

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, December 19, 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 10:07 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, Fran Silva 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 (Silva / Van De Maele) [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 discussion regarding a records retention policy, and presentation by LAND representatives.

[Superintendent Giannini excused himself to address an equipment issue.]

3. Financial - Victoria Hale

3.1 Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received copy of the bank statement.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	844,144.65
Total Accounts Receivable	\$	371,745.22
Total Other Current Assets	\$	6,641.50
Total Fixed Assets	\$	649,320.46
Total Assets	\$	<u>1,871,851.83</u>
Total Current Liabilities	\$	215,946.99
Equity	\$	<u>1,655,904.84</u>
Total Liabilities and Equity	\$	<u>1,871,851.83</u>

B. The following claims were submitted for payment approval. Invoices were available and those presented by DCC Engineering and Delta Bookkeeping were reviewed.

Andrew Napier	5,120.00	Joe Mattos	2,000.00
Asta Construction	153,808.10	Klipfel, Russel	1,055.50
AT&T Wireless	239.35	Klipfel, Russel	1,055.50
California EDD	335.94	Payroll - PERS	4,117.58
California Waste Management	93.50	Payroll - Liabilities	1,826.80
Delta Bookkeeping	1,609.66	Ramos Oil	232.41
Dolk Tractor	3.62	Ramos Oil	1,708.70
Frank Machado Diary	10,080.30	Reclamation 2067	330.00
Frontier Communications	139.72	S&W Tire Service	17.00
Gardiner, Larry	438.44	Silva, Frank	200.97
Giannini, Andy	1,107.48	Stewart Industrial	77.82
Giannini, Andy	1,107.47	Van De Maele, H. Denis	301.45
Gilbert Labrie, AIA	33,173.85	VISA	331.00
Giles, Gay	200.97	Total	<u>\$ 220,713.13</u>

MSC (Giles / Silva) authorizing payment of claims with \$225,000 of warrants in the following denominations: (4) \$50,000 and (1) \$25,000.

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

5. Business

5.1 Gardiner-Stills Blanket Drain Project: Flood Board Submittal Endorsement and CEQA NOE. This item represents the first step in the process to undertake any District levee project on a project levee, other than the rip-rap repair effort undertaken on a fairly regular basis. This project is a continuation of the land-side, seepage management effort that began upstream with the Bettencourt project. It involves a 3000 lineal foot reach of levee beginning at the western end of the Bettencourt project and continuing downstream to the abandoned railroad bridge ramp. It is in keeping with the District's published Five-Year Plan to address the seepage and toe ditch problems along Georgiana Slough. The Board's endorsement on the Flood Protection Board's application is necessary to submit this project to that agency, and the District's acceptance of the role of lead agency for CEQA purposes should facilitate the permitting process. It is the recommendation of this office that the proposed project qualifies for a Categorical Exemption under CEQA, based on an assessment that has revealed no significant environmental impacts. The no-net-loss requirement under Subventions will require mitigation for the toe ditch vegetative growth, even though it is removed every time the ditch is cleaned. **MSC** (Giles / Van De Maele) authorizing the District act in the capacity of Lead Agency and that it find the project qualifies for the filing of a Notice of Categorical Exemption under CEQA; and endorsement on the Flood Protection Board's application.

5.2 Equipment Policy. Discussion ensued about whether to proceed towards drafting an intra-district equipment use policy or memorandum of understanding. The Board was in general agreement with whichever would best serve and protect the District. **MSC** (Van De Maele / Silva) authorizing staff to proceed to develop a document for Board consideration. Elements should include cost recovery methods, staffed by District employee with oversight by District Superintendent, and liability assignments.

5.3 Records Retention Policy. Director Gardiner prefaced the discussion as to need for such a policy. Discussion ensued. Item was referred to staff for document development to be considered by the Board.

5.4 Prop 218 Election. A Special Meeting was called for Thursday, February 27, 2014 convening at 6:00 p.m. at the District Office for the purposes of holding the Prop 218 Public Hearing relative to adoption of the new assessment roll.

