

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, May 9, 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 10:02 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, Fran Silva and Denis Van De Maele
Staff: Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; Debbie Phulps, Secretary and Andy Giannini, Superintendent
Guests: Bruce Gornto and Kirk West

2. Agenda Setting. MSC (Silva / Rebero) [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 business item was added: Item 6.2 - Consideration of encroachment requests: 1) Caltrans regarding work at the Mokelumne Bridge abutment and 2) Gornto Ditching regarding Hilarides Siphon Repairs.

3. Financial Report

3.1 Treasurer / Assistant Secretary - Victoria Hale. Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	715,700.22
Total Accounts Receivable	\$	144,937.79
Total Other Current Assets	\$	835,461.70
Total Fixed Assets	\$	649,320.46
Total Assets	\$	<u>2,345,420.17</u>
Total Current Liabilities	\$	367,283.53
Total Long Term Liabilities	\$	0.00
Equity	\$	<u>1,978,136.64</u>
Total Liabilities and Equity	\$	<u>2,345,420.17</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	584.54	Ramos Oil	383.47
Delta Bookkeeping	1,911.24	Raney Geotechnical	15,973.03
Downey Brand LLP	170.10	Rebero, Manuel	100.49
Frank Machado Diary	67,355.55	Reclamation 2067	330.00
Frontier Communications	89.10	Reeves Sand & Gravel	179,614.80
Gardiner, Larry	100.39	Robert Burns Construct.	645.34
Giannini, Andy	2,090.80	Silva, Frank	100.49
Gilbert Labrie, AIA	27,404.92	Stewart Industrial	19.71
Giles, Gay	100.49	Van De Maele, H. Denis	100.49
Lodi News-Sentinel	260.78	Visa	<u>252.81</u>
Oilwell Materials	118.35	Total Claims	302,283.54
Payroll - PERS	1,972.83	Transfer to Emer.Fund	<u>1,000.00</u>
Payroll - Liabilities	1,306.49	Total	<u>303,283.54</u>
RAM Welding	1,297.33		

MSC (Van De Maele / Rebero) authorizing payment of claims with (6) \$50,000 warrants.

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

5. Business

5.1 Personnel Search - Maintenance Worker I / Equipment Operator I. Twenty-two responses to the District's advertisement were received. Copies were distributed. It was agreed that those application packets deemed "complete" (i.e. adhered to the submittal requirements) should have first consideration. President Gardiner appointed a committee consisting of Superintendent Giannini and Directors Silva, Rebero and Van De Maele to review the submittals, and to report their candidate(s) recommendation at the June 13 meeting. The Committee will meet in Closed Session for such purpose on Wednesday, May 15, 2013 convening at 9:00 a.m. at the District Office.

5.2 Encroachments

- A. Caltrans Utility Tank Installation. Request District endorsement on Central Valley Flood Protection Board application regarding the installation of two 500-gallon storage tanks on the levee crown north of and adjacent to the Highway 12 Mokelumne River Bridge approach to accommodate potable and waste water storage. Because the levee is oversized at this location and the tanks would not affect District maintenance practices or impact the structural stability of the levee, the District Engineer recommended the Board endorse the encroachment request. **MSC** (Silva / Van De Maele) authorizing execution of the application endorsement.
- B. Sevenmile Slough Siphon Replacement (Hilarides). Applicant representative Gornto requests authorization to replace an existing deteriorated siphon pipe crossing the levee near RD 2067 pump station No. 3. The siphon line is located in the area of a recent District crown raising project and will be impacted by a future crown enhancement project involving slope augmentation on the land side of the levee. It does involve the non-tidal segment of Sevenmile Slough and would result in a flood risk reduction with the raising and repair of an existing levee penetration. **MSC** (Silva / Van De Maele) authorizing repair with the conditions that no ramping of the roadway cover shall occur and the pipe remain exposed on the levee slope.

