

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, April 10, 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 10:00 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: 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: Kirk West

2. Agenda Setting. MSC (Silva / Van De Maele) [MSC = Motion-Second-Carried unanimously unless otherwise noted] adopting the agenda as amended to include consideration of the encroachment requests of Ron Stevenson and CalTrans; 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. There are no Mineral Assessments outstanding at this date. Vicki noted that she will be receiving proposals for 2013-14 audit services, particularly since none of our former auditors remain with the firm Croce & Company. These will be brought to the Board for consideration. The property housing the District Office has been sold.

A. Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$ 840,241.24
Total Accounts Receivable	\$ 153,163.34
Total Other Current Assets	\$ 6,641.50
Total Fixed Assets	\$ 649,320.46
Total Assets	<u>\$ 1,649,366.54</u>
Total Current Liabilities	\$ 181,687.78
Equity	<u>\$ 1,467,678.76</u>
Total Liabilities and Equity	<u>\$ 1,649,366.54</u>

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

Applied Water Resources	129,445.09	Payroll - Liabilities	2,088.54
AT&T Wireless	239.47	Quickbooks Payroll	2.90
California Waste Mngmt.	93.50	Ramos Oil	639.39
Deak, Joe	100.48	Reclamation 2067	330.00
Delta Bookkeeping	1,607.84	River Rats	75.00
Frontier Communications	93.97	Silva, Frank	100.48
Gardiner, Larry	200.97	Soluri Meserve	13,800.00
Giannini, Andy	2,177.78	Stewart Industrial	263.66
Gilbert Labrie, AIA	22,530.72	USPS	84.00
Giles, Gay	100.48	Van De Maele, H. Denis	100.48
Klipfel, Russel	2,114.18	VISA	<u>1,291.35</u>
Oilwell Materials	95.73	Total	<u>181,687.78</u>
Payroll - PERS	4,111.77		

MSC (Silva/Giles) authorizing execution of warrants totalling \$180,000 distributed as follows: (3) \$50,000 and (1) \$30,000; and payment of claims.

[Vicki retired from the meeting at conclusion of her report.]

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

5. Business

5.1 Encroachment Requests

- A. Ron Stevenson - Levee Real Estate Signs. Request authorization to install two (2) temporary "For Sale" signs on the levee berm along Georgiana Slough. A separate sign will be placed near the slough bank for each parcel (Sonny McDowell's and Rick Still's). The signs will be installed with two wood posts, driven into the top of the berm, and will be approximately 3-foot square. The levee integrity will not be compromised by these signs. It is recommended that the Board authorize the District Engineer to issue a letter of permission (LOP) to Mr. Stevenson, and that the standard fee be waived.

MSC (Giles / Van De Maele) authorizing issuance of LOP and waiving the basic application fee.

- B. Caltrans - Temporary Traffic Signal Poles. This office received notification from Caltrans of an impending project replacing the bridge deck on the Mokelumne River bridge, scheduled to begin in January 2015. Caltrans' exhibits indicate that seven (7) temporary wood poles will be installed in the approach ramp on each end of the bridge to enable installation of a traffic control signal light system necessary to control 1-way traffic during construction. The temporary poles will be placed in drilled holes to a depth of 6 feet. The bridge deck replacement project is estimated to span a 10-week period (weather permitting). Since the poles will be placed close to the shoulder on the approach ramp, it is unlikely the installation will even penetrate the levee section. A LOP is probably sufficient for CalTrans' file as an indication that the Levee District was contacted for its endorsement. It is not clear whether CalTrans intends to contact the Flood Protection Board. It is the opinion of this office that an encroachment permit from the Flood Board should not be necessary.

MSC (Silva / Deak) authorizing endorsement on a Central Valley Flood Protection Board application if CalTrans should need such.

5.2 Public Hearing relative to Proposition 218 Benefit Assessment Ballot proceeding. The Board was reminded of the 5:00 p.m. meeting with dinner to follow.

