

Reclamation District No. 1004



BOARD OF TRUSTEE
REGULAR BOARD MEETING MINUTES
September 14th, 2022
1:33 p. m.

Board of Trustees present Ed Hulbert, Larry Borrelli, Gary Bailey, Leanne Mord, Hans Herkert, District Manager Terry Bressler, Secretary to the Board of Trustees Barbara Sachs, Deryl Phy, Nicole Garafalo, Joe Barale, Lewis Bair of Reclamation District 108, Julie Leimbach of Kearns & West and Barry O'Regan Principal, Kjeldsen, Sinnock & Neudeck.

Agenda:

M/S/C (Herkert, Borrelli) approve September 14th, 2022 Agenda

Vote: Unanimous

Minutes:

M/S/C (Borrelli, Herkert) approve August 10th, 2022 minutes as revised

Vote: Unanimous

Public Comment:

None

Lewis Bair of Reclamation District 108 presented the Flood Plain Reimagined. This program is specific to natural flows, fish passage, helping with habitat, changes to Lower Bypass, the outfall gates at Butte Slough, notch in Tisdale weir, flood control improvements with Proposition 68 funding and improving your own land value. Afterwards, he discussed the Fish Food Program.

Trustee Herkert inquired about Moulton Weir. Lewis Bair said the only thing that can be done there is a notch or channel but it's up to the landowners as to what they want. Ed mentioned Butte Sink mitigation bank is close to completion. Butte Creek Farms will provide information for possible match to flood plain project.

Bifurcation 3rd Qtr meeting:

Terry said Department of Fish and Game contacted him because RD1004 is responsible for clean out at the Bifurcation. The area where the trussell is located had trash build up and removal was required. Terry said he contacted Erik Foraker before proceeding with clean out and everything is working fine (pictures provided). He said the new landowner Guy Smith gave him permission and an area to place the trash. Chairman Hulbert asked to document with pictures and names of fish and game personnel that were involved in the Bifurcation cleaning.

Financials:

Chairman Hulbert gave a report on the fraudulent check that went through Umpqua Bank. Barbara said a program through Umpqua Bank called Treasury Management is being offered for a monthly fee of \$32.71. This program allows us through Quickbooks to upload our checks in batches to Umpqua Bank. If a fraudulent check goes through the account we're covered for the amount. The Board agreed at this time they weren't interested in this program. Barbara said she would keep the Board updated as to the return of \$4,900 from the fraudulent check department.

Treasurer's Report:

M/S/C (Borrelli, Herkert) approve Treasurer's report as presented.

Vote: Unanimous

Barbara requested a transfer from Fund One to Fund Three in the amount of \$10,000

M/S/C (Herkert, Borrelli) approve transfer from Fund One to Fund Three in the amount of \$10,000

Vote: Unanimous

Barbara requested a transfer from Fund One to Umpqua Bank in the amount of \$150,000

M/S/C (Borrelli, Mord) approve transfer from Fund One to Umpqua Bank in the amount of \$150,000

Vote: Unanimous

Barbara requested a transfer from Fund One to LAIF in the amount of \$500,000
M/S/C (Herkert, Borrelli) approve transfer from Fund One to LAIF in the amount of \$500,000
based on a discussion with the Board regarding balancing the County Fund One and LAIF as equal
as we can.

Vote: Unanimous

Barbara requested approving Resolution #2022-07 for LAIF. All new signatures were obtained for
the bank card due to the fact the Districts Umpqua Bank checking account was hacked.

M/S/C (Borrelli, Herkert) approve Resolution #2022-07 for LAIF authorized signatures.

Vote: Unanimous

Barbara presented a new signature card from Umpqua Bank adding Terry Bressler to the checking
account to sign for payroll only that was approved during a previous Board meeting.

Barbara Sachs presented the cash report and designation of financial accounts.

M/S/C (Herkert, Mord) approve cash report and designation of financial accounts as submitted

Vote: Unanimous

Barbara presented accounts payable in the amount of \$227,376.94

M/S/C (Borrelli, Herkert) approve accounts payable in the amount of \$227,376.94

Vote: Unanimous

Barbara presented interim transactions in the amount of \$32,125.97

M/S/C (Herkert, Mord) approve interim transactions in the amount of \$32,125.97

Barbara presented the accounts receivable.

Barbara presented the balance sheet, profit and loss, profit and loss to budget.

Barbara presented the employees sick and vacation leave balance.

Barbara presented costs for all ongoing litigations. Chairman Hulbert gave Barbara a report with all litigation titles and asked her to compare it to ours and make sure we have the same information.

The current District well costs were submitted to the Board (electric costs)

Chairman Report:

Chairman Hulbert gave a yearly outlook report. He said he wanted the report updated each month to see where we are. The full amount of the Bureau of Reclamation Drought relief may not come through (our estimated about was \$2 million) and now he's hoping we break even. Deryl Phy said he thought we should pay off part of the Districts balance with the Bureau of Reclamation for Shasta Dam Construction. Chairman Hulbert commented we have to assess a financial stability reserve and protect the District before we pay off the Bureau of Reclamation.

