

**BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT**

**Minutes of Thursday, January 10, 2013**

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 10:00 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California.

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

Directors: Larry Gardiner, Manuel Rebero, Frank Silva Jr. and Denis Van De Maele  
Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; and Debbie Phulps, Secretary

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

**3. Financial Report** - Victoria Hale

3.1 Financial Report. Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received a copy of the most recent bank statement.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	1,214,671.59
Total Accounts Receivable	\$	505,766.01
Total Other Current Assets	\$	88,972.10
Total Fixed Assets	\$	<u>530,489.22</u>
Total Assets	\$	<u>2,339,908.92</u>
Total Current Liabilities	\$	44,654.46
Total Long Term Liabilities	\$	0.00
Equity	\$	<u>2,295,254.46</u>
Total Liabilities and Equity	\$	<u>2,339,908.92</u>

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

California Waste Management	93.50	Payroll - Taxes	1,230.42
DCC Engineering	31,861.25	Ramos Oil	452.33
Delta Bookkeeping	1,632.85	Rebero, Manuel	100.48
Downey Brand LLP	2,866.00	Reclamation District 2067	330.00
Frontier Communications	89.14	SCI Consulting	1,500.00
Gardiner, Larry	100.48	Silva, Frank	100.48
Giannini, Andy	2,090.80	Van De Maele, H. Denis	100.48
Giles, Gay	100.48	VISA	<u>32.94</u>
Payroll - PERS	1,972.83	Total Claims	<u>\$ 44,654.46</u>

**MSC** (Rebero/Van De Maele) authorizing payment of claims with one \$50,000 warrant.

3.2 2012 Audit. Vicki noted that the annual audit had been completed by Croce & Company. A copy was transmitted to Director Giles for review.

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

**5. Business**

5.1 Engineering Consulting Services. **MSC** (Van De Maele / Silva) to engage Gilbert Labrie to provide professional engineering consulting services to the District.

**6. Staff Reports**

6.1 Secretary - Phulps.

- A. **MSC** (Van De Maele/Silva) approving the minutes of December 13, 2012, and authorizing an amending of the November 15, 2012 minutes to reflect the amount remitted to the Sacramento County Tax Collector as \$2,455.72.
- B. E-mail correspondence received from LAND and presented by Gilbert Labrie regarding their recent activities. The Board requested that Osha Meserve be invited to the February meeting to discuss the 2012 activities and 2013 forecast.

6.2 Superintendent - Andy Giannini. High water notifications were received leading to preparations and increased monitoring. Checking web for water levels and release amounts. No update regarding mower. Met with new owners of the Towne's property, Vino Farms. Apprised them of levee district jurisdiction and permitting authority, and that the owner is responsible for maintaining the ditches so as to avoid the District's practice of spraying to control vegetation growth since some herbicides incompatible with vineyard development.

6.3 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. This office has made a concerted effort to keep the Board apprised of the status of the levee policy documents being prepared by DWR, for consideration by the Delta Stewardship Council (DSC), to be included in the Central Valley Flood Protection Plan to guide the administration of the Levee Subventions Program. Two significant documents are in the process of finalization. They include the "*Framework for DWR Investments in Delta Integrated Flood Management*" (*Framework*) and a companion document called the "*Background Reference Memorandum*" (*BRM*).

DWR has responded to some local agency concerns about the policies being promulgated by the way the levee information is presented in the *BRM*. In its final form, the *BRM* still sets the stage for prioritizing islands when considering any State assistance with local expenditures on major levee rehabilitation or improvements beyond what is necessary to satisfy a minimum level of flood protection that is being predetermined by current State water transfer policies and specific stakeholders. In response to some Delta political pressure, DWR did incorporate the more rigorous Bulletin 192-82 State Standard as the minimum standard for Subventions funding in the final version of the *BRM*. The companion *Framework* document, is now characterized as "*Investments in Integrated Water Management*" rather than "*Flood Management*". In some ways this title makes more sense because the focus is about the water, which is ultimately sold to customers and provides some return on investments. Since the BDCP is now being subjected to a cost benefit analysis, water management economics will be front and center when the debate resumes.

As reported in December 2012, to complicate matters regarding DWR administration of the levee program, the State's HMP investment priority strategy has been neutralized by the recent (12/8/12) FEMA termination of the HMP MOU that provided Federal policy clarification regarding LMA eligibility for FEMA disaster assistance at the time of an event. The MOU was crafted because of FEMA's interpretation of the amended HMP agreement following the 2006 event. Federal disaster assistance was denied if levees on an island were not up to the HMP standard at the time of the event. In response to the FEMA notice of termination, DWR has put on hold \$50 million worth of HMP MOU work approved and slated to be funded for construction in the current fiscal year. The issue was to be on the DSC agenda this month but withheld pending further discussions between CalEMA and the new FEMA director for this region. DWR staff continues to stress the notion that this Federal policy change could result in a re-evaluation of the allocation strategy for the \$50 million, utilizing the "Investment in Integrated Management Framework" that is being revised for circulation in final draft form, with a formal adoption by the DSC anticipated in July 2013.

- B. Vegetation Management - Project Levee Inspections. BALMD's Fall 2012 Project Levee Inspection took place on October 25, 2012. The inspection reports for all affected LMA's has been completed and was recently made available on DWR's CDEC website. BALMD received a Minimally Acceptable rating, owing to Georgiana Slough's better score offsetting the Sacramento River's Unacceptable score. Until the erosion sites identified by the USACE are repaired and fall off the list, it will be difficult to improve the overall rating for the District. Additionally, un-permitted, or un-acceptable encroachments will eventually be scored and further adversely impact the ratings. Presently, they are noted in the report but not rated.

