

# Reclamation District 799 (Hotchkiss Tract)

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### **Board of Trustees:**

*President –James Hopwood*

*& Trustees: Arthur John Hanson, Richard Kent, Jim Price, and Karla Fratus*

August 29, 2016

Michael Simmons, Foreperson  
Contra Costa County Grand Jury  
725 Court Street  
PO Box 431  
Martinez, CA94553-0091

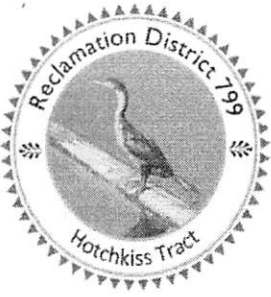
Mr. Simmons,

Please find enclosed Reclamation District 799’s official response to Grand Jury Report No. 1607, “Delta Levees in Contra Costa County.”

The Board of Trustees of Reclamation District 799 adopted this official response at their August 25, 2016 regular board meeting.

Sincerely,

Jim Price  
Vice-President (Acting President)  
Board of Trustees



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July 28, 2016

The following are the Reclamation District 799 Board of Trustees responses to the Grand Jury Report No. 1607 (Delta Levees in Contra Costa County) Findings and Recommendations.

#### FINDINGS

4. The levees in the County's portion of the Delta have been built up or otherwise strengthened on a piecemeal basis over the century or more of their existence.  
**The respondent agrees with the finding.**  
*Overtime, reclamation districts have performed piecemeal repairs and maintenance on levees due to erratic, unstable, and/or unreliable funding sources, inconsistent leadership, unqualified or underqualified staff, and confusing and sometimes conflicting regulatory guidance.*
  
5. Because the levees remain vulnerable to natural hazards and human activities, they require constant vigilance – i.e. frequent inspection coupled with timely maintenance and prompt repairs.  
**The respondent agrees with the finding.**  
*The integrity of each of the District's levees is closely tied to heightened vulnerability levels due to increased risk of abnormal climate cycles (due to the overall climate change). Frequent inspection with timely maintenance and prompt repairs can only occur if qualified, driven staff is properly supplied with consistent and reliable funding.*

11. There is no formal or standardized educational or training resource available to the districts for levee inspection, maintenance, and repair, which can support new levee superintendents or managers while they acquire the experience to recognize problems early, learn how to appropriately respond, and learn how to balance environmental regulations with maintenance protocols.

**The respondent agrees with the finding.**

*There is no single source of education or training for reclamation district staff. The appropriate and relevant agencies that encourage, monitor, and regulate reclamation districts should coordinate and routinely schedule courses and continuing education programs that enables and encourages proper training for all reclamation district staff. Neighboring districts can also be a helpful resource.*

12. Levee management requires recognizing seasonal timeframes and juggling multiple deadlines, including preparing for storm season and the “no-mowing” period, when local bird populations nest, as well as timely application for the subvention and/or special projects funding programs.

**The respondent agrees with the finding.**

*Outreach and training modules must be available and aggressively marketed to reclamation districts, informing and defining these key timing windows with which an reclamation district needs to work within. All formal documentation and processes such as Routine Maintenance Agreements, Subvention Program subtleties, etc. need to be clarified.*

*Proper staffing levels, with experienced staff working together with the District's Engineers, are essential and necessary for effective levee management. Neighboring districts can also be a helpful resource.*

13. Unpermitted encroachments can hinder visual inspection of the levee surface and create new structural weaknesses or potential conduits for seepage.

**The respondent agrees with the finding.**

*Increased and constant vigilance is required. Policies and procedures for management of levee encroachments should be adopted, and enforced, by each reclamation district. In many cases, funding is needed for additional staffing which can be dedicated to uncovering covert encroachments. Funding is also needed to provide public outreach, education, collaboration, enforcement, etc.*

14. Education about the potential danger of unpermitted encroachments can be a highly effective management tool for mitigating this type of hazard because increased understanding of the potential consequences of such encroachments can support longer-term adherence to levee regulations and protocols.

**The respondent agrees with the finding.**

*Public outreach is extremely costly. With limited staff and funding, and a large population, educating each resident and property owner is virtually impossible. Public education efforts are made when funding and opportunity is available.*

15. Since early recognition of potential trouble spots and prompt repair work are critical to maintaining levee integrity, while resources for levee patrols are limited, the presence of an educated and aware residential population can supply additional eyes to provide the constant vigilance that is crucial to safeguarding the levees.

**The respondent agrees with the finding.**

*Once again, a very critical and worthwhile concept that requires more funding for additional staff, materials, mailings, various outreach activities, etc.*

16. In addition to permitting procedures and intermittent newsletters, there are other opportunities to educate the public, and especially residents of reclamation districts, about the hazards that can damage or impair the levees.

