



AGENDA

**Meeting of the Reclamation
District 2084 Board of Trustees
Thursday, October 3rd, 2024
9:00 am**

Larsen Wurzel and Associates, Inc.
2450 Venture Oaks Way Suite
240, Sacramento, CA 95833

Alternative Location:
Office of Page Baldwin, Jr.
3348 Liberty Island Road
Rio Vista, CA 94571

Mark Young
President / Trustee
December '27

Page Baldwin Jr.
Trustee
December '27

Matt Gause
Trustee
December '25

Richard Harris
Trustee
December '25

Marshall Cook
Trustee
December '25

NOTICE TO THE PUBLIC

For Virtual Public Access:

Meeting Link (via Microsoft Teams):

[Click here to join the meeting](#)

Call in: 1-469-294-4078

Meeting number/access code: 914 139 934#

Any member of the public appearing virtually may speak during Public Comment. 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

2. Roll Call and Opening Remarks

3. Public Comment (New Business)

This is an opportunity for members of the public to directly address the Board on subject matter not on the agenda within the jurisdiction of the Board.

4. Agenda Approval (Action)

5. Consent Items (Action)

- a. Approval of Meeting Minutes September 4th, 2024
Enclosure 1: Agenda Item 5.a.1 – Meeting Minutes

6. Board Items (Action item unless otherwise noted)

a. Conflict of Interest Code

Enclosure 2: Agenda Item 6.a – Resolution 2024/25-01 Exempting Certain Consultants from Filing Statements of Economic Interests

b. System for Award Management (SAM) Designation of Entity Administrator (Informational)

c. Approve Board President to sign the Downey Brand Conflict Waiver

Enclosure 3: Agenda Item 6.c – Conflict Waiver

7. Operations and Maintenance Update (Action Item unless otherwise noted)

- a. Update from MBK Engineers (Informational)
Enclosure 4: Agenda Item 7.a – MBK Engineer’s Report
- b. Ongoing Maintenance Items (Informational)

8. Financial Management (Informational/Action)

- a. Monthly Financial Update (Informational)
Enclosure 5: Agenda Item 8.a – September Financial Manager’s Report

9. Little Egbert Project Update (Informational Only)

10. Other Reports (Informational Only)

- a. Trustee Report(s)
- b. General Manager’s Report
- c. Counsel Report (if needed)

11. Adjourn

- a. The next regular Board Meeting is set for November 7th, 2024 at 9:00am
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- 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.
- If you need reasonable accommodation due to a disability, please contact 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.

ENCLOSURE 1

AGENDA ITEM 5.a.1

ENCLOSURE 2

AGENDA ITEM 6.a

Reclamation District No. 2084
Resolution No. 2024/2025-1

**A RESOLUTION OF THE BOARD OF TRUSTEES EXEMPTING CERTAIN
CONSULTANTS FROM FILING STATEMENTS OF ECONOMIC INTERESTS**

WHEREAS, Reclamation District No. 2084 (the “District”) is a California Reclamation District formed and organized under California Reclamation District Law, Water Code section 50000 *et seq.*; and

WHEREAS, a five-member Board of Trustees governs the District’s operations and directs the District Engineer and General Manager to carry out the various District functions; and

WHEREAS, the California Political Reform Act requires that local agencies like the District adopt and periodically update a Conflict of Interest Code (“COI Code”); and

WHEREAS, the California Political Reform Act and the Fair Political Practices Commission’s implementing regulations require that the COI Code contain provisions that require certain public officials and consultants file annual statements of economic interest with the local agency and the code-reviewing body (Gov. Code §§ 87300–87350; Cal. Code. Regs., tit. 2, §§ 18700.3 & 18730); and

WHEREAS, Section 18700.3 of title 2 of the California Code of Regulations defines “consultants” who must file annual statements of economic interests to include individuals who, “pursuant to a contract with a local agency,” retain financial and governmental decision- and policy-making authority; and

WHEREAS, the District’s COI Code requires the members of the Board of Trustees, District Engineer, General Manager, Assistant Secretary, Accountant, and Legal Counsel to file annual statements of economic interest; and

WHEREAS, the District’s COI Code provides that the District’s Board of Trustees may, in writing, exempt certain consultants from the requirement to file annual statements of economic interest; and

WHEREAS, the District retains individuals and engineering firms under contract as independent contractors to perform administrative tasks, support financial management, provide technical expertise, or conduct operations and maintenance activities; and

WHEREAS, the District believes that these individuals and employees of these consulting firms do not have financial and governmental decision- and policy-making authority; and, therefore, these individuals and employees of the engineering firms should not be required to file statements of economic interest under the COI Code.

