked Mr. Smith to share more information about a board he once served. Mr. Smith obliged Trustee Lee Reeder with a story about a fiscal allocation to specific programs where he had an opposing view concerning the funding. He made known that he wished to look out for everyone. Mr. Smith clarifies the District's primary goal is flood control, getting the levees reinforced, and is very interested in the internal drainage study.

Trustee Jones asked Chris Burns which RD1000 Board Committees he served on previously. He replied he served on the Urbanization Committee as Chair, Personnel Committee, and as a representative to SAFCA in late 2019-2020.

Trustee Gilbert opened the meeting for a motion to appoint one of the two applicants. Based on expertise, Trustee Gilbert motioned to appoint Tom Smith.

**Motion/Second:** Trustee Thom Gilbert/Trustee Tom Barandas

**Ayes:** Trustee Nick Avdis, Trustee Tom Barandas, Trustee Thom Gilbert

**Noes:** Trustee Jag Bain, Trustee Debra G. Jones, Trustee Elena Lee Reeder

**Action:** Motion fails.

Counsel Shapiro suggested possible next steps:

- Someone that voted no to make an alternate motion, that motion would be seconded, take roll call vote, and see if the Board could take action.

Trustee Elena Lee Reeder motioned to appoint Chris Burns.

**Motion/Second:** Trustee Elena Lee Reeder/Trustee Jag Bains

**Ayes:** Trustee Jag Bains, Trustee Debra G. Jones, Trustee Elena Lee Reeder

**Noes:** Trustee Nick Avdis, Trustee Tom Barandas, Trustee Thom Gilbert

**Action:** Motion fails.

Counsel Shapiro laid out several paths for the Board to consider:

- 1) Move on, not take action, and have the County Board of Supervisors appoint, which could mean the appointment of any candidate and not just the two applicants.
- 2) Schedule a Special Board Meeting where the conversation could continue. Counsel Shapiro advised against serial meetings and off-line discussions in-between sessions, leading to violations of The Brown Act.
- 3) Defer another vote until the end of the meeting.
- 4) Open the item back up for additional discussion.
- 5) Have a public discussion with the applicants present.

Trustee Avdis proposed further discussion amongst the Board. He added that he would like to add a technical perspective to the Board. Trustee Gilbert also shared his vote was driven for similar reasons. Trustee Jones expressed we still have technical expertise in-house and through the advisory of Paul Devereux. She shared that the governance experience that Mr. Burns brings could strengthen the District's governance. Trustee Bains shared that he sees the Board's primary function as governance and not technical expertise. He believes Chris Burns is ready to hit the ground running. Trustee Barandas shares the same arguments in favor of Mr. Smith and shared reasons for initially not favoring Chris Burns. He expressed he does not wish to send the decision to the Board of Supervisors.

Trustee Barandas motioned for Chris Burns to be appointed to fill the Board vacancy.

**Motion/Second:** Trustee Tom Barandas/Trustee Debra G. Jones

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

**Noes:** None

**Action:** Motion to appoint Chris Burns as Trustee is approved.

Mr. Smith extended congratulations to newly appointed Chris Burns and thanked the Board for their consideration. Board members individually thanked Mr. Smith for participating in the appointment process.

As a formality, Chris Burns read aloud the Oath of Office and was seated as a board member. Committee assignments will be forthcoming, and Mr. Burns is willing to serve where needed.

- 6.2. LETTER OF SUPPORT: Review and Consider Authorizing the General Manager to Submit a Letter of Support for AB 361 (Rivas) Brown Act: Remote Meetings During Emergencies.

GM King explained that Dane Wadlé from CSDA spoke about AB 361 (Rivas) earlier in the meeting, and he is requesting Board approval to submit a letter supporting AB 361.

Trustee Avdis motioned for approval.

**Motion/Second:** Trustee Nick Avdis/Trustee Elena Lee Reeder

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

**Noes:** None

**Action:** Motion to authorize the general manager to submit a letter of support for AB 361 (Rivas).

## 7. **BOARD OF TRUSTEE'S COMMENTS/REPORTS**

### 7.1. BOARD ACTIVITY UPDATES:

#### 7.1.1. RD 1000 Committee Meetings Since Last Board Meeting

- Urbanization Committee (Lee-Reeder, Avdis & Jones) March 23, 2021
- Executive Committee (Gilbert & Lee Reeder) March 17 & 31, 2021
- Personnel Committee (Jones, Bains, & Barandas) April 6, 2021

#### 7.1.2. RD 1000 Committees No Meetings Since Last Board Meeting

- Finance Committee (Gilbert & Bains)
- Legal Committee (Avdis, Barandas & Lee Reeder)
- Operations Committee (Bains & Barandas)

## 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.

## 9. **RECONVENE TO OPEN SESSION**

- 9.1. REPORT ON CLOSED SESSION: Discuss and take action on any changes in duties, compensation, or benefits for the General Manager.

Trustee Nick Avdis left the meeting during the closed session.

Counsel Shapiro reported the Trustees spent forty minutes providing an evaluation on General Manager Kevin King's performance which was very positive during the past year and discussed

how to give appropriate compensation to the general manager in light of that performance. The Board desires to provide a COLA increase for the general manager at the same percentage used for staff determined in March of 2021. The increase will be applied retroactively to the General Manager's employment contract date in February. In addition, the Board wanted to provide a one-time compensation adjustment of \$2,500 to the General Manager in light of his performance during a challenging year.

**Moved/Seconded:** Trustee Thom Gilbert/Trustee Jag Bains

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

**Noes:** None

**Absent:** Trustee Nick Avdis

**Action:** Motion to provide General Manager Kevin King with a COLA increase at the same percentage used for staff as determined in March 2021, retroactively to his employment contract date in February, and one-time compensation adjustment of \$2,500 is approved.

#### **10. ADJOURN**

**Moved/Seconded:** Trustee Debra G. Jones/Trustee Elena Lee Reeder

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

**Noes:** None

**Absent:** Trustee Nick Avdis

**Action:** The meeting is adjourned.