

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, October 11, 2012

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by presiding officer, Larry Gardiner, President, at 10:05 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California. It was noted that receipt of bids had been postponed and the bid period for Job 7002.94 had been extended by addendum.

1. Roll Call indicated a quorum with the following in attendance:

Directors: Larry Gardiner, Gay Giles, Manuel Rebero, Frank Silva, Jr. (left at 11:15 a.m.) and Denis Van De Maele
Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; Debbie Phulps, Secretary; and Joe Schofield, Counsel
Guests: Kirk West

2. Agenda Setting. (Silva / Rebero) [MSC = Motion-Second-Carried unanimously unless otherwise noted] adopting the agenda and suspending the rules to allow consideration of items out of sequence.

3. Personnel. Employee Retirement Benefits. As background, the current District Superintendent also provides services to RD 317, RD 407 and RD 2067 under separate agreements with those entities. Those entities do not participate in PERS; and consequently, the Superintendent does not receive credit for that income or time served in so far as his retirement account. RD2067 is investigating how employment arrangements for the services of the current Superintendent could be structured to allow him to receive credit for his combined income from the several reclamation districts and BALMD. Counsel Schofield is still investigating the matter in order to best advise the reclamation districts; and will update the BALMD Board accordingly at a later date.

4. Invitation to Guests to Address the Board - None responded.

5. Business

5.1 Machado Fill Dirt Acquisition. **MSC** (Giles / Silva) authorizing the material purchase as outlined pending Counsel review and input as to necessary documentation, and authorizing the District President to execute said purchase documents.

(Director Silva retired from the meeting due to a prior engagement.)

5.2 Labor Compliance Monitoring Unit. **MSC** (Van De Maele / Silva) authorizing execution of "Agreement to reimburse Department of Industrial Relations for compliance monitoring and enforcement of prevailing wage requirements on all public works projects"; and authorizing the District President to execute same on behalf of the District.

6. Staff Reports

6.1 Superintendent - Andy Giannini. Andy reported as to utilizing the Aebi on the wetter sand running in advance of the vegetation effort underway with Sun Harvest. He noted a mishap near the RD2067 pump station when the mower unearthed a beaver den which subsequently collapsed under the mower's weight. The punctured oil pan has been repaired. Rodent baits have been applied and Use Reports filed. There has been no update regarding the mower purchase.

6.2 Bookkeeper - Victoria Hale.

A. Financial Report. Balance Sheet and Unpaid Bills Detail were distributed. Director Giles was presented with copies of the most recent bank statements. Vicki noted that the data had been received from Bertholz allowing for billing of the 2011-12 Mineral Rights Assessment. The 2012-13 call will be invoiced at the appropriate time later this Fall so as to not hit the entities with two billings at the same time.

B. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	1,488,392.38
Total Accounts Receivable	\$	25,259.61
Total Other Current Assets	\$	88,972.10
Total Fixed Assets	\$	<u>530,489.22</u>
Total Assets	\$	<u><u>2,133,113.31</u></u>

Total Current Liabilities	\$	52,996.76
Total Long Term Liabilities	\$	39,431.68
Equity	\$	<u>2,040,684.90</u>
Total Liabilities and Equity	\$	<u><u>2,133,113.31</u></u>

C. The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed.

AT&T Wireless	168.12	Oilwell Materials	36.84
Balsmeier	135.31	Payroll - PERS	1,840.60
California Waste Management	93.50	Payroll - Taxes	1721.86
County of Sacramento	1,430.00	Ramos Oil	257.45
Crop Production Services	268.71	Rebero, Manuel	205.37
DCC Engineering	34,391.33	Reclamation District 2067	330.00
Delta Bookkeeping	1,608.55	River News Herald (The)	394.16
Downey Brand LLP	4,945.20	Silva, Frank	205.37
Frontier Communications	88.37	Sprint	154.86
Gardiner, Larry	205.37	Van De Maele, H. Denis	205.37
Giannini, Andy	2,192.04	VISA	<u>48.29</u>
Giles, Gay	205.37	Total Claims	<u><u>53,132.04</u></u>
Mattos	2,000.00		

MSC (Giles/Silva) authorizing payment of claims with a single \$50,000 warrant.

6.3 Secretary - Debbie Phulps.

- A. **MSC** (Giles / Van De Maele) approving the minutes of September 13, 2012 and October 1, 2012 as distributed.
- B. Correspondence: From State Lands Commission regarding applying for a lease relative to revetment placed on the levee slopes. Matter referred to District Engineer and Counsel to prepare response to State Lands opposing the need for such lease with the District. In the District's opinion, since the levees in question are Federal Project levees then, if a lease is required, State Lands should be pursuing it with the Federal government or the Department of Water Resources.

6.4 Engineer - Gilbert Labrie. The District Engineer presented his report. Discussion items in the course thereof are noted by the use of inset paragraphs.