NOW, THEREFORE BE IT RESOLVED THAT:

1. The District finds the foregoing recitals to be true and correct and incorporated herein as if set forth in full.
2. The following groups of individuals are independent contractors of the District who do not retain financial and governmental decision- and policy-making authority and who are not required to file annual statements of economic interests:
 - a. Staff assisting and supporting the General Manager at the consulting firm or organization employing the General Manager.
 - b. Staff assisting and supporting the District Engineer at the consulting firm or organization employing the District Engineer.
 - c. Staff assisting and supporting the Assistant Secretary (when retained) at the consulting firm or organization employing the Assistant Secretary.
 - d. Staff assisting and supporting the Accountant (when retained) at the consulting firm or organization employing the Accountant.
 - e. Staff assisting and supporting the Legal Counsel at the law firm or organization employing the Legal Counsel.
 - f. Staff at any consulting firm or organization under contract to the District not previously listed.

Certification of Secretary

The undersigned hereby certifies that the foregoing resolution was duly adopted by the Board of Trustees of Reclamation District No. 2084 at a regular meeting held on October 3rd 2024, by the following vote:

AYES: Trustees _____

NOES: Trustee _____

Secretary

Dated: _____

ENCLOSURE 3

AGENDA ITEM 6.c

September 26, 2024

Reclamation District 2084
c/o of Larsen Wurzel

Re: Conflict Waiver Related to Downey Brand's Representation of Solano County Water Agency

To Reclamation Board 2084:

As you know, Downey Brand serves as general counsel to Reclamation District 2084 ("RD 2084") and the Little Egbert Joint Powers Agency ("LEJPA"), with an active conflict waiver in place. Downey Brand also provides general counsel services to the Solano County Water Agency ("SCWA") and, in that capacity, was recently asked to advise SCWA regarding the Cache Slough Mitigation Bank ("Mitigation Bank"), a restoration project proposed by Westervelt Ecological Services, LLC to provide flood protection benefits and create habitat within the boundaries of RD 2084 and adjacent to a segment of the Mellin Levee.

The purpose of this letter is to make you aware of a potential conflict with SCWA associated with the Mitigation Bank and, possibly, the upstream Little Egbert Multi-Benefit Project ("LEMBP") (together the "Projects"), and to seek your informed written consent to waive that potential conflict.

I. POTENTIAL CONFLICT WITH SCWA

SCWA is the Local Maintaining Agency ("LMA") for the Mellin Levee and has an interest in avoiding potential flooding issues, impacts to the City of Rio Vista, effects on water intake to the North Bay Aqueduct, and overall cumulative impacts from restoration projects in and around the Cache Slough Complex. At this time, we do not believe that our representation of SCWA regarding the Projects presently involves any conflicts of interest as to our representation of RD 2084 or LEJPA. You should be aware, however, that such representation may involve future potential conflicts if SCWA should decide to become involved with or oppose either or both of the Projects. We understand that should SCWA elect to become involved with or oppose the Projects in some way, Downey Brand may represent only RD 2084 and LEJPA, and not the Agency, with respect to the Projects.

The rules of legal ethics governing attorneys prohibit our firm from representing one current client adversely to another current client, absent both clients' informed written consent after disclosure of the conflict and the opportunity to seek the advice of independent counsel.

The California Rules of Professional Conduct prohibit our firm from representing client if there is a significant risk that the lawyer's representation of the client will be materially limited

by the lawyer's responsibilities to or relationships with another client, a former client or a third person, or by the lawyer's own interests.

