

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, February 14, 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 10:04 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, Gay Giles and Manuel Rebero
Denis Van De Maele (arrived at 10:48 during Item 4.4A)
Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer;
and Debbie Phulps, Secretary
Guests: Kirk West

2. Agenda Setting. MSC (Giles / 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. Invitation to Guests to Address the Board. None responded.

4. Staff Reports

4.1 Treasurer / Assistant Secretary - Victoria Hale. Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of the December and January bank statements.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	1,346,839.61
Total Accounts Receivable	\$	328,914.58
Total Other Current Assets	\$	88,972.10
Total Fixed Assets	\$	<u>530,489.22</u>
Total Assets	\$	<u><u>2,295,215.51</u></u>
Total Current Liabilities	\$	76,084.45
Total Long Term Liabilities	\$	0.00
Equity	\$	<u>2,219,131.06</u>
Total Liabilities and Equity	\$	<u><u>2,295,215.51</u></u>

B. 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	144.68	Oilwell Materials	23.66
AT&T Wireless	315.79	Payroll - PERS	1,972.83
California Waste Management	93.50	Payroll - Taxes	1,427.97
Contour Sierra Aebi, LLC	113.79	Ramos Oil	324.80
Croce & Company	5,650.00	Rebero, Manuel	100.49
DCC Engineering	27,055.32	Reclamation District 2067	330.00
Delta Bookkeeping	1,988.53	Reeves Sand & Gravel	33,118.00
Downey Brand LLP	198.00	Silva, Frank	100.49
Frontier Communications	48.11	Sprint	265.78
Frontier Communications	137.24	Stewart Industrial	9.38
Gardiner, Larry	100.49	Van De Maele, H. Denis	100.49
Giannini, Andy	2,090.80	VISA	<u>732.39</u>
Giles, Gay	100.49	Total Claims	<u><u>\$ 76,543.02</u></u>

MSC (Giles / Rebero) authorizing payment of claims with one \$50,000 warrant and one \$25,000 warrant.

C. 2012 Audit. Copies of the completed audit report by Croce & Company were made available.

D. Vicki reminded the Board that 700 forms are to be filed. If there are no changes from that previously filed, she will prepare documents for execution by those desiring her to do so.

4.2 Secretary - Debbie Phulps.

- A. **MSC** (Rebero / Gardiner) approving the minutes of January 10, 2013.
- B. Correspondence consisted of an e-mail proposal received from LAND, and an agreement addressing District consulting engineer services as follow-up to the action at the January 10 meeting.

MSC (Rebero/Giles) authorizing President Gardiner to execute the agreement for District consulting engineer services.

4.3 Superintendent - Andy Giannini. With regards to encroachments, Andy reported as to having followed up on the unauthorized installation of a retaining wall on the San Joaquin near Libordi Shoals and west of the denser developed parcels; and follow-up on live-aboard issues along the San Joaquin and Sevenmile as a result of marina evictions. The County Sheriff referred him to Waterway Enforcement, although one of the issues is illegal parking of vehicles on the levee. Concerning vegetation, mowing continues. Word has not been received concerning the new mower. The Aebi was temporarily down due to an issue with the solenoid for the parking brake, causing the brake to malfunction and not engage properly on the slopes. Repairs are complete. Maddox was contacted about grazing Sevenmile Slough, and spray and burn permits have been obtained. On the debris removal front, Andy has been clearing the District headquarters of accumulated debris recovered from the levee slopes. 422 pounds of abandoned electronic equipment are being processed. Andy intends to fulfill the ethics instruction requirement by attending the class being offered by our insurance carrier in Williams later in the month.

4.4 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. The District Engineer has no update for the Board on the status of the levee program policy documents being prepared by DWR, for consideration by the Delta Stewardship Council (DSC) and inclusion in the Central Valley Flood Protection Plan. This includes the *Framework for DWR Investments in Integrated Water Management (Framework)* and a companion document called the *Background Reference Memorandum (BRM)*. As previously reported, an HMP minimum levee flood protection standard is no longer presented in the *BRM* as the established State standard for Subventions Program funding decisions. 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* transmitted to the DSC. However, the concept of an acceptable standard to assure FEMA assistance following a flood event, for non-project levees as provided by the HMP in 1997 and 1998, is very much a DWR priority.

As reported in December 2012, to complicate matters regarding current DWR administration of the levee program, the State's HMP investment priority strategy was neutralized by FEMA's December 8, 2012 termination of the HMP MOU that provided Federal policy clarification regarding LMA eligibility for FEMA disaster assistance. The MOU was crafted because FEMA's interpretation of the amended HMP agreement, following the 2006 event, rendered most LMA claims ineligible and shifted the financial burden to the State OES. In response to the FEMA notice of termination, DWR held up \$50 million worth of HMP MOU projects that were selected and slated to be funded for construction in the current fiscal year. Those RDs anticipating the receipt of additional funding to upgrade their levees were not happy; and made their concerns about FEMA's abrupt action, known back in Washington. To add fuel to the fire, DWR staff hinted in a meeting that this Federal policy change could result in a re-evaluation of the allocation strategy for the \$50 million. Given the *Investment* approach being promulgated by Resources Agency management, such a turn-about seemed plausible. However, the validity of that DWR policy shift suggestion is now being challenged.

