

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, June 11, 2015

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by President, Larry Gardiner, 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, Fran Silva and Denis Van De Maele
- Staff: Andy Giannini, Superintendent; Debbie Phulps, Secretary; Gilbert Labrie, Engineer; Victoria Hale, Treasurer
- Guests: Bruce Gornto and Kirk West

2. Agenda Setting. MSC (Silva / Deak) MSC adopting the meeting Agenda as amended to include Personnel Discussion as a sub-item under the Closed Session. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Address the Board.

3.1 Kirk West commented on the increased unauthorized ATV and Quad activities on the District Patrol road. Access is being gained by circumventing the gates. It is also believed these perpetrators are part of the increased burglaries in the greater Isleton area. President Gardiner also commented about homeowners having erected their own cable barriers across the roadway. Andy was instructed to follow up on their removal.

3.2 Bruce Gornto was present to discuss updating the District Ditch Map. Revisions were discussed, including Voelker's desire to close the ditch near the sewer ponds. The District Engineer was instructed to correspond with the owner about the District's requirements that provisions be made for collection and transport of the seepage in the present lateral ditches to the main ditches. If the exposed lateral ditches are removed, such requirement would be the installation of piping to carry the seepage. The laterals were originally installed because the USACE emergency french drain fix at the site was insufficiently tied to the main ditches to remove the seepage. The District does not want any ditch relocated closer to the problematic levee section. Additionally, the incidence of utility lines increases closer to the toe.

4. Financial. Copies of the Balance Sheet and Unpaid Bills Detail reports were distributed and reviewed. Gil indicated the first of the Subventions 2013-14 Claim payments are beginning trickle out of the State; but it is a slow trickle.

4.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.....	\$	691,112.73
Total Accounts Receivable.....	\$	38,119.17
Total Other Current Assets.....	\$	1,030,993.68
Total Fixed Assets.....	\$	573,011.58
Total Assets.....	\$	<u>2,333,237.16</u>
Total Current Liabilities.....	\$	178,341.35
Equity.....	\$	<u>2,154,895.81</u>
Total Liabilities and Equity.....	\$	<u>2,333,237.16</u>

4.2 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.....	245.38	CVS, CPA.....	5,450.00
Cal OES.....	25,561.00	Deak; Joe.....	100.60
Delta Bookkeeping.....	1,610.72	Gornto Ditching.....	19,700.00
Frontier Communications.....	148.48	Kipfel; Russel.....	2,233.88
Gardiner; Larry.....	100.59	Payroll - PERS.....	4,260.32
Giannini; Andy.....	2,272.28	Payroll - Liabilities.....	2,276.94
Gilbert Labrie, AIA.....	28,793.32	Quickbooks Payroll.....	3.20
Giles; Gay.....	100.60	Ramos Oil.....	112.52
Golden State Risk.....	9,277.00	RD 2067.....	360.00

River Rats... 75.00
Silva; Frank. 100.60

Van De Maele; H. Denis..... 100.60
Total Claims..... \$ 102,882.99

MSC (Deak / Silva) authorizing issuance of (2) \$50,000 warrants and payment of the presented claims.

5. Business

5.1 Contracting. **MSC** (Silva / Van De Maele) to proceed to bid for the repair of the beaver-caused damage adjacent to Delta Bay. Bid period will close at 10:00 a.m. on Thursday, July 9.

5.2 FY2015-16 Budgeting and Subventions

A. Benefit Assessment Call 2. Following discussion, **MSC** (Deak / Silva) adopting Resolution 2015-01 establishing Call 2 at a rate of \$1.75 per \$100 of valuation, and authorizing the District Treasurer to publish the same for the coming year.

Resolution No. 2015-01

A Resolution Ordering the Continuation of the Levy of Assessments
For Brannan-andrus Levee Maintenance District
(Assessment No. 2) for Fiscal Year 2015-16

WHEREAS, heretofore by order of the Board of Supervisors of Sacramento County, California, duly passed and adopted on April 23, 2013, an Operation and Maintenance Assessment Roll (Roll) for Brannan-Andrus Levee Maintenance District was duly and regularly fixed and approved, pursuant to the provisions of Section 51332.1 of the Water Code of the State of California, and which said Roll is now and at all times herein mentioned was in full force and effect; and

WHEREAS, in the opinion of the Board of Directors of said Brannan-Andrus Levee Maintenance District, it will be necessary to raise the assessment for fiscal year 2015-16 for maintenance, repair and operation of the levees, for the incidental expenses of said District, and for construction work supplemental thereto or in replacement thereof;