In order to obtain a waiver, we must disclose to each affected client the relevant circumstances and reasonably foreseeable adverse consequences of concurrent representation.

The purpose of this letter is to make these disclosures, and seek your informed consent to potential and actual present and future conflicts, as described herein.

II. REASONABLY FORESEEABLE AND ADVERSE CONSEQUENCES

Theoretically, the following foreseeable and adverse consequences to you could result from the simultaneous representation of SCWA and RD 2084.

A. Duty of Loyalty

Attorneys have a duty of loyalty requiring them to do their professional best to serve each client they represent. This duty requires attorneys to pursue each client's positions vigorously, which may require attorneys to take advantage of an opposing party's weaknesses, if they are known and if it is ethical to do so. Thus, when one attorney in a law firm represents a client and another attorney represents another client against the first client, even in an unrelated matter, either or both clients might be concerned that we could favor one or another client and, as a result, fail to press the one client's interests as vigorously as possible in order to gain favor with the other client.

While we do not believe that this result would occur, such a result is at least theoretically possible. Our representation of SCWA with respect to issues related to the Projects should not lessen our advocacy of RD 2084. Similarly, our representation of SCWA in other matters should not lessen our advocacy of RD 2084's interests in the matter(s) wherein we represent RD 2084. Nonetheless, it is important to disclose the possibility of these conflicts to you and if, at any time, we do not feel that we are able to do competently to adequately represent both clients, we may need to withdraw from our representation of SCWA regarding the Projects.

B. Client Communication and the Duty of Confidentiality

California attorneys also have two duties that may conflict when they represent one client against another who is a client in the same or separate matter or that have potentially or actually conflicting positions. First, under the duty of confidentiality, attorneys must guard client confidences and secrets at every peril to themselves. Second, attorneys must keep their client reasonably informed about significant developments related to their clients' representation. Thus, under the duty of confidentiality, we are not allowed to reveal to you any confidences we receive from SCWA, and conversely, we also are not allowed to reveal to other clients any confidences or secrets we obtain from you. At the same time, if we possess any such confidences or secrets that constitute or relate to significant developments in a client's representation, we would have a duty to disclose those confidences and secrets to that client (either you, or SCWA, as the case may be).

Thus, for us to represent both you and SCWA, each of you must waive the conflict posed by the collision of these two rules. Specifically, you and SCWA must each waive any right you might otherwise have for us to reveal to you the confidences or secrets of the other, or to use such confidences or secrets of the other to your benefit.

The most obvious foreseeable adverse consequence related to such a waiver is that, even if attorneys representing you possess confidences and secrets of the other clients that may be helpful in your representation, they will not reveal to you or use such confidences or secrets.

By signing below, you acknowledge that potential consequence, and waive any right you might otherwise have for us to reveal to you the confidences or secrets of SCWA where applicable to you or to use such confidences or secrets of theirs to your benefit.

C. Other Foreseeable and Adverse Consequences

We also note that in theory there could be other adverse consequences to you from this representation that we cannot now reasonably foresee.


In the event of litigation or a direct conflict between SCWA and RD 2084, including any dispute related to the existing contractual relationship, SCWA has expressly agreed that in light of Downey Brand's longer-standing relationship with RD 2084, Downey Brand may represent RD 2084 and will not advise or represent SCWA regarding the Projects; in this circumstance Downey Brand would refer SCWA to another law firm for those specific matters.

If you would like to discuss this matter further, we are available to do so. Also, if you wish to discuss this waiver with an independent attorney at another firm prior to signing this letter or waiving any conflicts, we encourage you to do so.

If you agree to waive the conflicts described above, please so signify by executing one of the enclosed duplicates of this letter below and returning it to me. Please do not hesitate to call me if you have any questions or comments regarding the above-issues.

Sincerely,

DOWNEY BRAND LLP



Scott L. Shapiro

AGREED AND ACCEPTED:

I have read the foregoing letter concerning the actual and potential conflicts associated with Downey Brand LLP’s representation of the Solano County Water Agency regarding the Cache Slough Mitigation Bank and the Little Egbert Multi-Benefit Project. I am authorized to waive such conflicts on behalf of the Reclamation District 2084 and, after having the opportunity to consult with independent counsel, Reclamation District 2084 waives any and all conflicts that may arise from this representation, as set forth in the foregoing letter.

