RECLAMATION DISTRICT 799

(Hotchkiss Tract)

PO Box 353/6325 Bethel Island Rd., Bethel Island, CA 94511

www.RD799.com

Regular Board Meeting

**Thursday, October 27, 2022**

**Regular Board Meeting at 6:00 PM**

Meeting Minutes

1. **Call to Order/Roll Call:** The meeting came to order at 6:04 pm. Present were President Price and Trustees: Pierce, Hanson and Ydens. Trustee Kent was absent.

Others present for the meeting included District Manager Alvarez, Superintendent Vornhagen and District Secretary Holder. Also, present District Engineer Mirmazaheri and the District’s Attorney Varinsky. A list of homeowners in attendance is outlined on the meeting sign in sheet.

1. **Public Comments**: None
2. **Consent Calendar**: All numbered consent calendar items listed will be acted upon under one vote unless specifically removed from the consent calendar by a member of the Board.
   1. Meeting Minutes from the Regular Meeting on September 29, 2022, 6:00pm\*
   2. Warrants\*
   3. Financial Report(s)\*

**A motion was made by Trustee Ydens and seconded by Trustee Pierce to approve items a – c on the consent calendar. The vote showed four trustees in favor (Trustee Kent was absent). Motion carried.**

1. **Discussion/Action Items:**
   1. Update/report on Cypress Preserves, Summer Lake North, and Spinnaker Cove developments by District Manager/District Engineer/District Legal Counsel

**Grand Cypress Preserve (GCP)**

No progress. GCP has mobilized a small amount of equipment, just doing prep work. As of yet, The City of Oakley has not granted a grading permit. District staff is in contact with GCP on a weekly or bi-weekly basis.

**DeNova Homes**

No information at this time. Report will be included with Action Items C and D.

* 1. Discussion and consideration of scheduling the November 2022, December 2022, and January 2023 board meeting dates\*

**A motion was made by Trustee Ydens and seconded by Trustee Pierce to follow the staff recommendation to schedule the November and December 2022 board meetings on December 15, 2022. The January 2023 board meeting will be as scheduled. If there is need for a special meeting sooner, then one will be scheduled accordingly. The vote showed four trustees in favor (Trustee Kent was absent). Motion carried.**

* 1. Consideration and approval of Joint Community Facilities Agreement between RD 799 and City of Oakley, regarding funding for each agency’s maintenance obligations for the Summer Lake North development project\*

Attorney Varinsky gave a brief summary of how the JCFA was created. The Summer Lake North project involves the development of 817 homes and infrastructure within the boundaries of RD 799. The Summer Lake North developer will construct a new levee and new pump station 3, which RD 799 will own and operate upon completion. The developer has agreed to form a new land financing district (Community Facilities District or CFD) that will provide ongoing funding to the City of Oakley and RD 799 for each agency’s costs to maintain the new infrastructure. Prior to creating the CFD, the City of Oakley and RD 799 must agree to a Joint CFD Agreement, which establishes the administration, services, boundaries, and tax rates that will govern the CFD.

**A motion was made by Trustee Ydens and seconded by Trustee Pierce to approve the Joint Community Facilities Agreement between RD 799 and City of Oakley, regarding funding for each agency’s maintenance obligations for the Summer Lake North development project. The vote showed four trustees in favor (Trustee Kent). Motion carried.**

* 1. Presentation and review of proposed Improvement and Maintenance Agreement between DeNova Homes, Inc. and RD 799, regarding infrastructure, maintenance, and financing obligations between DeNova Homes and RD 799 for the Summer Lake North development project\*

Attorney Varinsky gave a presentation on the proposed Improvement and Maintenance agreement between DeNova Homes and RD 799. RD 799 must establish details with DeNova Homes regarding how construction and future maintenance will occur. DeNova and RD 799 staff have negotiated an agreement which describes each party’s obligations relating to construction, future maintenance, financing, and certain land trusts. This agreement states that DeNova Homes will construct the infrastructure and public facilities such as new improvements for water, sewer drainage, roadways, parks, utilities, and levees. RD 799 will own, operate, and maintain the new levee and pump station 3 constructed by DeNova Homes. Summer Lake North is a muti -agency project that requires coordination between DeNova Homes, the City of Oakley and RD 799. The City of Oakley approves the overall development plan and must negotiate its own infrastructure requirements with DeNova Homes (roadways, parks, streetlighting, storm drainage). RD 799 must also negotiate its own terms with DeNova Homes regarding construction and maintenance of the District Improvements. With the creation of the CFD to cover RD 799’s maintenance costs, as well as DeNova’s advance payment, there will be no impact to RD 799’s existing revenue.

Homeowner Petrosh asked if the new development was going to affect the existing well that serves the residents of Sandmound. Mr. Sanson, the Vice President of DeNova Homes stated that DeNova Homes would look further into this matter but reassured Mr. Petrosh that the matter would be addressed.

1. **Permits** – Discuss & Possible Action on all New and Pending Permits:
   1. Report of approved permits for routine encroachments - none
   2. Update on Potential Enforcement Actions - none
2. **Engineer’s Report**\*
3. **Information Items**:

Required Board Trustee Training\*

1. **Field Reports**:
   1. District Manager Alvarez\*
   2. Levee Superintendent Vornhagen\*

1. **Office Manager’s Report\***
2. **Chairman’s Report**: None
3. **Trustee Reports**: None
4. **Adjournment**: The meeting adjourned at 6:45 pm.

Meeting minutes submitted by Dina Holder

\*denotes supporting documentation available electronically and at the Reclamation District 799 office.

Notice Is Hereby Given:

That the Board of Trustees will consider oral and written public comments. The Chair may announce time limits and direct the focus of public comments for any given proposal. For agenda items not requiring a formal motion, the Chair will announce the opening and closing of the public comments session. If you wish to speak, please stand and state your name and address. Please speak clearly and loud enough for everyone to hear. “This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. 12132) and the Ralph M. Brown Act (California Government Code 54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact the District Secretary Dina Holder at (925) 684-2398, during regular business hours, 10:00 am - 2:00 pm Monday - Friday, at least 24 hours prior to the time of the meeting.” Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the District office located at 6325 Bethel Island Rd. Bethel Island, CA 94511