6. Staff Reports

6.1 Secretary - Debbie Phulps.

- A. **MSC** (Van De Maele / Silva) approving the minutes of April 11, 2013.
- B. Correspondence consisted of: 1) a copy of RD1601's endorsement on the Sevenmile Slough Dam lease with State Lands. The originals are now with the Commission to be finalized; 2) Meeting notification - Delta Water Quality Monitoring Outreach; 3) County notification of election of Special District Representative for the Treasury Oversight Committee; and 4) LAFCO Proposed FY2013-14 Budget.

6.2 Superintendent - Andy Giannini. Andy reported as having fulfilled the Ethics Training requirement. In so far as vegetation, the herd is being switched out at Sevenmile Slough to one containing more adults, the repairs are complete on the Aebi, and trials with the new mower were conducted. A gate was placed mid-way of the the Tyler Island Bridge ramp abutment, yet not within the levee section, to limit unauthorized access to the patrol road. Keys were distributed to those parties so entitled. A pressure washer was acquired to maintain the equipment. An abandoned boat was towed. The F150 took a rock to the windshield which was subsequently replaced and insurance claim filed.

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 biggest issue of concern involving DWR's financial commitment to the Levee Subventions Program involves the 2012 \$50 million HMP levee improvement effort halted when FEMA cancelled the HMP MOU Agreement. At the time, projects had been selected by the State to receive funding assistance, following a call for proposals and careful review and selection process. In fact, a number of those selected projects were virtually ready for the districts involved to advertise for bids and proceed with construction this construction season.

As previously reported, that precipitous FEMA action upset a number of local reclamation districts in the Central Delta. A recent letter, addressed to the Acting Manager of the Delta Levees Program and copied to key DWR officials, stressed the importance of the projects selected, in terms of addressing critical problems confronting the most vulnerable levees in the Delta. That letter, speaking on behalf of a number of local levee maintaining agencies, also expressed concern about funding availability for future projects since time is running out to

allocate the Proposition 1E monies dedicated to levee improvements.

While DWR staff have provided assurances to local representatives, that the \$50 million is still available for levee improvements, none has been released to date and no time line has been given for a start up, nor have any assurances been given regarding continued support for the original program scope or list of projects originally slated to receive a grant. DWR staff has been unable to shed any light on the future plans being considered by DWR management for the \$50 million. When queried, staff falls back on the current DWR policy calling for an evaluation of future projects utilizing an investment strategy approach to funding levee improvements. That response, and the delay, tends to indicate some of those HMP projects previously selected for funding may not stay on the list, if there is one.

Meanwhile, CalEMA, DWR and FEMA are supposedly crafting a new MOU to provide assurance of FEMA assistance in the event of a declared disaster, in exchange for a State and local commitment to striving for and retaining a higher levee standard for geometry and maintenance in order to reduce the risks to flooding.

It is becoming more and more likely that this standard, or something like it (PL 84-99), will be incorporated into any new MOU to assure Federal disaster assistance eligibility for Non-Project levee repairs. Of course, the speculation is that FEMA wants to shift any levee disaster repair responsibility on to the Corps of Engineers. Yet the Corp's periodic inspections and rating system is currently rendering most Project levees in the Delta ineligible for PL 84-99 flood damage assistance. Obviously Non-Project levees would not fare any better under the minute inspection criteria utilized by the Corps.

Currently, all the State levee repair evaluation programs seem to be focused more on levees with the State Plan of Flood Control, namely Project Levees. In a recent workshop to develop some rural levee repair criteria, that the BALMD DE attended, the discussion seemed to get bogged down with Corps permitting and levee standards, which only apply to Project Levees. The notion that the Non-Projects levees are the weakest rural levee link and that there needs to be some standard repair templates and criteria developed to upgrade the system as a whole, seemed to be set aside during the discussion.