New Business:

- a. Chairman Hulbert said at a previous Board meeting, a gate was approved to be installed on the White Mallard property. Since then, he's had a discussion with Mark Borrell. Mark informed him that the gate appears to be on Roger Borrell Property. Before Roger Borrell passed away, he and the White Mallard came to an agreement but the Memorandum of Understanding was never executed by White Mallard. He said Jeff Phelan (White Mallard) knows about this. Chairman Hulbert said Chris with the White Mallard, Terry and Mark Borrell need to work out an agreement between the White Mallard and Roger Borrell Separate Property trustees.
- b. Chairman Hulbert said he advised the Board at last months Board meeting of the increase in fees to Sacramento River Settlement Contractors in the amount of \$15,527.00. He said this requires approval for payment by the Board.

M/S/C (Borrelli, Herkert) approve additional fees to Sacramento River Settlement contractors in the amount of \$15,527.00.

Vote: Unanimous

Chairman Hulbert said he's been appointed for another two years to the Sacramento River Settlement Contractors Board.

c. Barale Ranch

Terry Bressler said previously when Jack Baber and Monty Baldwin owned the property there was no meter at the top of Mallard Ranch only at each take out . In 2011 there was a master meter added to the top of Mallard Ranch. Barale Ranch has a meter on field 160. The way it works is water goes through master meter and whatever water goes into the Barale field is taken off the master meter. Barale Ranch pays for water into their field and Mallard Ranch everything that goes through

master meter. In 2015 Monty Baldwin put in a well. Monty was not charged ditch loss or wheeling fees because he ate the ditch loss. It then changed hands to TJ Lauderback and there's questions on who pays for ditch loss between TJ Lauderback and the Barale Family. Looking back through minutes there's no documentation. Terry has a call into Monty Baldwin to discuss this. He said no one is paying ditch loss. He said TJ Lauderback was in Montana and asked him to come to the October Board meeting to discuss this matter. Trustee Bailey said the District has always maintained the ditch. He asked Joe Barale if he's getting water when he wants it or does he have to wait. Joe said they worked it out last year. Trustee Bailey said the Board needs to get into this so Barale's can get water when they want it. If Mallard Ranch puts water in the ditch then there's no gray area. If they do, they pay ditch loss. Otherwise, you put a meter in the field that's paid for by White Mallard. The District meters the fields.

Chairman Hulbert said he wanted to address Bend River Farms. He was told they were over drafted by (\$55,000) but they live in London. He told Terry to keep giving them water. He said it went further than what he expected and wanted to apologize to the Board for his decision (Since then they've paid in full). He said Barbara was correct in following the rules and regulations for everyone and Trustee Borrelli was correct to email him and address this issue. Trustee Bailey said if you do it for one you'll have to do it for everyone. The policy is when you over draft you bring in an additional deposit.

Chairman's Report:

Chairman Hulbert said the percentage of capacity in Shasta Dam is 34% and Oroville is 36%.

Litigations are ongoing (see list under closed session of the agenda). (copy attached)

Recent court ruling, Court of Appeals agreed the State Water Resources Control Board exceeded its authority in 2015 when it ordered curtailment among valid pre-1914 water right holders based on insufficient water to serve their priorities and this may help the District.

Manager's Report:

Terry said as of 8/15/22 the Princeton Middle well is electric.

Terry reported the Bifurcation has been cleaned out and provided pictures.

He said he's working on a quote for the automation of the gate at the White Mallard Dam.

He's delivered 7200 acre feet of water, has 4,100 acre feet to deliver. He has 4,800 acre feet left on the river and there should be no problem on meeting the delivery requirements.

He sold 846 acre feet of \$250 water and 104 acre feet of \$300 water.

He said the Bureau wants to see the feasibility study (Sutter Refuge Value Study) to determine if we'll be delivering water to the Sutter Refuge in the future.

He said staff is cleaning the California Levee, Morgan Levee, drains and brush piles.

He's changing out a compressor at the Princeton Pumping facility this year.

Terry talked about the Butte Sub-basin GSA. He said the share of expenses will be \$8,000 for the District and asked for approval.

M/S/C (Herkert, Borrelli) approve \$8,000 share of cost fee to the Butte Sub-basin for the GSA plan.

Vote: Unanimous

Terry said we should know in October if we'll be receiving a 50% cost share grant for the modernization at the McVey Weir. The two year project will cost approximately \$175,000.

Old Business:

1. Terry said Davids Engineering will be giving a presentation on the new accounting water program in November.

3:45 p.m. Closed Session:

4:15 p.m. Open Session:

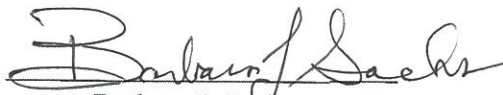
The Board gave direction to the Secretary for advertising for an Assistant General Manager.

There being no further business to discuss, the meeting was adjourned at 4:30 p. m.



Ed Hulbert

Chairman of the Board of Trustees



Barbara J. Sachs

Secretary to the Board of Trustees