- A. Levee Program Financing. Previously DCCE has reported on the levee program implications emanating from levee policy documents prepared by DWR for consideration by the Delta Stewardship Council (DSC) for inclusion in the Central Valley Flood Protection Plan.

There are two significant documents being finalized by DWR that will affect administration of the Delta Levee Program: 1) the *Framework for DWR Investments in Delta Integrated Flood Management (Framework)*, and 2) a companion document called the *Background Reference Memorandum (BRM)*. As drafted and presented in various iterations, the *BRM* continues to emphasize the investment approach for future DWR levee funding decisions, and sets the stage for prioritizing islands for any expenditures beyond routine maintenance and rehabilitation to the HMP levee standard.

While DWR has agreed to apply its prioritization strategy only when allocating funds under the Special Projects element of the Levee Subventions Program, DWR has the ability to administratively limit the level of state support for the less restrictive maintenance and rehabilitation portion of the program. Key Delta representatives have been strongly arguing that establishing the HMP requirements as a minimum State standard misrepresents the level of flood protection being provided, as HMP is not an engineering standard. As previously reported by DCCE, a DSC staff recommended revision to the Prioritization Policy outlined in the draft Flood Protection Plan was edited, in a work session with LMA representatives, to clarify how the prioritization strategy would work in the interim (until 2015) so that the Levee Subventions Program could continue to be administered as it has been.

After the presentation of the revised *BRM* at the September Habitat Advisory Committee meeting, it was recommended that a similar editing session would be helpful to address the

concerns raised by the same Delta representatives. A marathon session was held on September 12, in Stockton, to hammer out the concerns of Delta stakeholder representatives. All participants considered the effort to be very productive; but it remains to be seen whether some of the edits stand up under the policy influence of the water contractors, who seem to hold the trump card with DWR management. DCCE has not received any correspondence from DWR regarding the final draft that will go to the CVFPP and the DSC.

- B. Vegetation Management - Project Levee Inspections. BALMD's Fall 2012 Project Levee Inspection is scheduled to take place on October 25. In order to be ready for that levee tour, the District received bids at a special meeting for cutting or trimming grasses, clearing brush, and trimming trees along the Sacramento River levee in order to comply with State vegetation maintenance standards. A contract was subsequently awarded to Sun Harvest for one hundred ten thousand ninety-seven dollars (\$110,097), and work began on Monday, October 8, 2012. All work is being accomplished with hand crews and is to be completed by October 24, 2012.

Also underway is an effort to address most of 60 individual items in the 2011 USACE Periodic Inspection Report, occurring along both Georgiana Slough and the Sacramento River levees. The District has been directed to correct the deficiencies before the next flood season and call for a re-inspection. DCCE has prepared some documents to more clearly identify each deficiency and provide guidance in the field to better assist the repair effort. That construction effort involves dealing with some slope erosion, bank caving, and perceived slope stability issues. It also involves addressing some bank sloughing, minor cracking, rutting and surface erosion. The sites are spread out and, obviously, will not all require the same type of repair. Nor do they have the same access considerations. As authorized by the Board, DCCE has contacted a local contractor, Bruce Gornto, to carry out the various repair projects encompassing the 60 individual items.

- C. Five-Year Plan. The District's revised Five-Year Plan and budget accepted by DWR eliminates any project costs or funding assistance originally associated with the USACE partnering on the District's levee stability project, discussed below. Instead, The Plan proposes to move forward to engineer, design, and construct as much of the original project as possible utilizing local and State resources available through the Subventions Program and a Special Project Agreement already in place between the District and the State for this effort. DCCE continues to work with Raney Geotechnical to develop a levee evaluation testing strategy for the two stability berm sites in order to develop an acceptable engineering solution that will increase levee stability. DCCE anticipates receiving a proposal from Raney within a few weeks identifying the number, location and type of borings considered necessary to adequately evaluate the levee sections in question. DCCE would then like to get the field work underway in November.
- D. BALMD 2012-13 Levee Stability Project (formerly the "USACE/CALFED Levee Stability Project"). As acknowledged above, USACE participation in a BALMD Levee Stability Project involving the Mokelumne and Sevenmile Slough levees, as originally anticipated and authorized by Congress several years ago, has evaporated. This turn of events led to a DCCE meeting with DWR, to verify the State's continued commitment to fund an \$800,000 Special Project agreement approved for the stability berm project. DCCE suggested that the District move ahead with geotechnical engineering and project design within the limits of its approved Subventions Budget program scope. Thereafter, with an amendment to the Special Projects Funding Agreement with the CVFPP, the \$800,000 could assist the construction effort and complete the stability upgrade as originally planned..

