

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, August 8, 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, Manuel Rebero and Denis Van De Maele
Staff: Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; and Debbie Phulps, Secretary
Guests: None

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. Financial - Victoria Hale

3.1 Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of the bank statement. DWR payment of the Subventions FY2011-12 claim was received. Vicki also noted that the District's PERS contribution rate has increased from 3.679% to 6.786%.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 1,666,666.51
Total Accounts Receivable	\$ 31,666.91
Total Other Current Assets	\$ 6,641.50
Total Fixed Assets	\$ 649,320.46
Total Assets	<u>\$ 2,354,295.38</u>
Total Current Liabilities	\$ 599,753.89
Equity	\$ 1,754,541.49
Total Liabilities and Equity	<u>\$ 2,354,295.38</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 Mobility	238.53	Payroll - PERS	5,296.14
California Central Valley FC	4,245.00	Payroll - Liabilities	2,049.63
California Waste Management	93.50	Ramos Oil	2,147.92
Delta Bookkeeping	1,608.28	Rebero, Manuel	100.49
Dolk Tractor	64.32	Reclamation 2067	330.00
Frontier Communications	98.61	River News Herald	186.15
Frontier Communications	90.07	Silva, Frank	100.49
Gardiner, Larry	100.49	Steward Industrial	354.69
Giannini, Andy	2,214.96	Van De Maele, H. Denis	100.49
Gilbert Labrie, AIA	26,859.28	VISA	1,836.93
Giles, Gay	100.49	Subtotal	52,470.84
Hardesty; Thomas M.	2,000.00	Transfer to Sup.EmerFund	1,000.00
Klipfel, Russel	2,116.46	Total	<u>53,470.84</u>
Oilwell Materials	137.92		

MSC (Rebero / Van De Maele) authorizing payment of claims with (1) \$50,000 warrant.

4. Staff Reports

4.1 Secretary - Debbie Phulps. **MSC** (Giles / Rebero) approving the minutes of July 11, 2013.

4.2 Superintendent. Andy was absent due to a scheduled family commitment. President Gardiner reported on the status of the mowing program and the Russell's favorable progress familiarizing himself with the District and the equipment. He informed that a compressor had been purchased for maintenance

of the mowing equipment and that Andy has been taking steps to fit the District truck with a fuel tank and other items to facilitate its use as a tending vehicle. Additionally, President Gardiner will be asking Andy to install additional caution/safety lights to the lower regions of the mower in an attempt to increase the viability by other vehicles while working. Discussion ensued regarding vegetation encroachment control and the Port Apache location.

4.3 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 Subventions Program Issues Overview. As previously reported the 2012 \$50 million HMP levee improvement effort that was halted, by the State, when FEMA cancelled the HMP MOU agreement, has been re-authorized. As a follow up, in July this monthly report communicated some skepticism regarding how quickly the halted projects would be able to move forward. It was pointed out that there is a lot more State administrative effort and oversight involved with the Subventions Special Projects program that leads to unanticipated start-up delays. That also leads to additional project costs that have to be dealt with through project scope reductions or amendment requests to the DWR Work Agreements that are key administrative, controlling element in the Special Projects process. As previously noted, that additional micro-management opportunity is not required under the regular O&M Subventions Program, that the District has been participating in. However, BALMD is getting some second hand experience with Special Projects funding controls through the Dredge Material Sediment Reuse study that is currently underway and which BALMD is sponsoring. That effort is seriously behind the originally anticipated schedule that Applied Water Resources, the principal consulting entity for the project, envisioned when the proposal was originally made for state funding consideration. DWR is largely responsible for the delays. That has led to some cost increases and resulted in Work Agreement amendment requests that BALMD has helped process. Of course, the main sales feature for the Special Projects program is the ability to get advance funding, which is not the case with the traditional Subventions process where the LMA's have to wait for reimbursement and are subject to after-the-fact disqualification of certain operation and maintenance expenditures as the state tries to also shift more program costs to the local districts. A good example of this shift is to disqualify any engineering expenses associated with the pre-planning and engineering of projects that are submitted for consideration of Special Project funding but do not make the short list.

To close the loop on the HMP MOU project saga, it was announced at the most recent Delta Levees and Habitat Advisory meeting that project agreements have gone out to 14 districts, covering approximately \$34 million worth of construction activity. However, construction is still not expected to get underway until late in the year. At that same Habitat Advisory meeting it was also announced that a new Project Solicitation Proposal (PSP) request would be coming in January, 2014, with a potential funding level similar to the HMP PSP. Depending on the specific funding priorities contained in that PSP, it might be an opportunity for BALMD to submit a major rip-rap repair scheme for the Sacramento River levee between Isleton and Ida Island.