Dated: _____
Reclamation District 2084

ENCLOSURE 4

AGENDA ITEM 7.a



Water Resources ♦ Flood Control ♦ Water Rights

MEMORANDUM

October 3, 2024

TO: Reclamation District No. 2084
FROM: MBK Engineers
SUBJECT: **October Engineer's Report**

Trustees:

Described below are the items constituting the engineer's report to be discussed at your scheduled October 2024 meeting.

2023-24 Subventions Claim

- 1) Your draft claim may be available for review prior to the District meeting; a draft will be provided prior to final approval in early October. The Claim will include any FEMA eligible items in case there are any items that are rejected; items will be defined as FEMA submittals.

Summer-Fall 2024 Activities

- 1) Erosion monitoring: See attached map of erosion and possible den locations on the Cache Slough Levee. Of the 14 sites, there are 4 possible burrow locations, and 11 erosion sites. Three of the erosion sites should be considered for repair before the flood season.
- 2) Animal control: continue to patrol for rodent/beaver activity, potential burrow locations will be staked for observations. Excavation should be considered after further investigation of the sites determines activity.

Levee Maintenance Project Site 1 and 2 Update

- 1) We have processed a change order, as directed by authorized board representative to negotiate and produce a change order for performing site 1 and 2 upon completion of signed contract. Contract was fully executed mid-September. Scheduling of work is mid-October. We are preparing scope for Shannon & Wilson to perform compaction testing for 2 sites.
- 2) Recent aerial imagery going back to 2010 shows seepage area between 215+00 – 221+00 had a seasonal ditch for either tail or headwater. This ditch may have also acted as a seepage pathway, which no longer exists. New toe berm will extend 10-15 feet landward of pre-existing ditch feature. Ditch can be re-installed landward of new seepage berm.
- 3) Work will likely take two (2) weeks to complete project. Potential to repair minor erosion repairs, and or excavate rodent anomalies during construction project. Alternative to perform erosion and anomaly excavation as a separate project.

FEMA/OES Coordination

- 1) Public Notice has been posted on your RD 2084 website and outside MBK Engineers for your CAT D erosion repair site. This is the final process for final approval of EHP process. There are 2 administrative steps to follow; one being the final approval by the applicant. We will keep the District informed of this process as it becomes available.

DWR Flood Fight Container Review: DWR has notified us that the RD 536 and 2084 Flood fight containers will be inspected 9/27. We have forwarded this information to the District. DWR is preparing for the flood season and confirming location and quantities of materials.

Thanks

TOP OF CONSERVATION CONDITIONS:

