

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, January 9, 2014

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 10:05 a.m. on the above cited date at the District Office, 310 Second Street, Isleton, California. Newly-appointed Director Joe Deak was welcomed and introductions were made.

1. Roll Call indicated a quorum with the following in attendance:

Directors: Larry Gardiner, Gay Giles, Manuel Rebero and Frank Silva, Jr.
Absent: 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 / Silva) [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. Vicki noted that the bank's statements do not arrive in time for the monthly Board meeting. She will be setting up a link with the bank to enable her to print copies in time for future meetings.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	629,488.76
Total Accounts Receivable	\$	371,745.22
Total Other Current Assets	\$	6,641.50
Total Fixed Assets	\$	<u>649,350.46</u>
Total Assets	\$	<u><u>1,657,195.94</u></u>
Total Current Liabilities	\$	46,040.55
Equity	\$	<u>1,611,155.39</u>
Total Liabilities and Equity	\$	<u><u>1,657,195.94</u></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	244.90	Payroll - PERS	4,111.77
Deak, Joe	100.48	Payroll - Liabilities	2,185.03
Delta Bookkeeping	2,152.23	Quickbooks Payroll	2.90
Dolk Tractor	19.42	RAM Welding	990.00
Frontier Communications	97.66	Ramos Oil	1,914.63
Gardiner, Larry	100.48	Reclamation 2067	330.00
Giannini, Andy	2,177.78	S&W Tire Service	17.01
Gilbert Labrie, AIA	28,203.45	Silva, Frank	100.48
Giles, Gay	100.48	Stewart Industrial	188.93
Klipfel, Russel	2,114.18	Van De Maele, H. Denis	<u>100.48</u>
Lira's Welding	95.00	Total	<u><u>\$ 46,040.55</u></u>
Oilwell Materials	693.26		

MSC (Silva / Giles) authorizing payment of claims with a single \$50,000 warrant.

3.2 Local Agencies of the North Delta (L.A.N.D.) Coalition. **MSC** (Giles / Silva) to support the coalition's 2014 efforts on the same financial basis as last year, \$1.00 per acre.

[Vicki left the meeting following her report to the Board.]

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

5. Business

5.1 Encroachment Requests: Caltrans request authorization to conduct the following maintenance work: 1) remove 0.2 feet of existing roadway asphalt and replace w/ new (rubberized hot mixed asphalt); 2) dig out and repair areas of severe pavement failure; 3) seal cracks wider than 0.25 inch; 4) replace or upgrade dikes to current standards; 5) replace in kind the centerline rumble strips and traffic striping; 6) reconstruct existing wood post metal beam guardrail to current standard height. Locations: Route 160 from 0.03 miles north of Route 12 in Rio Vista to 0.24 miles north of Route 220 at Ryde (approximately. PM R0.03 to PM 4.14 and from PM 5.02 to PM 11.70). The repaving effort excludes the 0.88 mile stretch extending through Isleton, that was re-paved a few years back. The planned guardrail reconstruction only involves the section along the down ramp to the Highway 12 intersection. None of the work will adversely impact the levee structure. Consequently, it is recommended that the District Board provide its endorsement for the Flood Protection Board application. It was not clear in a conversation with the Caltrans representative when the construction is expected to take place, although 2015 is more likely. The entire 160 re-paving project extends almost to Ryde, on Grand Island. **MSC** (Giles / Silva) 1) waiving the District's permit submittal fee due to reciprocal consideration from Caltrans for District-sponsored maintenance activities; and 2) authorizing the maintenance work by means of execution of the District's endorsement on the Flood Protection Board's application.

6. Staff Reports

6.1 Secretary - Debbie Phulpis

- A. December minutes. Debbie reported as to a correction per the Treasurer, voiding the claim payment to Joe Deak, as Joe was not at the December meeting. The total claims presented would then read as \$220,713.13. **MSC** (Giles / Van De Maele) approving the minutes of 12/19/2013 as corrected.
- B. Correspondence not requiring action was placed on file; and correspondence requiring action was taken care of under the proper order of business.

6.2 Legal Counsel - Shapiro. Gil reported that a draft agreement has been transmitted to Rivers Edge ownership addressing the fence installation, property use and Boundary Line Adjustment costs for their review. It is hoped that the final draft will be available for the Board consideration in the near future.