As also previously reported CalEMA (OES), DWR and FEMA have been not been successful negotiating a new MOU in order to provide some assurance of FEMA assistance in the event of a declared disaster. Unfortunately, that effort has gotten mired down because FEMA is pushing for an ultimate sign off by USACE regarding attainment of a new, higher standard. That would then take FEMA out of the picture because it is not obligated to repair Corps Certified levees after a flood event. Additionally, given that the Corps is stepping up its periodic inspection program and applying very stringent standards in order to get an acceptable rating pursuant to Federal O&M guidelines, it is obvious that the Corps does not want any responsibility for levee rehabilitation after a flood incident, either. Aside from this potential for the disappearance of Federal assistance after a declared flood emergency, there are other problems with Corp oversight that make a good argument for having some of the Project levees decertified, particularly in the lower, rural Delta.

As a matter of fact, any alterations to a Federal levee are subject to Corps review and approval under 33 USC 408, which provides authority for the Secretary of the Army to grant permission for the alteration of public works built by the United States. In essence, any project that BALMD undertakes on the Sacramento River and Georgiana Slough levees is subject to a

Section 408 scrutiny and the standards in the Corps Operation and Maintenance Manual. Of course, Flood Protection Board review and approval is also theoretically required for anything other than mowing. None of those approvals have been considered during the process of scheduling and bidding past work on those levees. This poses the question as to what is the best way to proceed in the future. There is no Corps rural standard for Project levees, which results in over-building, as exhibited by the recent Grand Island seepage berm project (in the opinion of this District Engineer). It also resulted in RD 3 having to purchase the land occupied by the new berm, in order to satisfy the Corp. That added \$6,500 per covered acre to the project costs. In terms of the BALMD Georgiana Slough levee toe drain and blanket drain project, the construction plans are being prepared for the next phase of the project, as outlined for the Board in July. It is not clear at this time whether the design approach being undertaken by this office, as the standard repair template for problem being addressed, would stand up under a 408 review. It is also not clear what that means or would entail, time wise. Consequently, a cautious approach is being taken to get a pre-opinion from key Corps officials on how to approach a generic scenario that closely resembles the District's Georgiana situation.

Another issue affecting the future direction of the Levee Subventions Program has also been discussed in previous reports. Specifically, it has been noted that , DWR has been working on a new policy document to guide DWR decision making concerning State funding (labeled investments) for levee program elements under the guise of Integrated Flood Management (IFM). In fact, a draft of the FloodSAFE document entitled "*A Framework for Department of Water Resources Integrated Flood Management Investments in the Delta and Suisun Marsh*", was recently circulated among the LMA's for comments. This investment strategy effort was formally initiated by the Delta Stewardship Council in March 2013, calling for the development of strategic priorities for State Investments in Delta levees. The scope of work outlined in a directive included: an island by island asset exposure analysis, a tiered ranking structure for prioritizing and guiding State investments for maintenance and improvements, a cost allocation strategy for apportioning costs to the appropriate beneficiaries, and peer review.

The IFM circulated was the eighth draft of the effort to respond to that directive. It is the opinion of this author, after a thorough review of that document, that it falls short of adequately addressing all of the items identified in the scope outlined above and creates more administrative problems than it solves. A formal comment letter identifying the shortcomings and various inconsistencies in the IFM was transmitted to DWR from this office. The only other critique that I am aware of was submitted by Gilbert Cosio, principal with MBK, the engineer for several Delta LMA's.

- B. Project Levee Inspections. In July the Board was appraised of another levee survey and report conducted and prepared by URS for DWR as part of a Flood System Repair Program (FSRP) that the State has embarked upon. The FSRP report covers all the same levees within RD 556 and encompassing BALMD that were included in the Periodic inspection, along with the District's non-project levees, which are considered jurisdictional if they are part of an island levee system, along with Project levees. The FSRP reviewed past performance records to identify and categorize repair sites, as critical or serious. This office has been contacted by a representative from the team of URS and DWR engineers as a follow up in order to eventually select some sites to move forward with as a state funded repair effort, to be carried out by the local agencies that are responsible for the levees involved. Initially, according to the engineers in an early office meeting, only the critical repair sites on State Plan of Flood Control levees would be eligible for funding assistance under this program. There has been some indication in more recent phone conversations that the project scope limitation could get reconsidered. The FSRP approach to ultimately provide local levee maintaining agencies with funding assistance, would be similar to the emergency erosion repair project undertaken in 2007 across from Rio Vista, and would get more mileage out of the funding. While there has been no more conversation about a specific BALMD site, the engineering team is due in my office next week to talk about a site in Walnut Grove.
- C. Levee Stability Project. As previously reported, this office has been working with Raney Geotechnical to develop and schedule a geotechnical testing strategy for the two miles of levee that constitutes the two proposed stability berm sites. It is now hoped that a boring and CPT testing effort will get underway in late September. A similar effort is scheduled to get

underway in Walnut Grove, next week.