- B. Project Levee Inspections. Recently, the District Engineer's office was visited by a team of engineers from DWR and URS. The purpose for the visit was to go over a Field Reconnaissance Report prepared by URS for DWR as part of a Flood System Repair Program that the State has embarked upon. Like the Periodic inspection, the FSRP report covers the levees within RD 556 and encompassing BALMD, except for the Sevenmile Slough levee between the dams. The report identifies repair sites, categorized as critical or serious, which were derived from past performance records.

A total of two sites on BALMD levees are identified as critical, with 13 sites labeled serious. The two critical sites involve non-project levees and are located on the Mokelumne and San Joaquin River levees. Both are labeled as stability issues and involve locations the District is monitoring. The Mokelumne site is the location of the slope failure in 1998 addressed by the USACE, and the other is the crown subsidence area on the San Joaquin, at Delta Bay Resort, that the District is currently monitoring. The sites labeled as serious include two seepage areas on the Mokelumne within the scope of the District's stability berm project, while the remaining 11 sites are erosion areas on the Sacramento River levee. Many of the latter are within the scope of the major erosion repair effort that this office has surveyed and is preparing to process the necessary permits for a long term repair effort.

In summary, this State repair project has started with an inventory of reported problem areas gathered by USACE and the State, characterized the condition of the levees and protected assets, ranked the various leveed islands for flood risk, followed up with some field reconnaissance and is now in the pre-implementation stage. According to the engineering in the DE office meeting, only the critical repair sites on the State Plan of Flood Control levees are eligible for funding assistance under this program. So the District's only sites, labeled critical and located on a non-project levee, are not even eligible. In addition, most of the serious erosion sites on the District's Sacramento River levee are too large to fit in the eligibility criteria established for the program, if the available funding is able to address that category. The goal for this repair program is to ultimately provide local levee maintaining agencies with funding assistance to undertake the repairs, similar to the District's erosion repair project

undertaken in 2007 across from Rio Vista. However, the scale of these repairs will be smaller and the work will not be undertaken under the emergency banner, to facilitate the permitting effort required. It is difficult to predict at this time whether any thing will come out of this program to assist BALMD.

- C. Levee Stability Project. As previously reported, this office is endeavoring to work with Raney Geotechnical to get a geotechnical testing strategy scoped for the two miles of levee that constitute the two proposed stability berm sites. In preparation for this stability berm project, some suitable spoil material for berm construction is being acquired from an on-island source adjacent to the District's 100-acre parcel. The material is sand deposited on top of good farming ground during the flood of 1972. To date, over 150,000 cubic yards of material has been relocated to the District site, based on a scraper load tally. Once the hauling process is complete, a post grading survey will be utilized to determine the final quantity of material excavated from the Machado site.

As a precaution, this office established some specific survey reference points in the area in order to monitor the adjacent levees for any movement or shifting that might be triggered by the fill loading on the District site. To date there has been no sign of any movement.

On a somewhat related matter, this office is continuing to communicate with the owners 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. At a recent on-site meeting the possibility of adjusting the property lines to facilitate installation of the fence. Such would also give the resort some more room along its south border to partially offset the setback along the main drainage canal and create a more compact configuration in this corner of the District's site. In exchange, the extension of the parcel along the drainage canal would be shortened so that the net effect would be no change in acreage for either party. As indicated above, this would make installation of the fence simpler and address a problem the resort has along its south boundary, accommodating its customers and tenants. A boundary line adjustment would need to be processed through Sacramento County to facilitate such a shift and the resort owners have indicated that they would bear all the costs associated with such a boundary adjustment. In the ensuing period, while the County process is pursued, this office suggested that some reciprocal, temporary use easements be drafted and signed, so that the fence construction could get underway at the location of the propose, relocated property line. This office believes that such an exchange would not adversely affect the District's property or its purpose, but would instead improve the configuration of the parcels, relative to each other, and would benefit the resort's operational layout.

MSC (Silva / Van De Maele) authorizing the District Engineer to proceed towards a boundary line adjustment with River's Edge Resort.