6. Staff Reports

6.1 Secretary - Debbie Phulps

- A. **MSC** (Giles / Van De Maele) approving the minutes of 11/14/2013 and 12/10/2013 as presented.
- B. Correspondence not requiring action was placed on file; and correspondence requiring action was taken care of under the proper order of business.
 1. Report as to the outcome of the LAFCO election.
 2. CSDA request for nominations to fill District 2 seat vacancy. Director Giles expressed interest in serving. **MS** (Silva / Van De Maele) that the District nominate Gay Giles for the position. **Carried** (1 abstention = Giles).
 3. Director Appointment. On December 10, 2013 the Sacramento County Board of Supervisors received and referred to staff, the BALMD appointment request in favor of Joe Deak. Formal action is anticipated by the Board of Supervisors in January.

6.2 Legal Counsel - Shapiro. Gil reported as to being in contact with Scott to develop a Memorandum of Understanding for execution with Rivers Edge covering the fence placement and property use issues until such time as the Boundary Line Adjustment can be formalized.

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. While not an immediate issue, it is noteworthy the Levee Subventions Program is 40 years old this year. It was established by the State Legislature after the 1972 Brannan-Andrus flood and recovery, thanks to the efforts of Senator Howard Way and other statesmen legislators.

As has been noted in past reports, Project Levees are now receiving more attention from DWR and the Central Valley Flood Protection Board (Flood Board) because of the stepped up PL 84-99 periodic inspection efforts and higher funding priority placed on State Plan of Flood Control Levees by the current administration and Legislature. Consequently, any alterations to a Federal levee are now referred by the Flood Board to the Corps for 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. All upcoming District projects involving the Sacramento River and Georgiana Slough levees will be subject to a Section 408 review as part of the Flood Boar encroachment permit process.

In light of the increased scrutiny discussed above, the 2014, BALMD Georgiana Slough levee toe drain and drainage blanket project is ready for submittal to the CVFPB for an encroachment permit and will be going through the 408 process as part of that review. The action item at the beginning of the agenda is the start of that review process. The Flood Board will not accept any application without a local LMA endorsement.

Another wrinkle that could influence the future focus of the Levee Subventions Program is oversight by the Delta Stewardship Council (DSC). Major Subventions projects, such as those funded under the Special Projects program will be subject to a DSC consistency determination with respect to the goals and objectives established in the Central Valley Flood Protection Plan. That process will involve a formal review and approval process involving the DSC. The District's stability berm project, which has a Special Projects grant of \$800,000 dedicated to it, will be subject to DSC scrutiny before it can be advertised for bid. While it has been publicly announced that the DSC is going to be developing a levee prioritization policy and list based on benefit criteria, that have yet to be determined, it is not anticipated that BALMD will have a problem on the benefits side. However, habitat restoration and enhancement is being stressed a lot as part of the discussions surrounding the next PSP (Project Solicitation Proposal) that is slated to be advertised by DWR sometime in early 2014 and represent another \$50 million chunk of the Proposition 1E bond monies. If history repeats itself, a lot of that money will end up channeled to conveyance and habitat restoration as opposed to mostly flood control.

It was noted in the November report that DWR, the DSC, and the DPC are reported to be working together to develop a joint agreement to guide an effort to give serious consideration to the creation of a Statewide Assessment District to fund a flood protection program. At the December DLHAC the new Executive Director of the Delta Protection commission, Erik Vink, announced that the specifics of the study to develop the parameters for such an assessment district has been scoped so that a consultant can be contracted to proceed with the development of a beneficiary pays approach to assigning cost sharing responsibilities. If concurrence can be reached among all stakeholders for such a broad funding approach, it will take legislative action to effectuate such a major policy change.