- D. BALMD 2013-14 Subventions Projects. As reported previously, projects planned for 2013-14 include: crown raising efforts on the Mokelumne River and Sevenmile Slough, and a continuation of the toe-ditch removal efforts involving the Georgiana Slough levee that will address a 2600 lineal foot section starting where the Bettencourt project stopped and proceeding downstream to the railroad approach ramp that separates the Gardiner and Van De Maele properties. However, this effort could be complicated by a permitting issue discussed above.
- E. Levee Monitoring. As previously reported, a hydrographic monitoring survey was undertaken involving the reach of the Mokelumne River, between Perry's Harbor and Rancho Marina, where the oversized rip-rap was placed in 1992, the San Joaquin River adjacent to Delta Bay and the District property, and in Georgiana Slough between B&W and just upstream of the area where some levee crown cracking was observed earlier in the year. Some of the survey point data obtained from this effort has been converted to a hydro graph and utilized by DCCE to create cross sections for engineering evaluation. The data that is currently ready for review involves the San Joaquin River levee reach between the Sevenmile Slough confluence and the Spindrift Marina. Without reviewing the information with Raney Geotechnical, there appears to be two situations that this office believes the Board should address before the upcoming flood season. One involves the site where there is movement in the levee crown at the Delta Bay Resort and the other is adjacent to the District's dredge spoil re-handling site on the San Joaquin River levee. The first site mentioned is 300 feet long and the other is 200 feet. The Delta Bay site will involve placing rip-rap on the levee slope, extending below the low water line. The situation involving the District's levee calls for enlarging the levee on the land side. There is a 50-foot deep hole between the levee and the channel islands separating it from the main river channel, that is directly in line with a break in the island stretch. As a result the slope of the levee toe on the water side is less than 2:1. It is the opinion of this office that the levee needs to be widened towards the land to protect against loss of the water-side slope. In effect, acknowledge that the water side slope can be sacrificial.

Discussion ensued regarding moving forward to place rip rap along the 300 foot stretch adjacent to Delta Bay and 200 feet of earthen back slope adjacent to the District's property. The District Engineer will proceed to develop information for both.

Director Rebero inquired about the vertical slope at the Sevenmile Slough pump area near the State Park which appears extreme when viewed from the Twichell side. DE will follow-up with site visit.

Director Giles noted that dirt may be available from the Sacramento Wastewater Treatment Facility's upcoming expansion effort. The Board indicated its interest and Director Giles will advise the facility's contact.

- F. Benefit Assessment Roll Update. As previously reported 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.

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. It is anticipated that CSI will be assisting with the Prop 218 balloting process, but the exact arrangements and task assignments have not been formalized so that the Board can set the date for the election.

- G. 2013-14 Subventions Budget. The 2013-14 Subventions Budget, approved by the Board at its June meeting and being 54% larger than that submitted to the State for the current 2012-13 fiscal year, was submitted to the State by the June 30 deadline. It includes the levee improvement projects described above. To summarize, those projects include some PL84-99 crown raising on the Mokelumne River, crown widening at several locations along Sevenmile Slough, between the dams, and the continuation of the blanket drain/toe ditch removal program involving Georgiana Slough. In addition there is a provision for more follow responses to items in the USACE Periodic Inspection Report, and allocation for the geotechnical and design effort required to develop the construction documents for the stability berm project.

In numeric terms, the approved 2013-14 Subventions Budget for BALMD totals \$2,520,000. That compares to \$1,632,000 which was adopted for 2012-13. Actual expenditures for 2012-13 are estimated to be \$1,658,062, and the claim submittal is due November 1, 2013.

5. Director Reports

- 5.1 Gardiner - Discussion on the status of the Tunnel opposition.
- 5.2 Giles - Gay will be attending the California Utility Executive Management Association Conference, September 5-6; and the California Special Districts Association Conference, September 16-19 as part of her duties with Mountain House.
- 5.3 Rebero - No report.
- 5.4 Silva - No report.
- 5.5 Van De Maele - No report.

6. Adjournment: The meeting was adjourned by President Gardiner at 11:50 a.m. with those present invited to join the Board for lunch following the meeting at Pineapples in Isleton. Those responding were Gay Giles, Manuel Rebero, Gilbert Labrie and Debbie Phulps.

Respectfully submitted,

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

Date Approved: September 12, 2013
MSC: Van De Maele / Giles