The local RD unhappiness led to a lengthy discussion at the most recent Delta Levees and Habitat Advisory meeting, held the first Friday in February, and involved representatives from FEMA as well as CalEMA and District representatives. It was the consensus that there is a need for an objective criteria to provide FEMA with assurances that local maintaining agencies are diligent when it comes to their levee maintenance efforts. Such an approach would avoid the problems faced by the RDs, in obtaining Federal disaster assistance, such as occurred after the 1986 flood and which led to the original HMP agreement with FEMA.

In the meantime, rumors abound about the discontent at high levels and is causing FEMA

officials considerable heartburn regarding the timing of the HMP MOU termination and the need for such a precipitous approach to solving the eligibility problem. That problem being one of arriving at an appropriate performance measure to meet the requirements of the Stafford Act, which establishes the basic criteria FEMA must apply when determining eligibility for Federal assistance.

It is difficult to predict what FEMA is going to come up with to replace the HMP MOU, if at all, and what performance measures and levee standard will be dictated, because of the number of government agencies involved in the discussions at this time. For instance, there has been talk of incorporating either the PL 84-99 or Bulletin 192-82 standard into a new MOU.

As a caveat, there is the underlying presumption that FEMA will be there, and funded, to provide flood disaster assistance when a declared event occurs.

- B. Vegetation Management - Project Levee Inspections. As previously reported, most of the 60 individual items in the 2011 USACE Periodic Inspection Report and occurring along both Georgiana Slough and the Sacramento River levees, were 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. The DE plans to talk with Bruce Gornto about addressing some of the identified slope stability deficiencies, seeking some assistance from Caltrans for the Highway 160 sites.

In January, DCCE informed the Board that, to correctly address all the issues identified in the report, local Districts have been advised that 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 order to retain PL 84-99 eligibility for Project Levee repairs after a flood event.

While Periodic Inspections are continuing on other districts with Project Levees by the same consultant (URS) and with the same detail, there has been no further discussions with DWR about the NOI requirement. Of course, it is still not clear to this writer whether the RD 556 problem will render any BALMD effort moot. A good communication channel between the USACE, DWR Subventions Program representatives, and the LMAs seems to be missing and is sorely needed.

- C. BALMD 2012-13 Levee Stability Project (formerly the "USACE/CALFED Levee Stability Project"). As previously reported, this office is working with Raney Geotechnical to develop a levee testing protocol, scope of work (SOW), and schedule that would involve almost 2 miles of levee and encompass the two proposed stability berm sites. The product of this effort will be a geotechnical report to support the design and engineering of a stability berm configuration to increase the levee protection Factor of Safety (FOS) and thereby improve levee stability in the two levee reaches.

In the interim, to get the most mileage out of available funding resources for the stability berm project, the Board approved a proposal to purchase some suitable spoil material, for berm construction, from an on-island source adjacent to the District's 100-acre parcel and directly behind the Delta Bay resort. It is sandy material 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 stockpiled on the District's property.

A temporary easement agreement for District access to the sandy overburden material to be removed has been entered into with Mr Machado, the property owner, 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 entered into with Reeves Sand & Gravel. Raney Geotechnical has been consulted to establish the parameters for the stockpiling operation to avoid any potential adverse impact on the adjacent levees. Raney recently conducted some on-site tests to suitability for the fill loading. Based on that effort, observations of the vegetative growth patterns on the site, and discussions with the DE, an area of suitable size was identified and is currently receiving the spoil material. To date, over 8,000 compacted yards have been hauled from the Machado property, since Monday, February 11, 2013. To facilitate a convenient haul route, Bruce Gornto installed culvert pipe in two drainage ditches.

Inquiry was made as to weather consideration had been made for watering to manage

material drift as a result of high wind. Discussion ensued. Given the prevailing wind direction (towards the San Joaquin) and the buffer provided by the levee versus the location of the material adjacent to the levee, it was felt that effects of high winds on the material should not affect, or cause negligible effect on neighboring interests. However, the point was well taken, and the item will be monitored and addressed if it becomes an issue.

On a related matter, a letter has been sent to the owner of the River's Edge Marina and Resort, that shares two property lines with the District's parcel, and is located in the northwest corner, regarding the District's plan to install a security fence. Pursuant to Board instructions, the letter serves as a 30-day Notice to allow the removal of items currently stored on the District's property. This office is currently waiting for a bid to install the fence and two gates from J B Morais of Walnut Grove. There may be an issue with some mature, ornamental trees planted along the Resort's south property line, but a determination cannot be made until the area has been cleared by the Resort.

- D. BALMD 2012-13 Subventions Projects. As reported previously, most of the construction documents have been prepared to proceed, this year, with PL 84-99 crown raising projects on the Mokelumne River levee near the Lighthouse Resort and at Pirates Lair near the launch ramp, and a levee slope enhancement project on Sevenmile Slough between the dams. Given the amount of material being acquired for use in the stability berm project, and the costs involved, the crown raising may have to be undertaken in the fall in order to shift those costs into the 2013-14 Fiscal Year Subventions Budget.

