

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, March 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 10:03 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, Manuel Rebero and Fran Silva
- Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; and Debbie Phulps, Secretary
- Guests: Kirk West

2. Agenda Setting. MSC (Giles / Silva) [MSC = Motion-Second-Carried unanimously unless otherwise noted] adopting the agenda, as amended, and suspending the rules to allow consideration of items out of sequence. The following items were added:

- 2.1 Discussion and action regarding hiring of additional maintenance personnel;
- 2.2 Action authorizing President to execute letter requesting 1-year extension of BALMD Agreement No. BA-09-1.0, Beneficial Reuse Project Funding Agreement Amendment No. 2.

3. Financial Report

3.1 Treasurer / Assistant Secretary - Victoria Hale. Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of the February and March bank statements. The first installment on the Benefit Assessments was deposited by the County in late January. Second installment is anticipated in June. All Mineral Rights Assessments were received. The reclamation districts have been billed for their portion of expense related to the property owner notification related to the change in assessment billing practices.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 1,455,687.01
Total Accounts Receivable	\$ 144,937.79
Total Other Current Assets	\$ 88,972.10
Total Fixed Assets	\$ 677,591.31
Total Assets	<u>\$ 2,367,188.21</u>
Total Current Liabilities	\$ 492,438.07
Total Long Term Liabilities	\$ 0.00
Equity	\$ 1,874,750.14
Total Liabilities and Equity	<u>\$ 2,367,188.21</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	248.19	Payroll - PERS	1,972.83
Bertholf, Inc.	2,286.00	Payroll - Taxes	1,416.62
California Waste Management	93.50	Ramos Oil	2,634.33
Delta Bookkeeping	1,608.74	Rebero, Manuel	100.49
Dolk Tractor	1.99	Reclamation Dist. 2067	330.00
Downey Brand LLP	136.00	Reeves Sand & Gravel	181,670.00
Frank Machado Diary	80,937.00	San Rafael Rock Quarry	14,587.25
Frontier Communications	137.23	Silva, Frank	100.49
Gardiner, Larry	100.49	Sun Harvest, Inc.	5,504.85
Giannini, Andy	2,090.80	Van De Maele, H. Denis	100.49
Gilbert Labrie, AIA	37,158.81	Visa	110.84
Giles, Gay	100.49	Woodward Drilling	1,693.75
Gornto Ditching	10,544.80	Total Claims	<u>\$ 492,768.07</u>
Mid Cal Tractor	147,102.09		

MSC (Giles / Silva) authorizing payment of claims with (9) \$50,000 warrants and (1) \$40,000 warrant.

Discussion ensued regarding the fill acquisition presently underway. For clarification, there are two separate contracts. One is with the landowner, Frank and Grace Machado Diary, and represents a royalty of \$1.50 per cubic yard for the material being removed from their property. Of that amount, it is anticipated that the District will received State reimbursement for an established maximum threshold of \$1.00 per cubic yard. The second contract is with Reeves Sand and Gravel. This is the firm engaged by Mr. Machado for the material removal and grading of his property. Outside, and apart from, the agreement between Machado and Reeves, the District has a contract with Reeves for the relocation and stockpiling of the material to the District's 100-acres (former Marsh property). Reeves Sand and Gravel is being compensated at a rate of \$4.00 per cubic yard. The District anticipates up to 75% reimbursement under the State's Levee Subventions Program. The final payment quantity under each contract will be based upon the difference between Pre- and Post- In-Place Surveys of the source site (Machado Diary).

- C. Insurance. The three-year coverage term with Golden State Risk Management Authority is about to expire. Coverage will continue for another fixed term unless arrangements are made otherwise. BALMD has not had any problems with Golden State as of this date; and the firm has been responsive to the issues of Reclamation District 2067. Director Giles recommended looking into a competitive quote with the Special Districts Risk Management Authority just as a matter of cost comparison and due diligence.
- D. Vicki reminded the Board that 700 forms are to be filed.
- E. Personnel. The new mower has been received, prompting the Board to revisit hiring additional personnel to assist with maintenance and vegetation activities, and to provide back-up to the District Superintendent. It was agreed to advertise for a full-time position (based on 160 hours per month), with a monthly salary range of \$2,240 to \$2,880, negotiable, depending on experience. Semi-monthly payroll periods. PERS retirement and health benefits after probationary period. Minimum 5 years experience desired. Debbie, Andy, Gay and Larry will work towards refining the Job Description and Advertisement, and proceed to publication in the Sacramento Bee and River News Herald.