- B. Project Levee Inspections. It has been previously reported to the BALMD Board that DCC Engineering received a letter from the Central Valley Flood Protection Board informing BALMD and RD 556 that on March 26, 2013 the Project Levee system shared by the two districts became inactive in the USACE PL 84-99 Rehabilitation and Inspection Program (RIP) and is therefore ineligible for PL 84-99 rehabilitation assistance following a disaster. The system would remain eligible to receive flood fighting assistance but would otherwise be considered in an inactive status until the Districts present the USACE with sufficient documentation and evidence that the issues identified in the periodic inspection reports have been resolved. The system rating must be improved to a minimally acceptable condition before the system's status can be upgraded to active.

The Flood Board letter requested that an LMA PL 84-99 RIP Eligibility Goal Form be filled out and returned by October 30, 2013. The two Districts were given two basic options; take part in a Letter of Intent (LOI) to undertake a System Wide Improvement Framework (SWIF) plan, or do not take part, but instead either address or not the Unacceptable-rated issues.

Without a SWIF the districts only had 2 years (until March 26, 2015) to fix vegetation, settlement and rip-rap problems. For BALMD the most difficult issue involves the link with a non-responsive RD 556 neighbor. While a SWIF is supposed to buy more time for compliance and provide for temporary PL 84-99 eligibility, that process requires a joint district program (because the island is considered one hydraulic unit) with one district serving as the lead, which would have to be BALMD. The success of such a joint effort was discussed in October and considered doubtful because of RD 556's current situation and attitude. Additionally, BALMD could not just address its inspection issues and thereby guarantee a return to an active status for its levees without going through an expensive engineering and construction process to get USACE acceptance that the dry cross levee could act as a hydraulic separation from an RD 556 flood. .

There was another option for consideration on the RIP Eligibility Goal form that, was and continues

to be under discussion with several LMA's and state officials. Specifically, it would involve an effort to seek federal de-authorization and removal of the levee system from the State Plan of Flood Control. The consensus is that there appears to be little guaranteed benefit to being active in the PL 84-99 RIP program as compared to the costs and increased federal oversight. The BALMD Board elected to become another dissenter but also plans to proceed to address the critical unacceptable-rated issues by an unspecified target date.

To add another wrinkle to the entire periodic report and rating debacle, a USACE memo from Washington surfaced on November 25, 2013 laying out a change in policy regarding the PL 84-99 Rehabilitation Program. Further Program eligibility decisions are to be suspended until further notice. Everything appears to be in limbo as the USACE memo is very confusing. On this coming Friday a USACE presentation will be made to the Flood Protection Board, which may clarify some of the confusion at the state level.

Adding insult to injury, this office is in receipt of the Fall 2013 Levee Inspection Report prepared by the DWR, Division of Flood Management, Flood Project Integrity and Inspection Branch. The District's overall rating has now slipped from Minimally Acceptable to Unacceptable. Individually, Georgiana Slough stayed at the Minimally Acceptable level, but the Sacramento River pulled the overall down because of the addition of USACE erosion sites that had not been addressed. Additionally, the District's vegetation maintenance program had not gotten fully underway before the inspection occurred. Clearly a more aggressive and regular tree trimming and removal effort has to be established, along with encroachment enforcement within the 15-foot toe setback. A new requirement with this years report distribution is that Minimally Acceptable deficiencies identified in the report as maintenance issues will need to be corrected in two years or face being changed to Unacceptable.

Another Project Levee inspection report that is out and generating controversy and much discussion covers utility crossings. The report consists of a very detailed inventory identifying size, type, use, permit number (if known), age, and field observations about condition and deficiencies. All identified crossings are categorized into Urgent, Non-urgent and No-Action Needed.