6.3 Superintendent - Andy Giannini. Report was given as to the status of the mowing. The boom pin wear issue is still being pursued with Alamo representatives. It was delayed due to Alamo staff's holiday scheduling. Andy and Russell will also be pursuing Alamo certification with regards to boom operations. The Aebi drift shaft matter is still outstanding. Preparations are underway to conduct a debris removal pass. Andy has been in discussions with Perry's Harbor management regarding vegetation maintenance. They were apprised of, and invited to, today's meeting. Discussion ensued regarding problems with the vegetation at the site and the trees. Discussion also ensued regarding the service hours on the John Deere (estimated at 600 hours to date) and the anticipated ordinary service life for the tractor (6000-8000 hours) and boom (unknown but anticipated to be less than the tractor due to the type of technology).

6.4 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. Obviously, not much has happened since the last District meeting due to the two holiday weeks. E-mails to DWR staff and the USACE have gone unanswered, so the issues involving Project Levee inspections have not been addressed so that guidance could be passed on to the LMAs.

As previously reported at the December BALMD meeting, DWR has released the results of the Fall 2013 project levee inspection and a separate Utility Crossing Report. As in the Fall 2012 Report, the 2013 DWR Report incorporated the USACE erosion survey undertaken for the Flood System Repair Project (FSRP), but almost ½ mile of trees got downgraded to unacceptable to result in BALMD's overall rating, including Georgiana, to fall into the unacceptable range. The problem trees are at two locations, on the water-side bend downstream of Vieiras Resort and on the land side fronting the former Beaver, no Ruport, property. With the trees thinned out and trimmed, or removed at these two locations and a continuation of the overall acceptable rating for Georgiana Slough, the District's overall rating should rise to Minimally Acceptable. For the present, encroachments and landscaping are noted and rated minimally acceptable by the State

inspector so they do not have a big impact on the overall State rating. However, the encroachments are considered significant by the USACE when the Periodic Inspection Report (PIR) for the Sacramento River Unit was finalized and the District received its inactive rating for the PL 84-99 Rehabilitation and Inspection Program. Of course the other problem in trying to resolve that rating problem is the hydraulic connection with RD 556 so that eliminating some of the encroachment deficiencies will not change that rating. A draft letter has been prepared for Board consideration for mailing to those property owners with vegetation and encroachment issues fronting the Sacramento River. A separate letter has also been drafted to address the tree problem at the Polk, et al property (Port Apache) on Georgiana Slough. It is also important to note and stress for Board consideration that a new correction requirement has been added in the DWR transmittal of the 2013 Inspection Report. That is the statement that the minimally acceptable items will be changed to unacceptable if not corrected by the Spring of 2015. This is crucial to any overall rating calculation as the unacceptable items are multiplied by 4 to arrive at the total unacceptable mileage and would then impact the overall percentage calculation, which is the basis for the rating that is ultimately published.

The two pieces of draft correspondence were reviewed. Director Gardiner felt that the concluding paragraphs should be more pointed, more teeth. Director Giles expressed the opinion that the correspondence would have greater weight coming under Counsel's letterhead, rather than that of the District or Engineer. The Board agreed. Gil will revise the letters based on today's input, and then discuss with Scott and route to Downey Brand.

As noted above, the other recent report published by DWR involves utility crossings. It represents an exhaustive effort by the Flood Project Integrity and Inspection Branch to inspect and inventory all Project Levee utility crossings, record as much information as possible about the utility element, verify its permit status, and identify any problems that the District needs to address. Those utility crossings determined by DWR to need attention are further classified into urgent and non-urgent categories. Out of 239 crossings investigated, only 52 were determined to need District attention. Of these, only 6 are identified as urgent. Of those 6, two are located on the Georgiana Slough levee and four are on the Sacramento River levee. Three of the four crossings on the Sacramento River requiring urgent attention are the concrete conveyor tunnels from the cannery operation. These crossings are also high on the PIR list of unacceptable encroachments.

Discussion ensued regarding addressing the 6 citations:

- 1-3. Concrete Tunnels: Gil will be meeting with DWR regarding closure options.
4. Pipe at Vince Chavier's: Andy will follow-up with Vince regarding the District's intent to weld or bolt a plate over the pipe end. Such would then allow for re-opening should Vince need the pipe chase down the road, rather than abandoning the crossing.
5. Riverside erosion around irrigation pipe on Georgiana Slough. District to place rock.
6. Sump near August Correia's place. Andy will discuss with owner, District's intent to place expanded metal cover.