5.3 Maintenance Work Contracting. (See Item 6.3B).

6. Staff Reports

6.1 Secretary - Debbie Phulps. **MSC** (Giles / Deak) approving the minutes of 03/13/2014 as distributed.

6.2 Superintendent - Andy Giannini. Current activities involve grazing on the Mokelumne, fumigating along Sevenmile, mowing along Georgiana, and hazardous material compliance at the District yard. Andy noted that the skids on the mower are reaching their wear point and will need maintenance. The mowing schedule for the Sacramento was discussed, particularly with the upcoming DWR inspections. Andy noted they will be moving there from Georgiana.

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. As reported in March, DWR is preparing to issue Program Guidelines and release a PSP (Project Solicitation Proposal) on April 18, 2014 for Delta Levees Special Flood Control (Multi-benefit) Projects. The Guidelines emphasize water supply reliability, channel margin habitat enhancement, and improvement to levee system integrity. \$75 million is to be made available for the approved projects to be selected through a two-part process. Part 1 involves submittal of concept proposals that will be scored and prioritized to create a shortlist. In Part 2 the short-listed project proponents will be given the opportunity to prepare a full and detailed application for potential funding consideration. The time line for the entire process is short because the funds are coming from Proposition 1E which need to be under State contract for construction funding by July 2016 and expended before July 2018. With project selection projected to take place in late September of this year, only 18 months would remain to come up with a final design, obtain the necessary permits, process the environmental documents, finalize construction drawings, and generate a reliable cost estimate so that a contract can be negotiated with the State, virtually an impossible task if the proposed project has an in-water component.

As discussed with the Board in March, the erosion repair / habitat enhancement project for the Sacramento River levee between Cache Slough and Isleton will be submitted for consideration under the upcoming PSP. A design has been sketched out and, based on the feedback from some DWR and CDFW staff, appears to fit the Guidelines for consideration as a pilot project because of the habitat bench component incorporated into the design. To have a better assurance of meeting the tight funding and completion criteria, a biologist was contacted about preparing a Biological Assessment (BA) of the entire levee reach in order to proceed with submittal of the project to the CVFPB and USACE for a permit. Robertson-Bryan, Inc. has submitted a proposal with a budget of \$16,628 to provide a biological assessment with the level of detail required for the initial permit submittal. It will not be as extensive as the document that will come

out of the USACE permit process; but it should facilitate the process.

Once a permit to repair the entire stretch is obtained, the actual repair and enhancement work could be undertaken under Subventions and phased based upon District funding constraints. The project is consistent with the District's Five-year Plan which is also essential for favorable consideration in the PSP review process. Of course it would be accomplished as a single, large project if it gets selected for funding as a Subventions Special Project through the PSP. 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. It is important to note that this segment of the Levee Subventions Program is funded differently, and subject to more DWR administrative micro-management and scrutiny.

This District has been advised that the spring Project Levee inspections are being scheduled and will be contacted soon. 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, was downgraded to unacceptable. The problem areas are two locations: the water-side bend downstream of Vieiras Resort and the land side fronting the Rupert 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 notifying affected property owners about the District's impending effort to address the vegetation encroachment issue is ready to be mailed after the upcoming election. Thereafter the District will need to authorize a contract for the trimming and thinning project involving the unacceptable areas.

A separate encroachment abatement form letter has been prepared to communicate a different District policy with respect to removal of the structural encroachments. Eleven parcels have been identified with encroachment deficiencies warranting attention, and will be receiving an abatement notice from the District. Mailing of that notice is also awaiting completion of the Proposition 218 election process.

As previously reported, DWR added a new deficiency correction requirement with transmittal of the 2013 Inspection Report. Minimally Acceptable items will be changed to Unacceptable if not corrected by the Spring of 2015.

As previously reported, there is another document published by DWR containing an inventory of all utility crossings on District Project Levees. The result of that effort is a compilation of as much information as possible about the utility element, its permit status, and identification of any problems that the District needs to address. A total of 239 crossings were investigated within BALMD's jurisdiction. 52 were determined to need District attention, but only 6 crossings were considered more urgent. Four of the six are on the Sacramento River levee. These include the three concrete box culverts that served as conveyor tunnels for the cannery operation that once existed at the location. These have been surveyed in order to prepare documents to develop a closure design and obtain State approval to proceed. At this stage the necessary abatement project is awaiting Flood Board staff to conduct a briefing with the LMA's to go over procedural requirements and acceptable strategies to address the urgent items in the inventory list. That briefing is yet to be scheduled.

