

MINUTES

Minutes of the Board of Trustees Reclamation District No. 537 September 22, 2021

Pursuant to the foregoing consent and the notice thereof, duly and regularly posted and given to all members of the Board of Trustees, and by-laws of said District, a special meeting of the Board of Trustees of Reclamation District No. 537 was called to order by President William Mattos on Thursday, September 22, 2021, at 9:10 am in-person and via Teams call-in meeting.

1. Meeting attendance:

Meeting attended by Trustees William Mattos, Ray Yeung, Dan Ramos, Thomas Ramos, and Ross Peabody. Attendees included the following staff and RD 537 Consultants: General Manager Kyle Lang, Ric Reinhardt, Tina Anderson, Nichole Leonard, and Rebecca Smith. A member of the public, Thomas Kane, also joined the meeting.

2. Approval of agenda

Trustee Mattos said the Board would table the approval of the agenda until the regular meeting in October.

3. Approval of minutes of the Board meeting on August 12, 2021

Trustee Mattos said the Board would also postpone the approval of the August 12 Meeting Minutes until the regular meeting in October.

4. Pump Station Update by Ross Peabody and Todd Tommeraason with Laugenour and Meikle

a. Contractor to install temporary dam. Action Item

Trustee Peabody reported that GSE presented a request to install a steel plate coffer dam. He reported that while the proposal is feasible from an engineering standpoint, there were concerns relative to drilling holes into the box culvert, such as potential seepage or weakening of the concrete structure leading to cracks or instability. The Board discussed the methodology of the installation of the steel coffer dam. Trustee Dan Ramos made a motion to reject the proposal and offer the alternative of an earthen coffer dam. Trustee Yeung seconded the motion, the motion carried 5-0-0.

5. Public Comment:

Mr. Kane commented on the discussion of Trustees performing work for the District and said he has previously observed the practice to be potentially expensive.

6. Discussion on Trustees doing work for the district:

Trustee Mattos requested that Ms. Smith offer her legal opinion regarding Trustees doing work for the District. Rebecca Smith reported two potential issues from a legal standpoint. The first issue being California Code of Regulations 1090 regarding conflict

of interest, which prohibits members of governing bodies from having a financial interest in contracts created by governing bodies. This regulation might prohibit a Board member from taking compensation from the District (apart from their compensation as a Board member) and such a conflict of interest would void any contract. Ms. Smith noted the exception of emergencies, such a flood fight, where there is no other entity available to perform the work.

The second legal issue would be the District's insurance coverage and potential liability in case of injury, for example.

Trustee Dan Ramos asked whether, in the case that Trustees volunteer, such as in flood fight situations. Ms. Smith reported that in that instance, the conflict of interest is removed since there is no compensation, but the concern would still be the District's liability.

Ms. Anderson commented that the District should ensure that any workers or vendors contracted by the District are not excluded from the District's liability insurance and that contracts, and contractor bonds, are executed appropriately.

Trustee Mattos reported that they will be looking for qualified vendors outside of the District.

7. Consideration and approval of Resolution No. 09-01-2021, Calling the 2021 Reclamation District Election. Action Item

Trustee Thomas Ramos motioned to approve the Resolution calling the 2021 Reclamation District Election; Trustee Peabody seconded, the motion carried 5-0-0.

8. Notice Calling for Nominating Petitions

Trustee Dan Ramos clarified with Yolo County that the vacant positions filled by Trustee Dan Ramos and Ray Yeung in October of 2020 are now up for election.

Ms. Smith reported that Trustee positions expire every two years, and in the case that there are more nominees than available seats, the District must hold an election. There are currently four nominees: Richard Yeung, Thomas Kane, Ray Yeung, and Dan Ramos. The District will accept nominations through September 30th.

The election is scheduled for November 23, 2021.

Ms. Smith further reported that the District would need to identify four persons, landowners or residents of the District, willing to serve as election staff; the staff would be approved by Yolo County and would serve as election officials. Ballots will be mailed to landowners and the 50 votes determined by parcels within the District are allocated according to assessment.

Ms. Smith of Downey Brand will coordinate the production and mailing of the ballots

with the District.

9. Informational Items

No informational items were presented.

10. Adjourn

Trustee Mattos adjourned the meeting at 9:43 a.m.