



**RECLAMATION DISTRICT BOARD**

**Mark Young**  
President

**Page Baldwin Jr.**  
Trustee

**Matt Gause**  
Trustee

**Richard Harris**  
Trustee

**Marshall Cook**  
Trustee

# MINUTES

**Meeting of the  
Reclamation District 2084  
Board of Trustees  
Thursday, March 4th, 2021  
8:30 am**

## NOTICE TO THE PUBLIC

### MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with CA Executive Orders N-25-20 and N-29-20 members of the Board of Trustees and members of the public will participate in this meeting by teleconference. The video conferencing and call-in information for the Board of Trustees and the public is as follows:

Meeting Link:

<https://larsenwurzelassociatesinc.my.webex.com/larsenwurzelassociatesinc.my/j.php?MTID=m9afd8cefc1a08f873d5255d37d72e84d>

Call in:

1-408-418-9388

Meeting number/access code: 126 363 1404

Meeting Password: 72333857 (from phones and video systems)

-or-

qA3e3UjRZb3

Any member of the public appearing virtually may speak during Public Comment. The Board of Trustees anticipates conducting all meetings in this manner until further notice. During this period of modified Brown Act Requirements, Reclamation District No. 2084 will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

### 1. Call to Order

**President Young presided at the meeting. The meeting was called to order at 8:31am.**

### 2. Roll Call and Opening Remarks

Trustees present: Mark Young, President  
Page Baldwin, Jr. (Departed meeting at 9:38am)  
Matt Gause  
Marshall Cook  
Richard Harris

### 3. Public Comment (New Business)

There was no public comment.

#### **4. Agenda Approval**

Trustee Harris moved to approve the agenda.

Trustee Gause seconded and it passed by unanimous vote.

AYES: Young, Baldwin, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

#### **5. Consent Items (Action Item)**

##### **a. Approval of Meeting Minutes**

##### **1. February 4th, 2021**

Enclosure 1: Agenda Item 5.a - Meeting Minutes

##### **b. Consider approval of Larsen Wurzel & Associates, Inc. invoice (Expense #7) per funds disbursement policy.**

Trustee Harris moved to approve consent items.

Trustee Gause seconded and it passed by unanimous vote.

AYES: Young, Baldwin, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

#### **6. Board Items (Action item unless otherwise noted)**

##### **a. Consider election of a new Board Secretary (and Assistant Secretary, if desired).**

Trustee Harris moved to nominate Tara Beltran as the new Board Secretary, effective immediately.

Trustee Cook seconded and it passed by unanimous vote.

AYES: Young, Baldwin, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

##### **b. Consider authorizing the President to approve of the District Website prior to public access.**

Trustee Harris moved to authorize the President to approve of the final version of the District Website prior to public access.

Trustee Cook seconded and it passed by unanimous vote.

AYES: Young, Baldwin, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

- c. Presentation of risk assessment concerning continued retention of Downey Brand as District Counsel (Informational)

General Manager Nagy presented on potential risk to the District in retaining Downey brand as District Counsel (Presentation Attached).

- d. Consider authorizing the President to enter into a funding agreement with the Little Egbert Joint Powers Agency

Trustee Harris moved to authorize the President to enter into a funding agreement with the Little Egbert Joint Powers Agency.

Trustee Gause seconded and it passed by unanimous vote.

AYES: Young, Baldwin, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

## **7. Operations and Maintenance Update (Informational/Action Item)**

- a. Update from MBK Engineers

Enclosure 2: Agenda Item 7.a. – March 2021 Engineer’s Report

- b. Ongoing Maintenance Items

Engineer Moncrief shared the District now has a fully executed Routine Maintenance Agreement with the California Department of Fish and Wildlife (CDFW). In addition, CDFW has started doing habitat assessments again and plans to complete one for the District in early April. He suggested a representative from the District and a landowner representative plan to be present for this.

Gomes Excavating will begin anomaly repairs and minor waterside repairs in mid-April. Engineer Moncrief does not expect any maintenance issues and does not expect any flood issues this year.

Engineer Moncrief is finalizing a draft of the Fiscal Year 2021/2022 Subventions application. He will be sharing with President Young soon.