CENTRAL VALLEY AND RUSSIAN RIVER FLOOD CONTROL RESERVOIRS: 25-SEP-2024

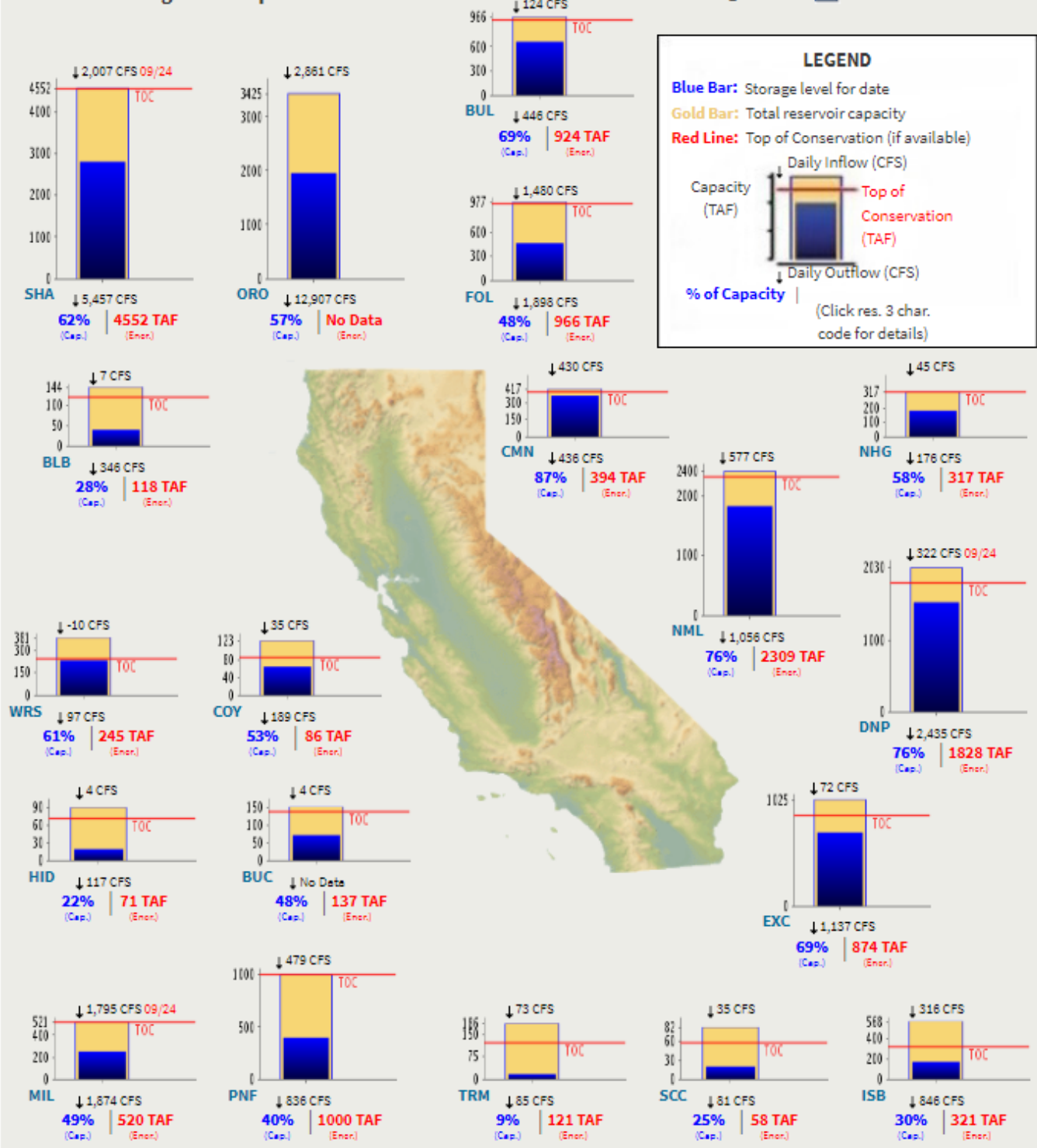
Data as of Midnight: 25-Sep-2024

Change Date: 25-Sep-2024

LEGEND

- Blue Bar:** Storage level for date
- Gold Bar:** Total reservoir capacity
- Red Line:** Top of Conservation (if available)

% of Capacity | (Click res. 3 char. code for details)



[Click for printable version of current data.](#)

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**TOP OF CONSERVATION CONDITIONS:
CENTRAL VALLEY AND RUSSIAN RIVER FLOOD CONTROL RESERVOIRS: 25-SEP-2023**

