

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, September 12, 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, Gay Giles, Manuel Rebero and Denis Van De Maele
 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 as amended; and suspending the rules to allow consideration of items out of sequence. Amended to include consideration of participation in the San Joaquin County's Delta Flood Emergency Grant application.

3. Financial - Victoria Hale

3.1 Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copies of the bank statement. Vicki advised the Board that a \$141,282.12 transfer had been authorized from the Special Projects Advance Fund in settlement of Claim 3; that SCI had filed the Benefit Assessment billings with the County; that the Election advertisements had been run and the deadline for nominations is tomorrow. Director Rebero noted that he would not be seeking re-election for the Member-At-Large seat on the Board.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 1,558,787.77
Total Accounts Receivable	\$ 21,495.58
Total Other Current Assets	\$ 6,641.50
Total Fixed Assets	\$ 649,320.46
Total Assets	<u>\$ 2,236,245.31</u>
Total Current Liabilities	\$ 565,951.27
Equity	\$ 1,670,294.04
Total Liabilities and Equity	<u>\$ 2,236,245.31</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	245.73	Payroll - PERS	3,963.22
California Waste Management	93.50	Payroll - Liabilities	2,159.80
Delta Bookkeeping	2,244.23	Ramos Oil	2,351.82
Frontier Communications	90.10	Rebero, Manuel	100.49
Frontier Communications	49.35	Reclamation 2067	330.00
Gardiner, Larry	100.49	Reeves Sand & Gravel	27,924.80
Giannini, Andy	2,214.96	SCI Consulting	3,000.00
Gilbert Labrie, AIA	31,994.75	Silva, Frank	100.49
Giles, Gay	100.49	Steward Industrial	90.89
Klipfel, Russel	2,116.44	Van De Maele, H. Denis	100.49
LAFCO	130.00	VISA	159.51
Oilwell Materials	150.83	Total	<u>\$ 79,812.38</u>

MSC (Giles / Van De Maele) authorizing payment of claims with (1) \$50,000 and (1) \$30,000 warrant.

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

5. Business

5.1 Special Project - Beneficial Reuse Study. **MSC** (Giles / Van De Maele). Authorizing resolution for the execution of Special Projects Funding Agreement BA-09-2.2, whereby the estimated Project cost for the "Engineering and Beneficial Reuse Study for Dredged Material" is increased to \$508,000, of which the DWR maximum contribution is 90% (\$457,200); and Paragraph 12 related to labor compliance requirements is restated and amended in its entirety.

Resolution 2013-03

Special Project: Beneficial Reuse Study for Dredged Material

WHEREAS, the Brannan-Andrus Levee Maintenance District is participating in the Engineering and Beneficial Reuse Study for Dredged Material Project as it relates to the levees of Brannan-Andrus Levee Maintenance District; and

WHEREAS, the District has executed Project Funding Agreement BA-09-2.0 with the State of California regarding participation in such Special Project; and

WHEREAS, the District desires to enter into an amendment of said agreement referenced as BA-09-2.2; and

WHEREAS, the documents necessary for financial participation must be executed by the members of the Board of Directors acting on behalf of Brannan-Andrus Levee Maintenance District;

NOW THEREFORE BE IT RESOLVED, that the Board hereby authorizes execution of Amendment BA-09-2.2.

[End of Resolution 2013-03]

5.2 San Joaquin Operational Area Delta Flood Readiness Project. **MSC** (Van De Maele / Rebero) authorizing Letter of Commitment in support of application for project to receive funding under the Flood Emergency Response Projects - Delta Grant; and authorizing President Gardiner to sign on behalf of the District.

6. Staff Reports

6.1 Secretary - Debbie Phulps

- A. Correspondence not requiring action was placed on file; and correspondence requiring action was taken care of under the proper order of business.
- B. **MSC** (Giles / Rebero) approving the minutes of August 8, 2013 as corrected. The corrections provided by Treasurer Hale amended the amount reflected as paid to Russel Klipfel as \$2,116.46, and the amount paid to PERS as \$5,296.14. The Total of claims presented would then be reflected as \$53,470.84.
- C. **MSC** (Van De Maele) authorizing execution of participation intent letter for the San Joaquin Delta Flood Emergency Grant application by President Gardiner.