- B. 2013-14 Subventions Projects. Projects in various stages of development for construction before July 1, 2014 include: 1) PL 84-99 crown raising on the Mokelumne River levee between Lighthouse and Pirates Lair resorts; 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 levee involving approximately 3000 lineal feet bordering Gardiner and Still properties. The Gardiner/Still toe ditch removal project is being delayed by the new permitting emphasis detailed above. Consequently, to take advantage of the current Levee Subventions Program funding level and the extent of the District's approved work agreement with the State, it is recommended that Board move ahead with the crown raising effort along the Mokelumne and the crown widening/levee enhancement project for Sevenmile Slough. To make an award and complete construction before July 1, 2014 will require an accelerated effort by this office to assemble the necessary bid documents and advertise such that the District can receive bids by the May 8, 2014 meeting.

MSC (Deak / Van De Maele) authorizing staff to proceed to bid on both projects. It is anticipated bids will be received at the May 8, 2014 stated meeting.

- C. Periodic Inspection Report. Effective March 21, 2014 an interim USACE policy went into effect regarding the PL 84-99 Rehabilitation Program (RP) and determining eligibility status. According to Flood Protection Board staff the new policy narrows the criteria of maintenance items used to determine eligibility to an 18-

item subset. Additionally, according to Flood Board staff, the interim policy effectively separates overall system inspection ratings from eligibility in the RP. An unacceptable overall system rating will not necessarily lead to an inactive status in the RP, which is BALMD's current status. However, according to the interim policy federal levee systems that are currently inactive in the RP can be reinspected and reevaluated for eligibility based on the interim criteria, upon the submittal of a request from the public sponsor. It appears that this may be an avenue for BALMD to get reconsideration without having to address the RD 556 problem. However, there are still many unanswered questions for DWR staff to sort out before the full implications of the interim policy can be fully understood.

- D. **Abandoned Vessel Abatement.** While this is becoming a bigger problem in the Delta for various reasons, it is a huge problem in certain areas with the San Francisco Bay region. Consequently, the Bay Planning Coalition has conducted a couple workshops involving presentations and discussion with key public agency officials who are involved in attempting to address the problem. One of those workshops was held yesterday in Oakland and the session focused on enforcement. The public agencies represented included: the US Coast Guard, the California State Lands Commission, the US EPA, the BCDC, and the Oakland Police Department. The later was there because the discussion included a lot of information about the experience and lessons learned from a 2-year effort to clean up the Oakland/Alameda Estuary. It was a massive effort involving 57 boats, 2 sunken tug boats, tons of waste, and the collaboration of a myriad of public agencies, along with over \$5 million dollars in direct costs. While the BALMD issue is small by comparison, some of the issues and public agencies that could be involved in a Delta effort are the same. In fact, the Coast Guard Commander in attendance at the workshop has already been involved with vessel issues in the Delta, which is within his area of command. A new section in the Public Resources Code gives the State Lands Commission some discretionary authority and the EPA can be an important part of what needs to be a collaborative effort. Obviously, the largest impediment is funding any effort. Vessels that are sunk and the presence of hazardous materials can drive the costs up quickly. Boating and Waterways still has its abatement program and now administers "grants". The deadline for submittal and consideration for the next fiscal year round of grants is the end of this month, April 30, 2014. An important consideration on the funding front would be to seriously approach the State about the ability to provide some funding support for any LMA effort with Subventions monies if levee maintenance or integrity is involved.

6.4 Legal Counsel - Shapiro. No report.

7. Director Reports

7.1 Director Giles noted she will be attending the General Manager Leadership Summit in North Tahoe June 21 through 22.

7.2 Director Silva inquired about wear skids for the John Deere through a source such as Wilcox Agri-Products. He also shared about portable carbon monoxide units for rodent abatement.

8. **Litigation Reports:** None necessitating Closed Session.

9. **Adjournment:** The meeting was adjourned by President Gardiner at 11:50 a.m. followed by an invitation to join the Board for lunch at Rogelio's in Isleton. Those accepting were Andy Giannini, Gay Giles, Gil Labrie and Debbie Phulps.

Respectfully submitted,

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

Date Approved: May 15, 2014
MSC: Giles / Van De Maele