- C. BALMD 2013-14 Subventions Projects. As reported previously, the project plans currently developed by this office for 2013-14 construction include: crown raising efforts on the Mokelumne River and Sevenmile Slough, and a 3000 lineal foot continuation of the drainage blanket and toe-ditch removal effort along the Georgiana Slough levee. Additionally, some steps need to be taken to address the water-side erosion sites that were exposed when the arundo eradication program was initiated. Following a recent site visit, this office is working with state officials and plans to contract with a biologist to assist with the environmental permitting effort to address major erosion problems all along the Sacramento River Levee between Isleton and Cache Slough. This effort will take some time so it recommended that there be an interim solution to remove the arundo and deteriorating fabric sun shield from the four sites that were originally planned for repair under a land based contracting operation. Because of the difficulties and danger with traffic management, it was decided to reduce the scope of that contract and only remove the arundo and rebuild the levee slope at the land-side locations and try a different approach on the water-side patches. Because of a construction scheduling delay, the sites are exhibiting regrowth where the fabric has deteriorated, been torn or has been blown away by north winds. It is now apparent that the erosion sites that are accessible by crane barge need to be stripped and the levee slope rebuilt to at least the USACE as-built conditions in the vicinity, utilizing imported fill and only working above the high water line at this point in time. Given that the sites in question are identified as critical in the Periodic Inspection Report (PIR) a District emergency declaration may facilitate the CDFW 1600 process, as was done for the rip-rap stabilization recently undertaken on a portion of the Delta Bay Resort levee. The interim erosion repair project currently envisioned by this office for the four sites contemplated for consideration will like have to go to bid in some fashion, since the cost is likely to exceed the \$25,000 threshold. It is planned to consult with some Dutra representatives to determine how best to bid the work. It is possible that a force account would be the best approach, if the Board concurs that this interim effort should proceed expeditiously.

Regarding the two last-minute, pre-flood season preparedness projects undertaken in late October and early November at Delta Bay and the District spoil re-handling site, both were successfully completed in record time. Including the added cost to repair the levee crown and road surfacing that was damaged by the subsidence and movement at the site where the rip-rap was placed to improve the stability of the water-side slope, the total cost to repair the 250-foot levee section at

Delta Bay is \$174, 026. The levee widening project involving a 400-foot section of the San Joaquin levee on the District's property took more material than estimated (a total of 5000 cubic yards), which resulted in a final cost of \$5,200 to utilize the District's material to fatten the back side of the levee opposite an undercut water-side slope, in order to serve as a slope failure back stop. This approach was taken because of the difficulty and cost associated with trying to make the slope repair in the water where a 50-foot deep hole was discovered by a District contracted bathymetric survey effort. Another \$5,035.04 was ultimately required to improve the shoulder safety at this location and provide some erosion control to handle runoff from the paved road surface, if and when it rains.

- D. Benefit Assessment Report. The "*Valuation Assessment Commissioners Report*" was formally adopted by the Sacramento County Board of Supervisors on April 13, 2013. The next step in this process, is for the District to conduct a Proposition 218 election in order to apply the new benefit valuation methodology, set the rate and seek approval for a range in which to operate. This office has been working with the SCI Consulting Group, who handles the District's assessment mailing with Sacramento County, and has entered into a contract for their assistance with the 218 Election. Their basic fee, which includes one meeting with the District (presumably the election) is \$4,400, plus \$250 for incidentals. The election date has been tentatively set for Thursday, February 27, 2014, with the ballots to be mailed out by January 10, 2014.

6.4 Presentation by L.A.N.D. Eric Ringelberg and Osha Meserve updated the Board as to L.A.N.D.'s activities during 2013 and issues and time lines for the beginning of 2014. Elements of the currently released DPP Draft EIR were reviewed.

6.5 Superintendent - Andy Giannini. Report was given as to the status of the mowing. Andy is following up on issues involving the Aebi parking break and the John Deere boom upper pin. The latter requires site visit with Alamo tech to develop a fix. Andy was authorized to purchase a small set of acetylene bottles for the District.

7. Director Reports

7.1 Gardiner - No report.

7.2 Giles - No report.

7.3 Silva - No report.

7.4 Van De Maele - No report.

8. Adjournment: The meeting was adjourned by President Gardiner at 12:30 p.m. with those present invited to join the Board for lunch at Pineapple's in Isleton. Those responding to the invitation were Gil Labrie, Gay Giles, Denis Van De Maele, Debbie Phulps and Andy Giannini.

Respectfully submitted,

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

Date Approved: January 9, 2014
MSC: Giles / Silva