6.2 Superintendent - Andy Giannini. The electronic waste certificate has been renewed. A gate was placed at the Headquarters to deter people from taking a short cut across the yard to access the gas well site. Two gates were placed on the little patrol road on Sevenmile Slough near the State Park. Boom mowing on the Sacramento is being conducted while Caltrans traffic control assistance is available. Once the boom mower is freed, Andy intends to fit it with a toolbox for emergency repair purposes since a tending vehicle is generally not available. General activities are

occurring in preparation of the Fall inspection. Once boom mowing is concluded, Andy will get Russell up to speed on the Aebi. Discussion ensued about getting a hand crew into the volunteer eucalyptus near Aaron Beaver's, and on the tree / shrub from Jess Mark's place down to Manuel Rebero's. The Delta Conservancy's Volunteer Clean-Up Day is scheduled for September 21 from 9:00 to Noon. Andy will arrange for a container to be delivered to the site as the District's contribution towards the clean-up effort.

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 Subventions Program Issues Overview. An effort has been made, with previous reports to the Board, to provide updates on the HMP MOU saga that developed when FEMA voided the HMP Agreement and MOU. This development caught the State by surprise and removed an important assurance of FEMA's assistance with levee repairs following a highwater incident with a formal disaster declaration. At the time of the abrupt FEMA policy shift, DWR was moving forward with a \$50-million effort to assist some LMA's with critical improvements to achieve the minimum standards spelled out in the HMP MOU and cement the assurance of eligibility for Federal disaster assistance. The entire \$50-million effort was put on hold for months until the current administration became convinced that the expenditure for levee improvements was still a good "investment". Consequently, as recently reported, that Levee Subventions, Special Projects Program is slowly starting back up. It was announced at the Delta Levees and Habitat Advisory meeting that project agreements have gone out to 17 districts covering approximately \$37 million worth of construction activity. However, construction is still not likely to get underway until next year, given the extra administrative steps incorporated into the Special Projects Program which now includes a determination and sign off by the Delta Stewardship Council regarding "covered actions".

As of last Friday Cal OES, DWR and FEMA have still not been successful negotiating a new MOU in order to provide some assurance of FEMA assistance in the event of a declared disaster. Unfortunately, their effort has become mired because FEMA has been pushing for an ultimate sign off by USACE regarding any new, minimum levee standards that would meet existing federal guidelines for assistance. Considering that there are no USACE standards for non-urban, non-certified levees such an approach would essentially take FEMA out of the picture because it is not obligated to repair Corps Certified levees after a flood event. Additionally, it is obvious that the USACE is intent on setting the bar higher through the Periodic Inspection criteria being applied that could serve to limit USACE responsibilities for levee rehabilitation after a flood incident.

In terms of more Project Levee scrutiny, it was pointed out in the DE's August report that any alterations to a Federal levee are also 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. Until June 2010 this authority was largely unnoticed. At that time, USACE Headquarters issued a new memorandum clarifying and specifically delegating that authority to District Commanders. As a response, the Sacramento District has developed a policy that establishes classifications of actions into minor and major. Any district project involving the Sacramento River and Georgiana Slough levees is now subject to a Section 408 review based on the classifications and the standards in the Standard Operation and Maintenance Manual for the State Plan of Flood Control (SPFC) levees. Such a review would take place as part of the Flood Protection Board review and approval process, which is required for anything other than mowing, grazing and spraying. Prior District projects that would have qualified for such a review have involved both the Sacramento River and the Georgiana Slough levees. However, all would be considered minor actions because they were undertaken for the purpose of reducing flood risk and did not change the

authorized purpose, scope or functionality of the project, or adversely impact system performance.

The majority of the prior District projects that would have been subject to this new 408 review were designed and initiated prior to the implementation of this new policy, described above. It is still not clear to this office what this new oversight development will mean to the timing that needs to be considered during the process of scheduling future construction projects involving SPFC levees on BALMD. This poses several questions that will require additional engineering time and effort to resolve satisfactorily. As noted earlier, there is no non-urban, rural standard for SPFC levees. While there is a process under way to develop some templates for non-urban levee repairs, it is not clear to this office what will be the approach taken when a project involves a Project Levee that is part of a system that includes non-project levees, protecting a non-urban island such as BALMD. Without some adjustment in the standards, approved project designs could result in over-building, as exhibited (this office believes) by the recent Grand Island seepage berm project. It apparently also resulted in RD 3 having to purchase the land occupied by the new berm, in order to satisfy the Corp 408 review. 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. In order to get a feel for the implications of this new process, this office reviewed a design concept drawing being utilized for the project, with a USACE official responsible for the 408 review. Fortunately, the area we are considering for work on has an easement recorded for the Sacramento - San Joaquin Drainage District and the existing toe ditch is outside of the easement, which eliminates some issues. Additionally, we have the as-built drawings for the levee system upgrade conducted in the 50's, which also helps with other issues. However, we are going to still have to submit plans to the Flood Protection Board and go through the 408 process as a Minor Action.

