

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, March 13, 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.

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

- Directors: Joe Deak, Larry Gardiner, Gay Giles, Frank Silva Jr. and Denis Van De Maele
- Staff: Andy Giannini, Superintendent; Victoria Hale, Bookkeeper; Gilbert Labrie, Engineer; and Debbie Phulps, Secretary
- Guests: Mike Voelker, Greenfields Turf

2. Agenda Setting. MSC (Giles / Van De Maele) [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. Balance Sheet and Unpaid Bills Detail were distributed and reviewed. Director Giles received a copy of the current bank statement. Directors were reminded of the Form 700 filing deadline. The Board agreed to continue the insurance coverage through Golden State Risk Management Authority.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 721,990.68
Total Accounts Receivable	\$ 322,119.25
Total Other Current Assets	\$ 6,641.50
Total Fixed Assets	<u>\$ 649,320.46</u>
Total Assets	<u>\$ 1,700,071.89</u>
Total Current Liabilities	\$ 50,705.33
Equity	<u>\$ 1,649,366.56</u>
Total Liabilities and Equity	<u>\$ 1,700,071.89</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	242.01	Oilwell Materials	97.46
Bank of RV (Mastercard)	590.68	Payroll - PERS	4,111.77
California Waste Mngmt.	93.50	Payroll - Liabilities	2,242.64
Deak, Joe	100.48	Quickbooks Payroll	2.90
Delta Bookkeeping	1,611.04	Ramos Oil	288.64
Downey Brand, LLP	162.00	Reclamation 2067	330.00
Frontier Communications	141.37	River Rats	75.00
Gardiner, Larry	100.48	S&W Tire	48.00
Giannini, Andy	2,177.78	SCI Consulting	1,001.84
Gilbert Labrie, AIA	32,960.87	Silva, Frank	100.48
Giles, Gay	100.48	Stewart Industrial	136.25
Klipfel, Russel	2,114.18	Van De Maele, H. Denis	<u>100.48</u>
Net Business Solutions	1,775.00	Total	50,705.33

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

[Vicki left the meeting at conclusion of her report.]

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

5. Business

5.1 Encroachment Requests

- A. Greenfields Turf. Mike Voelker was present regarding the proposed irrigation line repairs presented at the last meeting. The concrete pad included in that encroachment review request was determined to not be on Greenfields parcel; and Greenfield has been unable to negotiate its placement with the property owner. Consequently, a concrete pad has been installed on the Greenfields' parcel, outside of the District's Area of Jurisdiction, necessitating a redesign of the piping route. The proposed new alignment is more direct with respect to access of interface crossing the levee to the river.

Construction will consist of the replacement of 40 lineal feet of siphon pipe on the land-side of the Georgiana Slough levee, near the RD 407 pump station, to connect to a new pressure irrigation system being installed by Greenfields Turf. The replacement line section will be installed on top of the levee slope to avoid any excavation in the levee triggering State permitting requirements; and will connect to the existing exposed portion of the levee crossing line, near the crown. The Applicant has been advised of the need to install a cutoff valve on the water-side, near the crown, and a siphon breaker. However, the new line will be a pressurized line. The Applicant has also been advised that a standard, District permit condition will require the Permittee to manage the vegetation in the vicinity of the new line to District maintenance standards.

MSC (Silva / Van De Maele) authorizing issuance of encroachment permit for that portion of the line within the District's jurisdiction; and execution of the District's endorsement on the Applicant's CVFPB application for the same. Permit to incorporate the District's Standard Conditions

- B. Public Hearing relative to Proposition 218 Benefit Assessment Ballot proceeding. To meet the April 10 election date, ballots were mailed out by February 24, 2014. However, in responding to an early constituent call about the election and while reviewing the excel template for the ballot roll, it was discovered that some adjustment calculations were doubled up. This related to property with levee access only (as a benefit) and recreational uses that are actually mobile home parks, similar to an urban residential use and receiving a higher benefit. Correcting that error meant that some new ballots had to be mailed out to the affected property owners. Since the mandatory 45-day clock starts with the ballot mailing, a new mailing of a few substitute ballots necessitated changing the election date. After discussing the matter with President Gardiner and SCI, it was decided to re-schedule the election to April 15, 2014, at the same time and location. This then did require a new and separate mailing announcing the public meeting change. An SCI change order was approved for an additional \$3,000 to cover the additional work associated with the new ballots and mailing cost. For the record, the Board needs to formally adopt the election date change. A total of 31 new ballots were mailed out, plus 548 letters providing notification of the election date change. The revised ballots increased the District's projected assessment by \$6,000.