As reported in December, most of the 60 individual items in the 2011 USACE Periodic

Inspection Report, occurring along both Georgiana Slough and the Sacramento River levees, have been addressed by a local contractor, Bruce Gornto, under the direction of this office. However, the Sacramento River sites have not been addressed because of access difficulties and the more involved project scope associated with water-side erosion sites singled out in the USACE Report. It was also reported in December that the document being utilized to guide this repair effort was considered a draft, and a Final Report is due to be released in the near future. If the District wants to address all the issues identified in the report, a Notice of Intent (NOI) to prepare a SWIF (System Wide Improvement Framework) will need to be submitted to the USACE indicating the proposed solutions, for USACE approval. The District would then have until June 29, 2014 to fix everything in an effort to retain PL 84-99 eligibility for Project Levee repairs after a flood event. It is not clear whether the RD 556 problem will render any BALMD effort moot. Nor is it clear whether the Levee Subventions Program will automatically share in the cost of that effort.

- C. BALMD 2012-13 Levee Stability Project (formerly the "USACE/CALFED Levee Stability Project"). This office has been working 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.

In the interim, to get the most mileage out of available funding resources for the stability berm project, the Board approved an effort to pursue an offer of suitable fill material from an on-island source adjacent to the District's property and directly behind the Delta Bay resort. It is sandy material that was deposited during the 1972 flood. A unit price for relocating the sandy material was negotiated with a contractor chosen by the property owner to remove the overtopping on the parcel. Based on a topographic survey conducted for the contractor, approximately 130,000 cy of material may end up being graded off the property, owned by Frank Machado, and stockpiled on the District's property. A royalty price of \$1.50 per cubic yard was accepted by Mr. Machado, and Reeves Sand & Gravel, Inc. provided 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 \$3.67 based on the soils report prepared by Kleinfelder, Inc. for Reeves Sand & Gravel.

A temporary easement agreement for District access to the sandy overburden material to be removed has been prepared and signed by Mr Machado, along with a purchase agreement for the material. A separate contract for the removal and stockpiling of the material on the District property has been prepared by Reeves Sand & Gravel. A separate agreement with Reeves will designate the limits of the spoil area on the District site, establish a maximum stockpile height, and specify an interim method to establish the quantities being stockpiled on a monthly basis so the District can make progress payments.

- D. BALMD 2012-13 Subventions Projects. Most of the construction documents have been prepared to proceed in the spring of 2013 with 1) PL 84-99 crown raising projects on the Mokelumne River levee near the Lighthouse Resort and at Pirates Lair near the launch ramp, and 2) a levee slope enhancement project on Sevenmile Slough between the dams.

Preliminary design documents for erosion repairs along the Sacramento River levee between Cache Slough and the Isleton Bridge have been prepared for consideration by the USACE, DWR and the environmental control agencies, preparatory to a formal submittal for permits. Once a design approach is accepted by the agencies, with the proposed on-site mitigation strategy, it will be necessary to engage a consultant to prepare the required environmental documents to facilitate the permitting process. It is intended to obtain a quote from Tetra Tech to provide those services. The plan is to obtain a permit to repair the erosion along the entire levee reach over an extended period of time so that the Board can adopt a phased approach to coincide with available funding and other project priorities. The project has been discussed with the State Department of Fish and Wildlife (formerly Fish and Game) staff, but has not yet benefitted from a pre-application meeting with the USACE and other federal agencies involved in the permitting process.

- E. Georgiana Slough Crown Crack. In December this office reported on the development of a crack in the center of the levee crown of the right bank of Georgiana Slough, at the bend that is just upstream of the confluence with the Mokelumne River. A site visit also resulted in the discovery of a smaller crack along the land-side levee toe, which was hidden by the tall grass.

It was determined that the depth of the crack along the crown was at least 30 inches, where it could be probed. A monitoring regimen, using survey equipment, was developed to check for further horizontal or vertical movement. A total of 4 measurements were taken during the wet period at the end of November and beginning of December. Even with those wet conditions, there was been no measurable change at the crack site. The District's geotechnical engineer, John Raney, has been consulted in an effort to understand what might be the cause. Since then, discussions with Raney have centered around installing some inclinometers in the vicinity to get some boring information and monitor for some deeper movement.

Also in December it was recommended that the cracks in the middle of the levee crown at this location, occurring over a total distance of approximately 100 lineal feet, be sealed to limit moisture intrusion during the remainder of the rainy season. To that end, Bruce Gornto was contacted by this office and arrangements were made to fill the cracks with sand and seal the road surface. Once the inclinometers are installed and some readings are taken, it may be advisable to excavate the levee after the flood season to make a visual investigation, before filling and re-compacting the levee section. Additionally, at the land-side toe, some investigation will need to be done to insure that the French drain and drainage blanket, at this location, are working properly and to install some monitoring risers to facilitate future system checks.

## **7. Director's Reports**

### **7.1 Gardiner.**

- A. President Gardiner advised that he will be off-island from January 23 through February 9.
- B. Inquiry was made as to fencing of the District's property. He was advised that the property was being surveyed today and those boundary markers established. At that point Gil will advise River's Edge of the District's intent to fence, and give them notice to remove any of their personal property from the District land prior to the fence installation. J.B. Morais was contacted regarding resale of fencing material. He was receptive and is preparing a quote for the District's consideration.
- C. The Board was advised of Mr. Swepston's passing and a memorial service scheduled for Saturday, January 19.

7.2 Rebero - No report.

7.3 Silva - No report.

7.4 Van De Maele - No report.

**8. Adjournment:** The meeting was adjourned by President Gardiner at 11:35 a.m.

Respectfully submitted,

---

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

Date Approved: February 14, 2013  
MSC: Rebero / Gardiner