NOW, THEREFORE, BE IT RESOLVED AND ORDERED THAT:

The public interest, convenience and necessity require that the levy be made. This Board hereby orders the continuation of the levy and collection of the assessment, to be known as "Assessment No. 2" based upon the said 2013 Benefit Assessment Roll of Brannan-Andrus Levee Maintenance District, Sacramento, California, for fiscal year 2015-16 for the purposes herein above set forth; and

The assessment, for fiscal year 2015-16 has been calculated at the rate of One Hundred Seventy-Five cents (\$1.75) on each One Hundred Dollars (\$100.00) of assessed valuation as shown on said Roll, with minimum levy of \$25.00 per each parcel of land (Water Code Section 51335.5). The total sum to be raised shall be adjusted to conform to the formula applicable to the valuation of mineral rights as set forth in the Assessment Roll approved by the Sacramento County Board of Supervisors; and

Where the County Assessment Roll combines several District Tracts into a single assessment parcel, all of which are assessed to the same ownership, all of such District Tracts shall be treated as single parcel for the purpose of applying the minimum of \$25.00 referred to in paragraph 2 above; and

The Secretary of the District is hereby directed for and on behalf of this Board and said Brannan-Andrus Levee Maintenance District, to cause a Supplemental Assessment List to be completed with respect to such levy by setting forth therein and endorsing thereon the total assessment and rate to be paid with respect to each parcel of real property shown on said Roll, and to set forth therein all other matters and things required by law in connection therewith, pursuant to the provisions of Section 51337 of the Water Code, and the same shall be deemed a part of said original Benefit Assessment Roll to the same extent and for the same purposes as if said rate and assessment had actually been inserted in said Assessment Roll; and

Said Supplemental Assessment list when so completed shall be filed by said Secretary in the office of the County Treasurer of Sacramento County, California; and

The Secretary of the District shall give notice of the time and place of payment of said assessment in the manner provided by Section 51519 of the Water Code by publishing said

notice two (2) times, once a week for two (2) consecutive weeks in "The River News Herald and Isleton Journal" a newspaper of general circulation within the District, devoted to the publishing of general news, published in Solano County, California, there being no newspaper of general circulation published within Brannan-Andrus Levee Maintenance District; and

A copy of this resolution and order certified by the Secretary of this District shall be filed with the County Treasurer of Sacramento County for insertion in Benefit Assessment Roll of said District; and

Immediately upon the adoption of this resolution, but in no event later than August 15 following such adoption, the Secretary of the District shall file a certified copy of this resolution with the Auditor of the County of Sacramento. Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments, After collection by the County, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Brannan-Andrus Levee Maintenance District; and

The moneys representing assessments collected by Sacramento County shall be deposited in the District Treasury to the credit of the assessment fund previously established under the distinctive designation of the Brannan-Andrus Levee Maintenance District. Moneys in the assessment fund shall be expended only for the purposes herein above set forth of the Brannan-Andrus Levee Maintenance District.

[End of Resolution]

- B. **MSC** (Deak / Van De Maele) adopting the proposed Subventions Program budget; and authorizing Resolution 2015-02 to include participation in the 2015-16 Program, and designation of the President or Vice President to execute all Program documents relative thereto.

Resolution No. 2015-02

A Resolution Authorizing District's Submittal of a
FY2015-16 Levee Subventions Program Application
And the Execution of Program Documents

WHEREAS, it is the desire of the Brannan-Andrus Levee Maintenance District to participate in the 2015-16 Delta Levee Subventions Program; and

WHEREAS, program participation includes the preparation and submittal of an Application to Participate (with budget), execution of a Work Agreement, and subsequent preparation of a Claim for Reimbursement at year end, and

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

NOW THEREFORE BE IT RESOLVED, that the Board hereby authorizes President, Larry L. Gardiner, or Vice President, Denis Van De Maele, to execute said documents on behalf of the District.

[End of Resolution]

5.3 Encroachments Abatement Follow-up. **MSC** (Deak / Van De Maele) instructing the District Engineer to proceed with establishing the west property line of the properties on the west side of Main Street. Such to become the basis for notification and follow-up with those owners regarding removal of structures encroaching upon the levee toe and said property line.

6. Staff Reports

6.1 Secretary - Debbie Phulps. **MSC** (Deak / Silva) approving the May 14, 2015 meeting minutes.

6.2 Superintendent - Andy Giannini. Current activities have revolved around mowing operations and equipment repairs / maintenance.