## **8. Financial Management (Informational/Action Item)**

- a. Invoicing

Enclosure 3: Agenda Item 8.a – February Financial Manager’s Report  
Financial Manager Brown provided an update on the District financials.

**9. Little Egbert Project Update (Informational Only)**

Manager Nagy provided an update on ongoing engagement on behalf of LEJPA. He recently met with the Mayor of Rio Vista, along with Trustee Harris, to discuss the project. The Mayor was supportive of the Project and anticipated finding ways to work together to engage with Solano County and others. Manager Nagy has engagements scheduled with the City of Vallejo and the Church Family Mineral Management group in the upcoming weeks. The LEJPA Board has a meeting scheduled for next Friday.

**10. Other Reports (Informational Only)**

a. Trustee Report(s)

Trustee Harris shared more information about the meeting with the Mayor of Rio Vista. He detailed some of the future engagement that may result from that meeting including a site visit with Supervisor Mashburn and meeting with Representative Garamendi.

b. General Manager’s Report

Manager Nagy shared that the District will soon begin the Fiscal Year 2021/2022 budget planning process. He requested two volunteers from the Board to participate in an upcoming Budget Subcommittee meeting. President Young and Trustee Harris agreed to attend.

c. Counsel Report

Counsel Shapiro reminded the Trustees that Form 700s are due soon and should be submitted to the District Secretary.

**11. Adjourn**

- a. The next Board meeting is scheduled for April 1<sup>st</sup>, 2021.  
Trustee Harris moved to adjourn the meeting.  
Trustee Gause seconded and it passed by unanimous vote of Trustees present.

AYES: Young, Gause, Cook, Harris

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

**The meeting was adjourned at 10:04am.**

- 
- Any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public by contacting [info@RD2084.org](mailto:info@RD2084.org).
  - If you need reasonable accommodation due to a disability, please contact [info@RD2084.org](mailto:info@RD2084.org) at least 48 hours in advance of the meeting. This contact information may also be used for any questions you may have.

- Public comments are generally limited to three (3) minutes but may be more or less at the discretion of the Board.
- The Board may consider the agenda items listed above in a different order at the meeting, pursuant to the determination of the Board Chair. All items appearing on this agenda, whether or not listed expressly for action, may be deliberated upon and subject to action at the discretion of the Board.



LARSEN WURZEL  
& Associates, Inc.

RD 2084

Risk Assessment of  
Current Agency Counsel Arrangement

March 4th, 2021

# Context for Presentation

- BACKGROUND:
  - Scott Shapiro from Downey Brand currently represents both RD 2084 and LEJPA as outside General Counsel.
  - Both agencies have waived any Conflict of Interest resulting from this representation.
  - RD 2084 Board was presented other options for General Counsel services during the February Board Meeting.
  - RD 2084 elected to continue with the current arrangement (although with reduced involvement).
  - President Young requested staff conduct a risk assessment of the decision to continue with the current arrangement.
- OBJECTIVE:
  - Identify scenarios where RD 2084 and LEJPA may have direct or indirect conflict.
  - Evaluate scenarios regarding their likelihood, consequences, and means of resolution.
  - Determine level of risk associated with having same Counsel for these scenarios.

- POTENTIAL RISK SCENARIOS:
  - Situation resulting in direct adversity between parties:
    - LEJPA action or decision inconsistent with established RD 2084 position.
    - LEJPA action or decision without proper understanding of RD 2084 position.
  - Differing interpretations of policies and agreements:
    - JPA Agreement
    - Other RD 2084 Adopted Policies
  - Differing interpretations concerning financial management:
    - RD 2084 – LEJPA Funding Agreement
    - Outside Funding Agreements
  
- RISK MANAGEMENT MEASURES:
  - Alignment of agency mission as expressed through Joint Powers Agreement.
  - LEJPA action requires unanimous consent.
  - Removal of LEJPA Representative from RD 2084.



## Conclusions

- Risk scenarios identified are unlikely.
- Many risk scenarios remedied without Counsel.
- Strong RD 2084 mission alignment with LEJPA provides “insurance”.
- Counsel privy to RD 2084 position.