MSC (Giles / Deak) rescheduling the April 10, 2014 Special Meeting to Tuesday, April 15, 2014 for the purpose of conducting the Public Hearing and Election. Location and time remain the same: 310 Second Street, Isleton, California convening at 5:00 p.m.

District Engineer Labrie was requested to review the process and factors by which the Benefit Assessment Commissioners established the Use Codes, Benefit Value Rates and Adjustment Factors used to create the new Benefit Assessment Roll. He also responded to inquiries and discussion ensued.

6. Staff Reports

6.1 Secretary - Debbie Phulps.

- A. **MSC** (Giles / Deak) approving the minutes of 02/13/2014.
- B. The District's wi-fi connection has been established.
- C. Correspondence requiring action was to be addressed under the proper order of business. Items requiring no action were reported.
1. Draft Bay Delta Conservation Plan (BDCP) comment period extended to June 13, 2014.

2. California Special Districts Association call for nominations to Board of Directors - Seat C.
3. Notification by Towne Exploration Company as to the transfer of holdings to Vintage Production LLC.
4. Golden State Risk Management Authority newsletter.
5. Subventions Program FY2013-14 executed Work Agreement.
6. E:from Osha Meserve regarding March 18, 2014 public meeting regarding the Steamboat and Sutter Slough rock barriers.

6.2 Superintendent - Andy Giannini. The Shaw property has been sold. Andy advised the new owners of the need for District review and possible permitting requirements for fencing, gates and other such potential levee encroachments. Russell has been working with the Aebi near Drone's. The John Deere is still in the shop. Andy investigated repair progress. Expecting delivery in time to meet Caltrans schedule. The Agricultural Commissioners are no longer allowed to transport fumigant products. Therefore, Andy has to retrieve supplies from the Arch Road facility in Stockton, near the airport. DWR Spring inspections are being scheduled; but BALMD's date has not been announced.

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. On February 26 DWR commenced a Public Review Period for drafts of the Program Guidelines and Project Solicitation Package for the PSP (Project Solicitation Proposal), the latter of which is to be released on April 18, 2014 for Delta Levees Special Flood Control (Multi-benefit) Projects. This impending PSP was announced at the February Delta Levees and Habitat Advisory meeting and noted in last month's Report of the District Engineer. The guidelines emphasize water supply reliability, channel margin habitat enhancement, and improvement to levee system integrity. However, the scope and selection formats clearly favor south-Delta projects which improve the two channels to the pumps: Old River and Middle River. A total of \$75 million is to be made available for the approved projects.

The project submittal process is divided into two segments. The first segment involves submittal and review of concept proposals that will be scored and prioritized to create a short list. Those project proponents will then be given the opportunity to participate in the second segment which is preparing a full and detailed application for final consideration and another round of winnowing down the list of projects to eventually be selected for funding. Because the funds are coming from proposition 1E, the projects need to be under contract for construction funding by the State (obligated), by July 2016; and the funds need to be expended before July 2018. DWR does not anticipate announcing the selected projects until late September of this year. This leaves less than 18 months for proponents to come up with a final design, process the environmental documents, obtain the necessary permits, finalize construction drawings, and generate a reliable cost estimate so that a contract can be negotiated with the State. Such is not a very realistic timetable if the proposed project has an in-water component.

Your DE's thought is to propose for consideration the erosion repair / habitat enhancement project for the Sacramento River levee between Cache Slough and Isleton sketched out and presented to some DWR and CDFW staff for consideration as a pilot project because of the habitat bench component incorporated into the design. There have been discussions with a biologist about preparing an assessment of the entire levee reach, before submitting the project to the CVFPB and USACE for a permit. The plan being to obtain a permit to repair the entire stretch; but do the work in segments based upon District funding constraints. Proceeding with these steps under the regular Levee Subventions Program could facilitate moving forward with State funding, under the Subventions Special Projects Program, as a single project if it gets selected. Since there is a DWR desire to improve channel margin habitat along the Sacramento River, the proposal might get selected. Under the draft Guidelines, minimum State funding would be 75%, and funding advances are provided under the Special Projects Program format. .