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. There is likely to be an opportunity to discuss the project and design approach, with the proposed on-site mitigation strategy, at an upcoming Public Scoping meeting for the Sacramento-San Joaquin Delta Islands being sponsored by the USACE and taking place in Sacramento on Wednesday, February 20. The plan is to process the necessary permits to repair the erosion along the entire levee reach, with an extended permit time line so that the Board can adopt a phased construction approach to coincide with available funding and other project priorities.

President Gardiner also noted looking at continuing the removal of toe ditches south of the RD556 cross levee, i.e. old Campi and Van De Maele ranches. The District Engineer noted that similar consideration had been given to an area near the City sewer ponds.

- E. Georgiana Slough Crown Crack. In early December 2012 this office reported on the development of a crack in the center of the levee crown on the right bank of Georgiana Slough, in the bend just upstream of B&W Resort. An investigation also revealed a smaller crack along the land-side levee toe, paralleling the french drain installed in 2008-09. The depth of the crack in 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. Even with the wet conditions experienced in late November and early December, there was no measurable movement at the crack site. The District's geotechnical engineer, John Raney, was consulted in an effort to determine a cause. With no obvious explanation, discussions with Raney involved the installation of inclinometers to get some boring information and enable deeper monitoring.

Subsequently, to limit moisture intrusion during the remainder of the rainy season, Bruce Gornto was contacted by this office and arrangements were made to fill the cracks with sand and seal the road surface. On Monday, February 11, 2013, an inclinometer was installed and a boring log developed, extending down approximately 50 feet. After a period of time has elapsed and some successive readings are taken, it may be advisable to excavate the levee to conduct a visual investigation of 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. This office is also seeking a proposal from a consultant to undertake a hydrographic survey of Georgiana Slough at this major bend location to investigate for any deeper water-side erosion along the edge of the berm.

- F. Levee Monitoring. As indicated above this office is making arrangements to gather additional information in the water-side area bordering a section of the Georgiana Slough levee that is being monitored because of some unexplained movement that produced some visible surface cracking. Because there is a similar situation occurring at Delta Bay Resort , which is exhibiting vertical and horizontal movement, it is planned to also undertake a hydrographic survey at that location. Additionally, with the surveyor in the area, a hydrographic monitoring survey is being requested for the reach of the Mokelumne River, between Perry's Harbor and Rancho Marina, where the oversized rip-rap was placed in 1992. It has been quite awhile since this area was last monitored. The survey points obtained from this effort will be effort will be converted to bathymetry plots by DCCE and used to create cross sections for geotechnical evaluation.
- G. Benefit Assessment Roll Update. A final draft of the *Valuation Assessment Commissioners Report* is currently undergoing a final review by Commissioner George Basye and Commissioner Mike Hardesty. The report has undergone some extensive editing and amplification of the special benefit determinations, following the review of the first draft by Commissioners Basye and Hardesty. A concerted effort was made by the author, District Engineer Labrie, to insure consistency with the special benefit valuations developed and assigned to different land use types in other adopted Assessment Reports. The major changes in this report, from the previous one issued in 1987, involve the addition of more land use types and more defensible apportionment of the relative values of the special benefits provided by maintenance of the levee protection system and the elimination of a benefit valuation adjustment for parcels located above sea level, as the Commissioners could find no difference in the special benefits received.

5. Presentations: Osha Meserve of Soluri Meserve and Erik Ringleberg of BSK Associates arrived to address the Board regarding LAND's (*Local Agencies of the North Delta*) activities and achievements of the past year, as well as critical items on the horizon. Ms. Soluri and Mr. Ringleberg fielded questions and discussions ensued regarding the activities of the Bay Delta Conservation Plan process, Delta Stewardship Council, Delta Conservancy, Delta Protection Commission, and the proposed plan and location of forebays. They solicited the District's continued support by the renewal of its monetary pledge towards LAND's 2013 activities and budget. Copies of their 2013 Scope Proposal were distributed. The request will be placed for action at the Board's next meeting.

6. Director Reports

- 6.1 Gardiner - No report.
- 6.2 Giles - Will be absent from the May meeting.
- 6.3 Rebero - No report.
- 6.4 Van De Maele - Will be absent from the March meeting.

7. Recess: At 12:19 p.m. the meeting was recessed to reconvene in fifteen minutes at Rogelio's, Isleton. Those present were invited to join the Board for lunch.

(Recess)

13. Call From Recess: The meeting was reconvened at 12:30 p.m. with Gay Giles, Gilbert Labrie, Debbie Phulps, Manuel Rebero in attendance, and Vice President Denis Van De Maele presiding. Conversation continued regarding vegetation maintenance, encroachments and potential District projects.

8. Adjournment: The meeting was adjourned by Vice President Van De Maele at 1:35 p.m.

Respectfully submitted,

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

Date Approved: March 14 14, 2013
MSC: Giles / Rebero