- B. Periodic Inspection Report. As noted above BALMD and RD 556 received letters from the Central Valley Flood Protection Board on March 26, 2013 that the Project Levee system shared by the two districts were placed on an inactive status in the USACE PL 84-99 Rehabilitation and Inspection Program (RIP) and became ineligible for PL 84-99 rehabilitation assistance following a disaster. The two Districts were given two basic options by the Flood Protection Board (FPB); 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.

There was another option for consideration on the RIP Eligibility Goal form to be filled out and returned to the FPB. Specifically, it would involve an effort to seek federal de-authorization and removal of the levee system from the State Plan of Flood Control. Since 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 join other LMAs that would support such an effort.

However, as reported in December, the entire PIR and rating system is under scrutiny and on hold.

A USACE memo from Washington surfaced on November 25, 2013 laying out a change in policy regarding the PL 84-99 Rehabilitation Program with Program eligibility decisions suspended until further notice. As initially noted above, there has been no further developments made public concerning this turn of events.

- C. BALMD 2013-14 Subventions Projects. As pointed out in the December report, and repeatedly identified as unacceptable in the DWR and USACE reports cited above, the exposed water-side erosion sites on the Sacramento River have raised concerns and need to be addressed sooner than planned. This office is working with state officials and has contacted a biologist to assist with the environmental permitting effort necessary to undertake the major erosion repair effort required eventually, all along the Sacramento River Levee between Isleton and Cache Slough. This effort will take some time to permit so it is recommended that there be an interim solution that would represent the first phase of the final repair solution. This interim solution would involve the sites exposed with the arundo removal experiment and currently experiencing some regrowth amidst the deteriorating fabric sun shield. The four water-side sites that are now an eye sore will need to be stripped and built out with suitable embankment fill material without triggering Section 7 environmental concerns and consistent with USACE permits. The interim repair concept being considered would result in the levee slope being rebuilt to at least the USACE as-built conditions in the vicinity, working only above the high water line at this point in time. If the current drought conditions persist, the interim repair effort could be scheduled later in the year during the approved construction window. On the other hand, 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. In any event, the interim erosion repair project currently envisioned by this office will 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 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 all or some portion of an interim effort should proceed expeditiously.
- D. Benefit Assessment Prop 218 Election. In December the Board agreed with this office and voted to proceed with an election on February 27, 2014. Subsequently, this office has entered into a contract, on behalf of the District, with the SCI Consulting Group, who handles the District's assessment mailing with Sacramento County, for their assistance with the 218 Election. To meet the election date established, the ballots needed to be mailed out by January 10, 2014. Given everyone's holiday schedule and the timing of the BALMD Board meeting so early in the month of January, concurrence was reached with SCI to recommend that the Board set a new election date and thereby allow more time for this office to get the ballot mailer ready for the SCI mailing.

The Board cancelled the February 27 Special Meeting.

The Board will conduct a Special Session of its April 10, 2014 Stated Meeting, convening at 5:00 p.m. at the District Office for the purpose of holding a public hearing on the new roll adoption, and conducting the Prop 218 vote on the matter.

7. Director Reports

7.1 Gardiner - President Gardiner advised the Board that the building used as the District's Office will be changing ownership. It is being sold to Nathan Gardiner. On a separate matter, steps will be taken to get the office wi-fi functional.

7.2 Giles - Director Giles filed her nomination paperwork for the Special District seat election.

7.3 Deak - No report.

7.4 Silva - No report.

8. Announcements

8.1 Two public workshop will be sponsored by the Sacramento-San Joaquin Delta Conservancy titled "Finding Ways to Restore Delta Habitat and Protect Property Owners". The nearest location for us is on January 28, 2014 from 1:00-5:00 pm at the Courtland Auditorium. The second is scheduled for January 29 at the Roberts-Union Farm Center in Stockton. Debbie will forward the registration information to the Board

via e-mail.

8.2 The State Lands Commission has called a Special Meeting for Thursday, January 23, 2014 convening at 10:00 a.m. in the Tsakopolous Library Galleria, East Meeting Room, 828 I Street, Sacramento, CA. Item VI.05 is to consider proposed amendments to Sections 1900, 2002, and 2003 of Title 2, Division 3, Chapter 1 of the California Code of Regulations, relating to Definitions, Categories of Leases or Permits, and Rental. (W 26535) (A & S: Statewide) (Staff: C. Connor). This item includes the discussion of leases and fees associated with private docks.

9. 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 Andy Giannini, Gil Labrie, Gay Giles, Debbie Phulps and Kirk West.

Respectfully submitted,

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

Date Approved: February 13, 2014
MSC: Giles / Deak