6.3 Engineer - Gil Labrie.

A. Levee Subventions Program Issues Overview

1. Levee Investment Strategy. As reported previously, a concerted effort by outside consultants continues in the development of a *Delta Levees Investment Strategy* (DLIS) methodology, for the Delta Stewardship Council (DSC). After some initial consultation with a few LMA engineers, there has been no meaningful followup. On more than one occasion the outside consultants have made progress reports to the DSC with an indication that the report documents presented had undergone some independent peer review. A total of 5 Technical memorandums drafts have been issued. A cursory review of some of the technical information tabulated reveals that the asset charts covering the individual districts have inaccurate or missing information that could be critical to any future risk and consequence assessment. That is probably due to the fact that this Investment Strategy effort primarily involves gathering and utilizing data, gathered and generated for existing documents relating to levees, that previously emanated from DWR, the DSC and the DPC. This includes out-dated Delta levee study efforts, primarily the DRMS Report, the DPC Economic Sustainability Report and the LMA's 5-Year Plans. Any feedback and critique of the information and even conclusions in the DRMS report as well as pertinent information provided by to the DSC by local LMA representatives has been ignored by the consultants.

To make matters worse, certain members of the Stewardship Council have taken it upon themselves to draft a document entitled, "*Delta Flood Management Investment Strategy Principles*", to guide the Council deliberations that will lead up to the adoption of "*Investment Strategy Guidelines*" for the decision makers involved in the State budget process and levee program funding decisions. That draft document was just forwarded to the LMA's in advance of the Delta Levees and Habitat Advisory Committee meeting that took place last Friday in order to solicit comments. It was actually agendaized for DSC discussion at the May meeting but was put over to the June meeting. The deadline for comments to possibly influence what will be discussed by the DSC at the end of the month is June 15th. However, a very critical discussion of the message being sent by the authors of the "*Principles*" draft took place last Friday at the DLHAC meeting because of inaccuracies and misrepresentations in the document about the levees and the Delta Levee program and total bias towards protecting urban centers and basically throws the Delta, "under the bus". One of the authors of the document was Phil Isenberg so the lack of Delta objectivity is understandable. The next scheduled Council meeting where this "*Principles*" document is to be discussed is June 24th. If it is not significantly modified LMA representatives should be there in force to argue against any use of its information for policy guidance.

The process to develop a DLIS began in July 2014 and is to be completed by July 2016.

2. Title 23 Revisions. Another Resources Agency effort that was previously reported on is an update of the Guidelines and Procedures adopted by the Central Valley Flood Protection Board pursuant to Section 12984 of the Water Code which will affect DWR administration of the Delta Levees Subventions Program. One workshop was held in late April to go over the first draft of the Guidelines update. More are planned but have not been scheduled. The initial workshop involved a lot of word smithing but it is anticipated that additional sessions will focus on more substantive issues. There is a crucial need to modify and clarify the guidelines for funding eligibility, as well as update procedures. Currently, DWR is interpreting existing generalities in the guidelines to disqualify a lot of LMA expenditures and effectively micro-manage, after-the-fact local priorities and decisions.
3. Subventions Special Projects. Since this Levee Subventions Program element was established by DWR to provide for larger construction projects than can be accommodated under maintenance and rehabilitation program funding constraints, the methodology for allocating the funds has been to develop and release Project Solicitation Package requests for proposals that meet certain guidelines and criteria. The amount of funds available for allocation was pre-determined by DWR and a bonus point system was incorporated to somewhat objectify the prioritization process for those projects submitted for consideration. There have been approximately four PSP solicitations since Proposition 84 was approved and more bond funds

became available to fund a levee program. When the Special Projects concept was sold to the districts it was presented as an opportunity to take on larger projects by any LMA participating in the Delta Levee Subventions Program. However, from the beginning the introduction of the bonus point system allowed DWR to skew the program towards certain type of projects. Early on, the CalFed planning effort helped some projects get on the short list and received funding support, such as the BALMD Beneficial Reuse Study and potential stability berm project. With the development of the Delta Plan and emphasis on water supply and ecosystem restoration, the more recent PSP's have given preference to projects that protected water supply components or provided habitat enhancement.