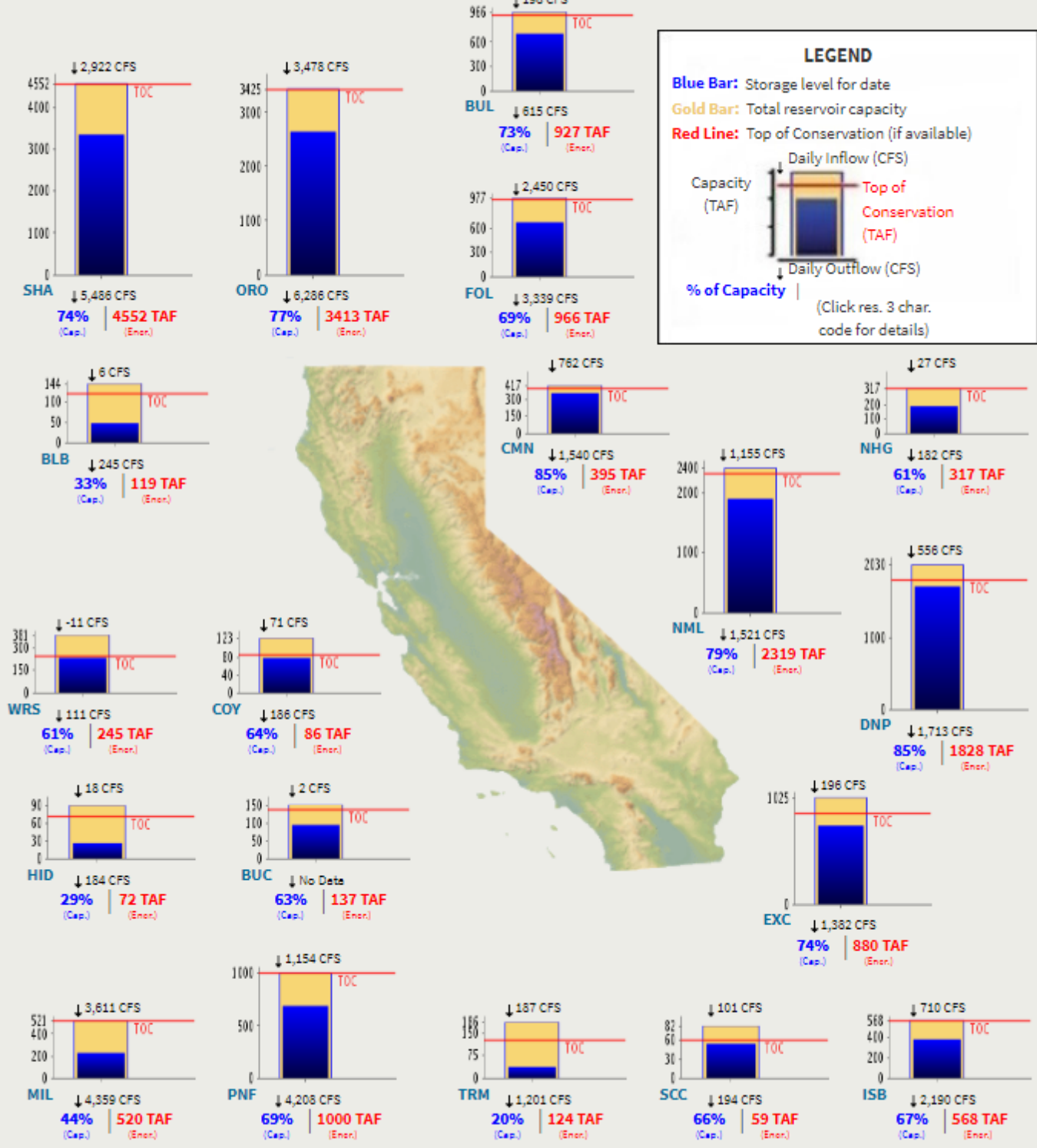
Data as of Midnight: 25-Sep-2023

Change Date: 25-Sep-2023

LEGEND

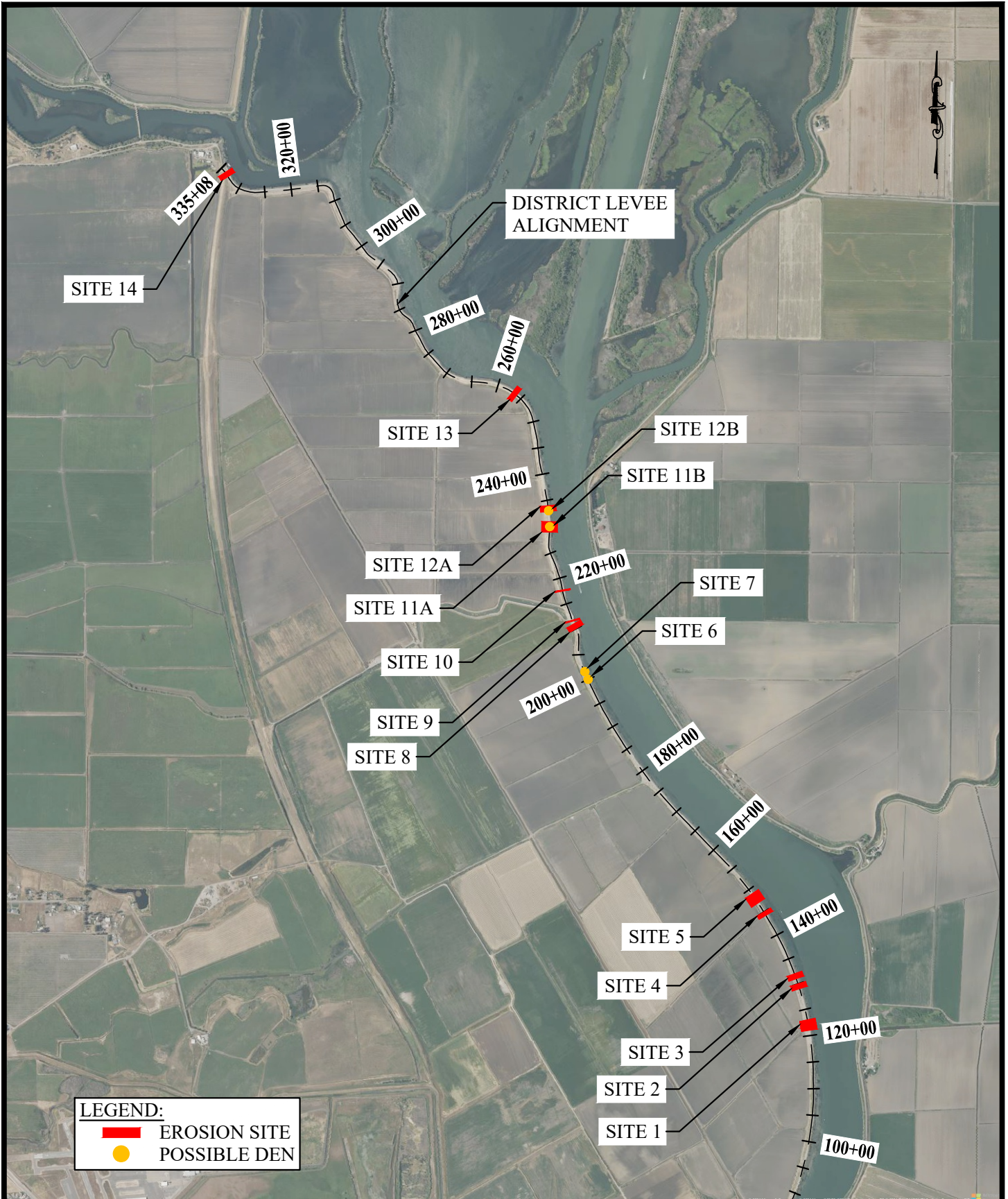
- Blue Bar:** Storage level for date
- Gold Bar:** Total reservoir capacity
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% of Capacity | (Click res. 3 char. code for details)



[Click for printable version of current data.](#)

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LEGEND:
█ EROSION SITE
● POSSIBLE DEN



455 University Avenue, Suite 100
 Sacramento, California 95825
 Phone: (916) 456-4400 • Fax: (916) 456-0253

**RECLAMATION DISTRICT NO. 2084
 LITTLE EGBERT TRACT**

EROSION SITE MAP

| | |
|-------------|------------|
| SCALE: | 1" = 2500' |
| JOB NUMBER: | 4575.1 |
| DRAWN BY: | MR |
| DATE: | 9/26/2024 |
| SHEET: | 1 OF 1 |



