

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, July 9, 2015

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order in Closed Session by President, Larry Gardiner, at 9:30 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, Fran Silva and Denis Van De Maele

2. Agenda Setting. MSC (Silva / Giles) **MSC** adopting the meeting Agenda. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Personnel Discussion. Discussion ensued regarding changes to State compensation regulations and benefits. The Board agreed to conduct another Closed Session in advance of the August Stated Meeting time to continue the current discussion and to include a salary/personnel reviews. The meeting was then recessed to reconvene at 10:00 a.m.

4. Call from Recess. The Stated Meeting was called from recess at 10:00 a.m. with the following in attendance:

Directors: Joe Deak (arrived after Item 5), Larry Gardiner, Gay Giles, Fran Silva and Denis Van De Maele

Staff: Andy Giannini, Superintendent; Debbie Phulps, Secretary; Gilbert Labrie, Engineer; Victoria Hale, Treasurer

Guests: Lisa Ramsey representing Asta Construction, Bruce Gornto, Dave Spensley and Kirk West

President Gardiner declared the Bid Period Closed.

5. Contracting. Job 7702.50 - Beaver Hole Repair and Erosion Control. Two bids were received by the appointed bid close. Asta Construction Co., Inc. presented a proposal of \$49,013. Bruce A. Gornto dba Gornto Ditching presented a proposal of \$39,040. Bid bonds accompanied both proposals. **MSC** (Van De Maele / Silva): 1) awarding a contract in the amount of \$39,040 to the apparent low bidder, Gornto Ditching, pending the District Engineer's review and affirmation of the proposals as to content and form; and 2) authorizing District President Gardiner or Vice President Van De Maele to execute the contract documents on behalf of the District.

Lisa Ramsey and Bruce Gornto retired from the meeting.

6. Invitation to Address the Board. Kirk West inquired whether there is a speed limit in effect on the levee road (patrol road). He was advised that no speed limit is established because no vehicular traffic is allowed other than for District use. It is common, when truck traffic is involved in a District repair project, that speed restrictions are placed on such vehicular traffic while performing the work.

7. Financial. Copies of the Balance Sheet, Unpaid Bills Detail and Open Invoice reports were distributed and reviewed. The Assessment Notices have been published. Larry and Vicki are scheduled to meet with Sacramento County Dept. of Finance on the 15th regarding outstanding Benefit Assessment Calls due RD407 from the County. They will bring up the similar matter faced by BALMD. Gil reported as to conversations with Don Nottoli regarding the County's delinquencies.

7.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.	\$	687,152.52
Total Accounts Receivable.	\$	38,119.17
Total Other Current Assets.	\$	1,030,993.68
Total Fixed Assets.	\$	573,011.58
Total Assets.	\$	<u>2,329,276.95</u>
Total Current Liabilities.	\$	215,366.87
Equity.	\$	<u>2,113,910.08</u>
Total Liabilities and Equity.	\$	<u>2,329,276.95</u>

7.2 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.	245.50	Oilwell Materials.	23.82
Belcorp Ag, LLC.	1,253.11	Payroll - PERS.	4,336.32
California Waste Mngmt.	187.00	Payroll - Liabilities.	2,276.95
Deak; Joe.	100.59	Quickbooks Payroll.	3.20
Delta Bookkeeping.	1,803.28	RD 2067.	360.00
Dolk Tractor.	466.14	River Rats.	75.00
Frontier Communications.	93.73	Silva; Frank.	100.59
Gardiner; Larry.	100.59	Stewart Industrial Supply.	59.54
Giannini; Andy.	2,272.28	The River News Herald.	338.00
Gilbert Labrie, AIA.	23,489.78	Van De Maele; H. Denis.	100.59
Giles; Gay.	100.59	VISA.	627.12
Kipfel; Russel.	2,233.88	Total Claims.	<u>\$ 40,647.60</u>

MSC (Silva / Van De Maele) authorizing issuance of a \$50,000 warrant and payment of the presented claims.

7.3 Vicki reminded the Board that 2015 is an Election year and the District representative seats (RD317:Giles, RD407:Gardiner, RD2067:Silva) are the ones up for election. The filing period is August 21 through September 11). Paperwork will be available at her office during such time.