The most recent PSP stressed multi-benefit projects involving specific river channels and habitat enhancement. That criteria itself severely limited the number of project options across all 53+ LMA's. Because the Sacramento River was one of the favored channels, BALMD's planned erosion repair/habitat enhancement project involving the Sacramento River levee between Cache Slough and Isleton made the short list of 5 concept projects selected from the first round of submittals. However, only four out of the five LMA's on the short list chose to prepare a more detailed submittal package and continue in the selection process. On February 25, 2015 the District was officially notified that the erosion repair project had been approve to receive State funding at a cost-share level of 94%. It has taken since then for a generic project funding agreement to be crafted and go through a protracted review by upper DWR management. Even after that process, a specific agreement will be prepared for each district project and become the project management tool if a district elects to proceed. For BALMD the project funding portion of the agreement should provide for up to \$6,442,096 in State monies to construct approximately 8,000 lineal feet of revetment remediation and habitat enhancement on the Sacramento River left bank below Isleton. That equates to a \$6,853,293 project with a District contribution of \$411,198.

4. 2014-16 Levee Subventions Budget. The current Governor's Budget includes a \$12 million allocation for the Delta Levee Subventions Program. That amount is at the same level as the 2014-15 Fiscal Year, which is just concluding and has been the amount budgeted for this portion of the Subventions Program since the Special Projects portion was officially initiated. However, for various reasons, final State reimbursements to the participating LMA's have never reached the \$12 million threshold. In fact, for 2013-14 DWR recently indicated that the amount of reimbursement checks just starting to arrive at the local level only totals \$5.4 million.
- B. Periodic Inspection Report. Previously it was reported that changes were coming to add to the confusion regarding the USACE inspection program and future options for local maintaining agencies with levees designated ineligible for rehabilitation assistance under PL84-99. Those changes will update USACE policies and procedures to align with national preparedness and response frameworks and encourage broader flood risk management activities by sponsors, to highlight the affected areas applicable to the State's Project Levees. Currently the revision procedures are still in the early stages of development and the USACE has yet to release a draft.
 - C. BALMD 2014-15 Subventions. There are only 19 days left in the fiscal year so the emphasis is currently on preparing and submitting a budget for the 2015-16 Fiscal Year. The main construction project being considered include the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project similar project for the Delta Bay situation but with a modest stability berm constructed at the levee toe. Planning and design will begin for a future crown raising project along the San Joaquin between Pirate's Lair Marina and Dutra Point, along with a continuation of the Georgiana Slough seepage management projects, continuing downstream from the old railroad bridge abutment. Permitting work will also continue for a Sacramento River erosion repair project as envisioned in the Districts 5-year Plan and potential eligible for funding as a large PSP Special Subventions Project.
 - D. Delta Bay Monitoring. This office continues to monitor what appears to be primarily lateral movement in an unstable section of the levee at the Delta Bay Resort. Periodic monitoring surveys of this particular section of the San Joaquin River levee have been undertaken for several years. Lateral movement is being detected occurring approximately 22 feet below the crown. The most recent reading of the monitoring device placed in the levee crown at this location indicated an increased rate of movement at that level during a 12-month period.

The favored mitigation option being discussed with Raney Geotechnical and engineered by this office includes the installation of a drainage system to lower the phreatic water level in the levee and a stability berm at the toe of the slope. This will require obtaining an easement through the RV Park in order to install a drain line to the RD 317 drainage ditch to the north of the park and to construct a berm along the levee toe, encroaching a portion of the park. Considerable engineering has been expended to develop a design and to begin discussions with the Park owner about potential impacts and the necessary easements.

On the waterside at this location the necessary steps have been taken to undertake a project to repair a wash out or beaver den that is situated below the root balls of a clump of shrub willows. The willow clump will need to be removed completely in order to repair the levee slope and continue the rip-rap repair that was undertaken in November 2014 because of the discovery of some levee toe undercutting. Construction documents are ready and it is requested that the BALMD Board authorize the solicitation of bids for a project to be constructed in August 2015.

6.4 Counsel - Scott Shapiro. No report.

7. Director Reports

7.1 Deak. No report.

7.2 Gardiner. No report.

7.3 Silva. No report.

7.4 Van De Maele. No report.

8. Announcements. Those present were invited to join the Board for lunch at Rogelio's following the meeting. Accepting the invitation were Gardiner, Gil Labrie, Debbie Phulps and Andy Giannini.

9. Closed Session: Personnel Matter.

10. Reconvening in Open Session and Report Back from Closed Session. Closed Session consisted of discussion regarding staff compensation. The discussion was tabled and a Closed Session called for 9:30 a.m., prior to the July 9, 2015 Stated Meeting, to continue the matter.

11. Adjournment. With no further business to come before the Board, the meeting was adjourned at 12:15 p.m.

Respectfully submitted,

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

Date Approved: July 9, 2015
MSC: Van De Maele / Deak