- D. 2012-13 Subventions. As reported previously, due to the current focus on the stability berm project pre-preparations, the DE's current project planning for the District has been to shift the crown raising efforts on the Mokelumne River and Sevenmile Slough to late summer or this fall, in order to shift those costs into the 2013-14 Fiscal Year Subventions Budget. Additionally, construction documents to continue the toe-ditch removal efforts involving the Georgiana Slough levee will be developed so that this element of the District's 5-Year plan can stay on schedule

As noted above, 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. The next step, which is on the schedule for this office, is to set up a pre-application meeting, following the procedure recently published by the USACE, Sacramento Regional office .

- E. Levee Monitoring. As previously reported 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, as well as along the levee at Delta Bay Resort , which is exhibiting some signs of instability. Additionally, with the contract surveyor in the area, a hydrographic monitoring survey will also be conducted along the reach of the Mokelumne River, between Perry's Harbor and Rancho Marina, where the oversized rip-rap was placed in 1992. Survey points obtained from this effort will be used by DCCE to create cross sections

for geotechnical evaluation. Unfortunately, the surveyor's wife has been experiencing a serious health issue, which has delayed the initiation of this data gathering effort.

- F. Benefit Assessment Roll Update. The *Valuation Assessment Commissioners Report* has been officially endorsed by all the Commissioners and was formally adopted by the Sacramento County Board of Supervisors on April 13, 2013. As previously reported, 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 next step for this process, is to conduct a Proposition 218 election to apply the new benefit valuation methodology, set the rate and seek approval for a range in which to operate, similar to the elections held for RD 407 and RD 2067. This office will begin to prepare the templates that will be needed for the mailings associated for that effort.

- G. 2011-12 Subventions Claim Mitigation. As previously reported, the District is required to mitigate for the removal of the vegetation, along with the toe ditch at the Bettencourt ranch. The Department of Fish and Wildlife has determine that a total of 0.73 acres of scrub-shrub habitat was removed and that the District needs to provide 2:1 mitigation for that impact. This office discussed the concept of utilizing a portion of the District's spoils re-handling site for that purpose but timing was an issue in this case because of a desire not to delay State reimbursement on the 2011-12 claim. Consequently, arrangements were worked out with DFW to purchase 1.46 acres of credit in the Cosumnes Floodplain Mitigation Bank, taking advantage of the Subvention Program's bulk purchase and lower acquisition rates. Under the purchase process that has been established by DWR, the District's 25% share of the cost will be deducted from the upcoming claim reimbursement. The total value of the 1.46 acres of Floodplain Riparian Habitat has been established at \$90,951. That means the District's cost share will be \$22,738 to mitigate for the Bettencourt project impact. Regarding removal of the cottonwood tree at the Comstock drainage blanket project site, the DFW has agreed to accept a District planting of three trees on its property, subject to the pre-approval of the location and varieties by DFW.

To mitigate for future project impacts, the DFW, and DWR has agreed to work with this office and the District to formally establish a portion of the District's 100-acre site as its mitigation bank. It is envisioned by this office that the easterly portion of the parcel, which is the lower ground, would initially become the mitigation area, and it is a separable parcel (48 acres) that could then be sold and managed, in perpetuity by another entity. This office will keep the BALMD Board fully informed as this process moves forward and ensure there are plenty of opportunities to opt out if desired.

MSC (Van De Maele / Silva) authorizing purchase of necessary mitigation credits and authorizing President Gardiner to execute the required documents with the California Department of Fish and Wildlife.

7. Director Reports

- 7.1 Gardiner - No report.
- 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 12:00 p.m. Those present were invited to join the Board for lunch at Pineapple's in Isleton. Accepting the invitation were Manuel Rebero, Denis Van De Maele, Gil Labrie and Debbie Phulps.

Respectfully submitted,

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

Date Approved: June 13, 2013
MSC: Rebero / Gardiner