To get the most mileage out of available funding resources, DCCE previously presented, and received support from the Board to pursue, the availability of suitable fill material from an on-island source. Specifically, DCCE was approached about the re-use of the sandy overtopping on the Machado property, behind the Delta Bay Resort, a result of the 1972 flood. Based on a topographic survey, there appears to be approximately 130,000 cubic yards of material that will be graded off the Machado site and available to the District. DCCE suggested stockpiling the material on the District's property, which is immediately adjacent, in order to meet the landowner's timetable and allow time for the geotechnical study and final engineering effort to be completed. Additionally, CVFPB and environmental permitting will need to be completed to satisfy Special Project administrative requirements and secure the \$800,000 grant. The Subventions Program will reimburse \$1.00 per cubic yard for the cost of the material, and up to 75% of the stockpiling cost. Through negotiations with Mr. Machado's chosen contractor,

DCCE arrived at a royalty price of \$1.50 per cubic yard, and a quote to stockpile the material on the District's property for \$4.00 per cubic yard. This equates to a price per ton of approximately \$3.00, based on the soils report provided by the contractor.

DCCE has discussed the contracting and administrative process with Counsel Schofield of Downey Brand to ensure compliance with State contracting regulations and qualify for Subventions reimbursement. As soon as DCCE hears from Joe, the necessary documents can be prepared for the appropriate signatures. The Board would need to authorize President Gardiner to sign the documents if everything is ready to proceed in advance of the next regular meeting.

- E. BALMD 2012-13 Subventions Projects. DCCE has been preparing construction documents to undertake a PL 84-99 crown raising effort on the Mokelumne near Pirates Lair, a levee slope enhancement project on Sevenmile Slough between the dams, and bid documents for revetment restoration along the left bank of the Sacramento River. DCCE has proceeded with the revetment project on the basis that work could be accomplished under the limitations of the Corps of Engineers' Nationwide Permit covering rip-rap repair.

The Board subsequently authorized advertisement for bids to be received at the October 11 meeting. However, in the course of meeting at one of the job sites with Dutra Group representatives, it became clear to DCCE that the erosion repair problem is more critical and involved than originally envisioned. A significant amount of vegetation will hinder the construction process at two of the project sites, with the necessity to involve a tree trimming contractor and institute traffic control measures. DCCE issued addendums to the bid documents to address this situation; but another concern later led DCCE to postpone the bid. There is evidence, at various levee bank locations along this reach of the river, that other government agencies have tagged certain sites for possible repairs. DCCE concluded that the obvious outside interests, the increased scope of the problem, and potential environmental impact from a repair effort, warranted a re-evaluation; and input from the appropriate environmental control agency, Fish and Game. Of course, the site DCCE was reviewing with Dutra is next to the Ramos Oil facility, which is more visible and accessible from the levee crown; but it exemplifies the problem and uncertainty that DCCE identified.

To follow up and inform the Board, as well as provide some options for consideration, DCCE contacted the DWR Subventions Program Manager, a CVFPB representative, and the DWR Program Manager regarding a Flood System Repair Project (FSRP) being undertaken by DWR. That project resulted in the recent survey activity on all BALMD levees, by URS personnel. DWR's goal from that effort is to compile a priority list of critical levee repair projects and then to assist the Local Maintaining Agencies in undertaking the necessary repairs. The timetable for this program is such that there would not likely be any construction activity taking place until next year. Therefore, while the sites DCCE intended to address with this round of rip-rap repair have been elevated to a *CRITICAL* status and are being considered under the FSRP, it is not on a DWR emergency repair list or eminent for this season.

The circumstance begs the question as to how the Board should proceed. DCCE is endeavoring to get input from State Fish and Game regarding the applicability of the District's existing RMA to cover the vegetation issue; and did get some indication from DWR that the work could potentially be covered under the State's O&M agreement with the USACE involving the Project Levees if Fish and Game can sign off. However, the work window is coming to a rapid close and something would have to be done to extend it at least to the middle or end of November. Short of getting that accomplished, the Board may want to declare a local emergency to be able to proceed. At this point, all options are on the table and time is of the essence. DCCE will need to get all the agencies involved in order to narrow down the options.

It was agreed to move the revetment placement to the Georgiana Slough levee sites between the Tyler Island Bridge and B&W Resort. Bids will be received at a Special Meeting called for Thursday, October 18, 2012 at 9:00 a.m. Director Giles and Secretary Phulps indicated that they will be absent.

7. Director's Reports

7.1 Gardiner - Request to move the November stated meeting to the 15th due to schedule conflict. Agreed.

7.2 Giles - No report.

7.3 Rebero - No report.

7.4 Silva - Absent.

7.5 Van De Maele - No report.

8. Adjournment: The meeting was adjourned by President Gardiner at 11:50 a.m. with those present invited to join the Board for lunch at Rogelio's in Isleton. Those accepting the invitation were Gay Giles, Gil Labrie and Debbie Phulps.

Respectfully submitted,

Debbie Phulps, District Secretary
DCC Engineering Co., Inc.

Date Approved: November 15, 2012
MSC: Giles / Van De Maele