As previously reported, the results of the DWR Fall 2013 project levee inspection report resulted in an overall District rating of Unacceptable because almost one-half mile of vegetative growth,

primarily untrimmed trees on the Sacramento River levee, were downgraded to Unacceptable. Even an Acceptable rating for the Georgiana Slough levee was insufficient to skew BALMD's overall rating to even Minimally Acceptable. The problem areas are at two locations: the water-side bend downstream of Vieiras Resort, and on the land-side fronting the Ruport and Correia properties. 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 improve. A draft letter to notify the property owners has been prepared focusing only on addressing the vegetation encroachment issue, per the direction received from the Board in February.

MSC (Giles / Van De Maele) authorizing distribution of the correspondence after April 15, 2014.

While structural encroachments and landscaping were noted in the DWR inspection report, they got rated Minimally Acceptable by the State inspector and did not have a big impact on the District rating. This is in contrast to the 2011 USACE Periodic Inspection Report where the structural encroachments were considered significant, and contributed to the District's inactive status designation and caseation of eligibility for the PL 84-99 Rehabilitation and Inspection Program.

A separate draft letter has been prepared for Board re-consideration and mailing to those property owners with structural encroachment violations fronting the Sacramento River. Per Board direction in February, separate form letters were drafted so that the District policy with respect to removal of the structural encroachments could be different than correcting the vegetation deficiencies. A total of 11 parcels have been identified with encroachment deficiencies warranting attention to receive an abatement notice from the District. With one exception, they are located along Main Street in Isleton, and concentrated at the east end, beginning at H Street.

MSC (Giles / Van De Maele) authorizing distribution of the correspondence after April 15, 2014.

As previously reported, DWR added a new deficiency correction requirement with transmittal of the 2013 Inspection Report. The Minimally Acceptable items will be changed to Unacceptable if not corrected by Spring 2015. This could be devastating if not addressed since, for the overall rating calculation, Unacceptable items are multiplied by 4 to arrive at the total Unacceptable mileage, which cannot exceed a certain percentage to regain an Acceptable status. Additionally, there is another document published by DWR containing an inventory of all utility crossings, generated by an exhaustive effort to research old records and inspect all Project Levee utility crossings. The result of that effort is a compilation of as much information as possible about the utility element, verification of its permit status, and identification of any problems the District needs to address. A total of 239 crossings were investigated within BALMD's jurisdiction. However, only 52 were determined to need District attention, with 6 of those crossings identified as urgent. Two of the six are located on the Georgiana Slough levee and four are on the Sacramento River levee. Three of the Sacramento items are the concrete box culverts that served as conveyor tunnels for the cannery operation that once existed at those locations. Since the February meeting these have been surveyed in order to prepare documents to develop a closure design and obtain State approval to proceed. DWR staff is supposed to conduct a briefing with the individual LMA's to go over procedural requirements and acceptable strategies to address the urgent items in the inventory list.

- B. Periodic Inspection Report. To date, nothing has been resolved within USACE management in Washington regarding the process to have an LMA's eligibility status re-instated. While some LMA's have elected to submit a Letter of Intent (LOI) to undertake a System Wide Improvement Framework (SWIF) plan in order to regain eligibility, it is not clear what Washington approval means since the program locally has been suspended by Washington.
- C. BALMD 2013-14 Subventions Projects. The projects in various stages of development for construction before July 1, 2014 include: 1) PL 84-99 crown raising on the Mokelumne levee between the Lighthouse Resort and Pirates Lair Resort; 2) levee cross section enhancement on Sevenmile Slough between the dams; and 3) removal of the toe ditch and construction of a French drain and seepage blanket on the Georgiana Slough involving approximately 3000 lineal feet bordering the Gardiner and Still properties. Because of increased CVFPB oversight on projects

involving Federal Levees, the Gardiner/Still project is being delayed by this new permitting emphasis. This development argues for moving ahead with preparing a bid package for one of the other projects, potentially the Mokelumne crown raising effort since Sevenmile is controllable.

6.4 Legal Counsel - Shapiro. No report.

7. **Director Reports:** None.

8. **Adjournment:** The meeting was adjourned by President Gardiner at 12:10 p.m. followed by an invitation to join the Board for lunch at Pineapples. Those accepting were Gay Giles, Denis Van De Maele, Gil Labrie and Debbie Phulps.

Respectfully submitted,

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

Date Approved: April 10, 2014
MSC: Giles / Deak