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

5. Business

- 5.1 Benefit Assessment Commissioner's Report. **MSC** (Giles / Rebero) authorizing transmittal of the document to the Sacramento County Board of Supervisors for adoption. Gil reviewed the process.
- 5.2 LAND (Local Agencies of the North Delta). **MSC** (Giles / Silva) continuing the District's support and authorizing a contribution level of \$1.00 per acre.
- 5.3 Mineral Rights Valuation Services. **MSC** (Silva / Rebero) to seek a contract renewal with Bertholf, Inc. to provide data necessary for the District's Annual Mineral Rights Assessment billings.
- 5.4 Beneficial Reuse Study (Project Funding Agreement BA-09-1.0). **MSC** (Silva / Rebero) authorizing President to execute letter requesting 1-year extension.

6. Staff Reports

- 6.1 Secretary - Debbie Phulps.
 - A. **MSC** (Giles / Rebero) approving the minutes of February 14, 2013.
 - B. Correspondence consisted of a request for nominations to fill the Seat B vacancy on the California Special Districts Association. Gay Giles expressed an interest to serve in such capacity. The Directors supported her nomination and agreed that, by representing BALMD's interests at such a level, the District would be willing to reimburse her for expenses, not covered by others, associated with attendance at two required events: Annual Legislation Days Workshop and the Annual Conference.
- 6.2 Superintendent - Andy Giannini. As a result of new gates placed by Hilarides and others, there is the need to do a parameter sweep of the District and assure that staff has access throughout, and that BALMD locks are present. We are in receipt of the new mower. Andy reported as to capabilities and has

the mower on-hand for a reach demonstration following the meeting. The waterside crown vegetation of the Mokelumne to the State Park, where there are mowing hazards posed by the rip rap, has been sprayed. The sheep are at the 100-acre parcel and are working towards the corner of the San Joaquin. Several beaver sink holes have been encountered along Sevenmile Slough and on the San Joaquin in the vicinity of the Spindrift. An area of subsidence is present between Jackson Slough and Bruno's (outside of turn before the bridge) and between the dams.

6.3 Engineer - Gilbert Labrie. The District Engineer (DE) presented his report. Discussion points in the course thereof are noted by the use of inset paragraphs.

- A. Levee Program Financing. The DE 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)*. The *BRM* is essentially complete and does establish the 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*. It is now becoming likely that this standard, or something like it, could also be incorporated into a new MOU to assure FEMA assistance for Non-project levees following a flood event, as provided by the HMP adopted in 1997 and amended in 1998.

As previously reported, December 8, 2012 FEMA officially terminated 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.

The precipitous FEMA action has led the State to suspend the implementation of a \$50 million levee improvement effort in the central Delta, which upset a number of local reclamation districts. Political pressure from that group has prompted serious discussions among CalEMA, DWR and FEMA representatives, searching for an acceptable replacement for the HMP MOU policy understanding. This conundrum challenging these policy agencies has been the subject of much discussion at the last two Delta Levees and Habitat Advisory meetings, held the first Friday in every month. Representatives from FEMA, as well as CalEMA and the local districts, have aired the matter as thoroughly as the federal process permits at this stage. However, it is 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 as faced by the reclamation districts attempting to obtain Federal disaster assistance after the 1986 flood, because of the discretionary authority to determine eligibility, that FEMA has under the Stafford Act.

The original HMP agreement was crafted at the time to give FEMA an assurance that a certain level of levee maintenance and upgrading to reduce flood risks would occur with State encouragement. The challenge now is for all affected parties to agree on achievable and appropriate performance measures to meet the requirements of the Stafford Act, when everyone affected is not at the table participating in their development. It is pretty clear to this DE, that the local districts will have the least amount of input and DWR will have the most, from the State perspective.

Consequently, 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 current State levee policy focus on investment decisions which could favor certain islands over others. This could leave some local districts without much State financial help to meet whatever new standards are developed to ensure local eligibility for federal disaster assistance.

- B. Vegetation Management - Project Levee Inspections. As previously reported, most of the 60 individual items in the 2011 USACE Periodic Inspection Report, 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, there are seven (red) sites on the Sacramento River not yet addressed because of access difficulties. There are another seven sites involving pavement cracks in sections of Highway 160 relocated on new, light weight fill

material. These pavement cracks do not really endanger the levee. Additionally, it should be considered a Caltrans problem, not a District maintenance responsibility. In the February Engineer's Report the Board was advised of plans to talk with Bruce Gornto about addressing some of the identified slope stability deficiencies, and seeking some assistance from Caltrans for the Highway 160 sites. However, this interface has not been accomplished.