**The respondent agrees with the finding.**

*In addition to the District's website, every interaction that District Staff and Trustees has with residents is an opportunity for public education.*

17. Explaining the hazards to levees by multiple means at appropriate times – i.e., just before the start of storm season in the fall – can help to keep awareness at a heightened and effective level.

**The respondent agrees with the finding.**

*Again, public outreach can be fairly costly. Every effort at public education is made when funding and opportunity are available.*

21. Some reclamation districts that are unable to maintain the staff, equipment, and material stockpiles needed for emergency major repairs, rely on informal mutual-aid arrangements.

**The respondent agrees with the finding.**

*Reclamation districts rely on these informal mutual aid agreements. Formal contractual agreements are rare due to legal, contractual, liability, board approval, costs, etc.*

*Despite this, this District has been recently working towards formalizing a mutual-aid agreement with several neighboring districts.*

## RECOMMENDATIONS

The 2015-2016 Contra Costa County Grand Jury recommends that Reclamation District 799:

2. After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include “Best Practices”, a calendar of date- or seasonal – specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

**This recommendation will not be implemented because it is not warranted or is not reasonable.**

*As noted above, this District already maintains a website, which staff strives to keep as up-to-date and informative as possible. This District also posts important information at the local post office, which is frequented by local residents.*

3. After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

**The recommendation requires further analysis.**

*This is a good idea but this District feels the coordination of such an event with as many participants as are identified in this report may likely be unfeasible. Smaller groups of three or four neighboring districts may work better. Finding the necessary funding would be imperative to success. This District plans on working closely with a neighboring district (Bethel Island Municipal Improvement District) for an event to be held this upcoming winter season.*

4. After identifying the necessary funding, reclamation districts should consider adding a “training module” for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This “module” or session should cover the district’s levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training – or at a minimum a “back to basics” session with the consulting engineer to cover these concerns.

**The recommendation requires further analysis.**

*While this District does not have a formal “training module” for new and re-elected trustees, staff (including legal and engineering staff) strives to provide each and every trustee with the information necessary to allow them to serve this District to the highest ability possible. The creation of formal “training module” will likely take significant staff time and be quite costly to the District. This District has very limited staff and it is more likely that the creation of this document will take place over several years.*

5. Reclamation districts should formalize, or at a minimum, document, all “Mutual Aid” agreements for future reference as reclamation district personnel change over time.

**This recommendation has not yet been implemented, but will be implemented in the future.**

*As noted earlier, this District is currently working towards formalizing a “Mutual Aid” agreement with several neighboring districts. Once the agreement has been finalized, a master file will be created for future reference.*

**Further comments:**

All of the recommendations are, indeed, constructive and valid. However, the cavalier manner in which all of these recommendations are prefaced (“After identifying the necessary funding...”) is extremely frustrating and troubling.

The Achilles heel of all reclamation districts, not to mention most public agencies and districts, is the procurement of adequate funding. We are all faced with similar burdensome limitations of acquiring funding and must prioritize the most prudent usage of our scarce funds. After the most rudimentary necessities are covered, assuming they can be covered, there are simply no meaningful residual monies left.

Rather than expressing recommendations that require the expenditure of non-existent funds, would it not be more relevant to recommend and assist the reclamation districts with creative and innovative methods to identify, pursue, and procure these “necessary funding” mechanisms?

Perhaps the Grand Jury would be more useful to the reclamation districts survival and effectiveness by exerting their influence and stature in an effort to expedite and/or streamline the subvention reimbursement process. The findings of this lengthy and costly study may be eye opening to the uninformed, however, these findings are nothing new or revolutionary to reclamation district staff, board members, or stakeholders. These chronic and nagging issues are well known and are the genesis of constant frustration within reclamation district operations for decades.

Rather than “telling us what we already know”, this District implores the Grand Jury to re-direct their focus and funding towards helping every reclamation district to remain viable. This focus and re-direction should be channeled towards a shake-up at the top levels of governmental funding decisions. More outreach, communication, and hands on filed visits by all applicable levee governance agencies is drastically needed.

As stated earlier, the subventions payment structure, which is the life blood of all reclamation districts, needs to be streamlined, clarified, and expedited. Quarterly or bi-annual reimbursements would help to alleviate day to day cash flow burdens that hamstring daily reclamation district operations.

The power, objectivity, respect, and reputation of the Grand Jury’s findings may be used to leverage and influence the current status quo that all reclamation districts struggle to operate within.