Possible Den Entrance near Station 200+00



Possible Den Entrance near Station 201+50



Possible Den Entrance near Station 230+00



Possible Den Entrances near Station 233+00



1090 St. Francis Way
 P.O. Box 758
 Rio Vista, CA 94571-0758
 (707) 374-6472 Telephone
 (707) 374-6888 Fax
 California State License No. 247178

| | |
|--|--|
| To: MBK Engineers | Contact: Mike Moncrief |
| Address: 455 University Avenue, Suite 100 Sacramento, CA 95825 UNITED STATES | Phone: (916) 456-4400 Fax: (916) 456-0253 |
| Project Name: {REV. I} RD 2084 - Little Egbert Tract Levee Maintenance Project | Bid Number: Moncrief@mbkengineers.com |
| Project Location: Egbert Tract, Rio Vista, CA | Bid Date: 9/20/2024 |

| Item # | Item Description | Estimated Quantity | Unit | Unit Price | Total Price |
|--------|---|--------------------|------|-------------|--------------|
| 1. | Mobilization/Demobilization (Sites 1 & 2) | 1.00 | LS | \$9,832.00 | \$9,832.00 |
| 2. | Site Preparation (Sites 1 & 2) | 1.00 | LS | \$27,981.00 | \$27,981.00 |
| 3. | Import Embankment Fill Material (Sites 1 & 2) | 15,000.00 | TON | \$18.84 | \$282,600.00 |

Total Bid Price: \$320,413.00

Notes:

- No permits, fees, testing or engineering included.
- Original lines and grades by others.
- Clear access to be provided by others.
- Not responsible for damage to any utilities not clearly marked by owner.
- Dust control provided only when Asta Construction is actively engaged in dust causing operations.
- Any item of work not specifically outlined in the above scope of work to be excluded.
- Price is valid for 30 days, any price increases from material suppliers or vendors beyond the control of Asta Construction will be additionally billed at the direct cost of increase. Fuel surcharge will be applied to all trucking rates, if required, at the rate of 1% increase for every \$0.10 per gallon increase. Fuel priced at \$5.00 per gallon at bid date.

Payment Terms:

The above-quoted price constitutes the cash price. If this account has not been paid in full within 30 days from the invoice date add 1.5% interest per month until paid in full. If legal action is required to effect payment on this account customer agrees to pay all court costs and reasonable attorney fees.

| | |
|---|--|
| <p>ACCEPTED: The above prices, specifications and conditions are satisfactory and are hereby accepted.</p> <p>Buyer: _____</p> <p>Signature: _____</p> <p>Date of Acceptance: _____</p> | <p>CONFIRMED: Asta Construction Co., Inc.</p> <p>Authorized Signature: _____</p> <p>Estimator: Scott Schmitt 707-249-8889 scott@astaconstruction.com</p> |
|---|--|

ENCLOSURE 5

AGENDA ITEM 8.a

FINANCIAL MANAGER'S REPORT

Reclamation District 2084 Board of Directors

As on September 26, 2024

| | | |
|---------------------------------|--------------------------------|-----------------------|
| Previously Paid Invoices | Currently Paid Invoices | Total Invoiced |
| \$217,461.64 | \$60,749.27 | \$278,210.91 |

| | | |
|-------------------------------|-----------------------|-----------------------------|
| Current Budget | Total Invoiced | Budget Balance |
| \$1,509,491.02 | \$278,210.91 | \$1,231,280.11 |
| Funds Received To-Date | Total Invoiced | Funds (Cash) Balance |
| \$363,215.54 | \$278,210.91 | \$85,004.63 |

| Funds / Cash | Vendor | Invoice # | Date | Amount |
|--------------|--------|-----------|------|--------|
|--------------|--------|-----------|------|--------|

| Expenses | Vendor | Invoice # | Month of Service | Amount |
|----------|------------------|--------------|------------------|-------------|
| 1 | Richard Harris | | Aug-24 | \$1,500.00 |
| 2 | Miller Ag | 904 | Aug-24 | \$9,200.00 |
| 3 | PG&E | 9/5/2024 | Aug-24 | \$9,161.74 |
| 4 | MBK | 15236 | Aug-24 | \$28,875.78 |
| 5 | LWA | 1912000-0724 | Jul-24 | \$10,361.75 |
| 6 | Downey Brand LLP | 605235 | Aug-24 | \$1,650.00 |

Notes

District Invoices # 1-6 represent total amount between July 24 and August 30, 2024 of \$60,749.27