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 labeled Integrated Flood Management (IFM). The eighth draft of this FloodSAFE document, which is 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.

It is the opinion of this office, after a thorough review of that document, that it creates more administrative problems than it solves. There has been no response to the formal comment letter, identifying the shortcomings and various inconsistencies in the IFM transmitted to DWR from this office, and no update on the status of the process to develop the Framework document.

- B. Project Levee Inspections. In previous reports the Board was appraised of another levee survey and report conducted and prepared by a consultant, URS, for DWR as part of an emergency Flood System Repair Program (FSRP) that the State is embarking upon. The FSRP report covers all the same levees within the Unit that includes RD 556 and BALMD, and that were included in the Periodic inspection, but along with BALMD's non-project levees, which are also considered jurisdictional. The FSRP identifies and categorizes repair sites, as critical or serious. Based on a follow up meeting at this office with representatives from the team of URS and DWR engineers, only the critical repair sites on State Plan of Flood Control levees are currently being considered eligible for funding assistance under this program. However, that limitation appears to be somewhat fluid. The FSRP approach to ultimately provide an LMA with funding

assistance has not been totally worked out so that it would not place a financial burden on the LMA, like the Subventions reimbursement process does to some smaller districts.

While there has been no more conversation about a specific BALMD site, the engineering team did meet with this office to talk about an erosion site in Walnut Grove.

However, a meeting did take place with DWR staff involving a retaining wall system that would facilitate the creation of a habitat bench to offset erosion repair projects and other water-side levee repair efforts, where this office was invited to talk about a proposal that has been developed which incorporates the system into the major erosion repair design schemes that have been developed for Sacramento River erosion sites that were identified in the District's Periodic Inspection Report. Based on that meeting DWR staff have contacted this office about putting together a demonstration project.

- C. Levee Stability Project. As previously reported, this office has been pushing 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 this fall. A similar testing effort recently began for the East Walnut Grove levees.
- D. BALMD 2013-14 Subventions Projects. As reported previously, the projects currently being developed in this office for 2013-14 construction 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, involving 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. As discussed earlier, the Georgiana Slough project will have to go through a Flood Protection Board review because it now needs USACE 408 endorsement.
- E. Levee Monitoring. As reported in August, a bathymetric survey has revealed two unique situations involving the San Joaquin River levee reach between the Sevenmile Slough confluence and the Spindrift Marina that warrant repair efforts before the upcoming flood season. One of these involves the Delta Bay Resort crown settlement site that DCCE has been monitoring and the other is adjacent to the District's dredge spoil re-handling site. 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 levee fronting the District's property 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 impacting the levee toe, and has undermined the 2:1 slope at the levee toe. The repair strategy adopted by this office is to widen the levee towards the land to protect against loss of the water-side slope. DCCE is preparing the necessary documents to go to bid by the week of September 23, with the potential for a bid opening at the October District meeting.
- F. Benefit Assessment Report. 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. There has been some communication between this office and CSI regarding assistance with the Prop 218 balloting process, but the exact arrangements and task assignments have still not been formalized. Once the ballots are mailed, there is a 45 day notice period.

7. Director Reports

7.1 Gardiner - No report.

7.2 Giles - Positive comment regarding photos on Facebook Page created by the Superintendent as a forum for responding to or addressing general questions, concerns and issues of the public.

7.3 Rebero - No report.

7.4 Van De Maele - No report.

8. Recess: At 11:50 a.m. the meeting was called to recess to reconvene in fifteen minutes at Rogelio's in Isleton. Those present were invited to join the Board for lunch.

9. Call From Recess: The meeting reconvened at 12:15 p.m. with Larry Gardiner, Andy Giannini, Gay Giles, Gil Labrie, Debbie Phulps and Denis Van De Maele in attendance.

10. Adjournment: The meeting was adjourned by President Gardiner at 1:25 p.m.

Respectfully submitted,

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

Date Approved: October 10, 2013
MSC: Van De Maele / Rebero