In previous reports the Board has been advised that, to correctly address all the remaining issues identified in the report (e.g. encroachments, slope stability and erosion), 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 for their approval, indicating the proposed solutions. 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. To date, DWR has not made a concerted effort to provide a template guiding preparation of those documents. However, the DE recently became aware of at least one local district, RD 1000, that has entered the process with the CVFPB and the USACE. The procedure was discussed at a DWR/LMA coordination meeting that this office was unable to attend.

- 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 encompasses the two proposed stability berm sites.

In preparation of a stability berm project, the Board accepted a recommendation by DCCE to purchase some suitable spoil material, for berm construction, from an on-island source adjacent to the District's 100-acre parcel. The material is sand that was deposited on top of good farming ground during the flood of 1972. It became available when the property owner contacted a grading contractor (Reeves Sand and Gravel) to remove the sand in an attempt to improve the farm-ability of the property. A royalty price was negotiated with the land owner, while a separate price for relocating the material was negotiated with the contractor removing the overtopping for the property owner. To date, over 50,000 cubic yards of material, based on scraper load tally, have been relocated to the District site. The final payment quantity will be determined with a follow-up topographic survey. Based on an initial topographic survey, it was estimated that approximately 130,000 cy of material may end up being stockpiled on the District's property. It now appears that the total will be closer to 110,000 cubic yards.

Raney Geotechnical was consulted to establish the parameters for the stockpiling operation to avoid any potential adverse impact on the adjacent levees. That consultation led to some on-site tests to determine suitability for the fill loading. Based on that effort and observations of the vegetative growth patterns on the site, an area of suitable size was identified and is currently receiving the spoil material. As a follow up precautionary measure DCCE established some specific survey reference points in the area, and has been monitoring the adjacent levees for any movement or shifting that might be triggered by the fill loading on the District site.

On a related matter, there has been communication with the owner of the River's Edge Marina and Resort, that shares two property lines with the District's parcel, regarding the District's plan to install a security fence and the need to clear the area of any property belonging to resort customers. This office is currently waiting for the area to be cleared, and receipt of a bid to install the fence and two gates from J B Morais of Walnut Grove.

- 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. With the current focus on the stability berm project preparations, the long range plan is to shift the crown raising efforts to late summer or this 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. Documentation published by the USACE Sacramento Region, describing the procedure to set up a pre-application meeting, was recently obtained by this office because of other water related permits that the office has been processing through the USACE. The next step is to set

up such a meeting, preparatory to beginning the formal process for the necessary permits to repair the erosion along the entire Sacramento River levee reach described above, 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.

- 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. Subsequently, a monitoring regimen, using survey equipment, was developed to check for further horizontal or vertical movement. Although there is no indication of further movement, the District's geotechnical engineer, John Raney, was consulted in an effort to determine a cause. With no obvious explanation, discussions with Raney led to a decision to proceed with the installation of an inclinometers to get some boring information and enable deeper monitoring.

About a month ago, on February 11, 2013, an inclinometer was installed and a boring log developed, extending down approximately 50 feet. Once some successive readings have been 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 has also accepted 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 has made arrangements to gather additional information in the water-side area bordering the section of Georgiana Slough levee that is being monitored with an inclinometer. Because there is a similar situation occurring at Delta Bay Resort, which is exhibiting vertical and horizontal movement, it is also scheduled to undertake a hydrographic survey at that location. Additionally, with the surveyor in the area, a hydrographic monitoring survey will also be conducted of the reach of the Mokelumne River, between Perry's Harbor and Rancho Marina, where the oversized rip-rap was placed in 1992. DCCE will convert the survey points obtained from this effort to bathymetry plots, that will be used to create cross sections for geotechnical evaluation.

- G. Benefit Assessment Roll Update. The revised final draft of the *Valuation Assessment Commissioners Report* has been accepted by Commissioners George Basye and Mike Hardesty, as well as District Counsel, Joseph S. Schofield. As previously reported, a concerted effort was made to insure consistency with the special benefit valuations developed and assigned to different land use types, in other adopted Assessment Reports. The major differences between this report and the previous one issued in 1987, involve the addition of more land use types, a 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 reduction for parcels located above sea level. The current Commissioners could find no difference in the special levee protection benefits, received by the lands protected by the levee, due to the relative elevation differences.

7. Director Reports

- 7.1 Gardiner - No report.
7.2 Giles - Will be absent from the May meeting.
7.3 Rebero - No report.
7.4 Silva - No report.

8. Adjournment: The meeting was adjourned by President Gardiner at 12:10 p.m. with those present invited to join the Board for lunch at the Levee Cafe in Isleton. Those accepting the invitation were Andy Giannini, Gay Giles, Gil Labrie and Debbie Phulps.

Respectfully submitted,

(Sig)

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

Date Approved: April 11, 2013
MSC: Giles / Silva