8. Business

8.1 Sacramento River Erosion Repair Project [JN 7702.16]. The project and State agreement were discussed. **MSC** (Deak / Giles) authorizing Resolution 2015-03 to execute the Special Project Agreement.

**Resolution 2015-03
Sacramento River Erosion Control Project**

WHEREAS, it is the desire of the Brannan-Andrus Levee Maintenance District to participate with the State of California in a project to repair and control waterside erosion along the east levee of the Sacramento River from approximate River Mile 14 to River Mile 18; and

WHEREAS, program participation includes the preparation and submittal of a "Project Funding Agreement" with the State of California ; and

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

NOW THEREFORE BE IT RESOLVED, that the Board hereby authorizes execution of the requisite funding agreement for the District's participation in said program.

8.2 Encroachments west of Main Street. As follow-up to the Board's request for marking the common property line between the Main Street properties and the Gardiner Improvement Company parcel, subsequent mapping overlays developed by DCC Engineering indicate that the properties of greater concern for encroaching structures are those at the end of H Street. Consequently, the parameters of the project survey requested by the Board will be abbreviated to only address those parcels at the upstream end.

9. Staff Reports

9.1 Secretary - Debbie Phulps. MSC (Van De Maele / Deak) approving the June 11, 2015 meeting minutes.

9.2 Superintendent - Andy Giannini. Current activities have revolved around mowing operations and equipment repairs / maintenance. Limited grazing activities. A fuel issue developed on the John Deere which abated when the computer was reset. Andy is following up for Tech review and assistance while the tractor is still under warranty. Andy reported he will be off-island July 22 through 25. There will be a workshop on July 14 regarding allowed vegetation on the landside of the levee as well as habitat enhancement. Gil plans to attend. Larry requested Andy do likewise. Highway 160 mowing activities in conjunction with Caltrans assistance will commence in August.

9.3 Engineer - Gil Labrie.

A. Levee Subventions Program Issues Overview

1. Levee Investment Strategy. Any new information regarding the product emanating from the efforts of outside consultants to develop a *Delta Levees Investment Strategy* (DLIS) methodology for the Delta Stewardship Council (DSC) will not be surfacing until some upcoming meetings of the Stewardship Council and the Delta Protection Commission (DPC), scheduled for later this month. On July 10, the Central Valley Flood Protection Board is hosting a workshop in Clarksburg regarding its coordination with the DSC and the development of the DLIS. On July 16, the DPC will discuss the DLIS at a meeting in Oakley. It is also likely the subject will come up at the Delta Levees and Habitat Advisory meeting this coming Friday. Additionally the DSC has been seeking comments on a DLIS Programmatic EIR currently being circulated, as well as a document entitled, "*Delta Flood Management Investment Strategy Principles*", crafted independently by three senior members of the DSC to guide the Council deliberations that will lead up to the adoption of the DLIS. Some well thought out critiques of these documents have been submitted to the DSC by the CVFPB, the DPC, LAND, the Central Delta Water Agency, and several Delta Stakeholder representatives.
2. Title 23 Revisions. Another Resources Agency effort 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. Nothing further has been scheduled but updated information may be made available at the upcoming Habitat Advisory meeting.
3. Subventions Special Projects. As previously reported, 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. But the introduction of a bonus point system allowed DWR to skew the program towards certain types of projects. Early on, the CalFed planning effort helped some projects get on the short list and receive 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 bonus point

system has given higher priorities to project proposals that protect water supply components or provide habitat enhancement.

The most recent DWR solicitation stressed multi-benefit projects involving specific river channels and habitat enhancement. 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. These projects were selected for proponents to prepare a more detailed submittal package.

On February 25, 2015, the District was officially notified that its proposed erosion repair project had received approval to receive State funding at a cost-share level of 94%. The Project Funding Agreement for BALMD consideration finally arrived in this office on June 22, 2015. The project funding portion of the agreement provides for up to \$6,618,614 in State monies to construct approximately 8,000 lineal feet of revetment remediation and habitat enhancement on the Sacramento River left bank below Isleton. At the 94% level that equates to a \$7,041,078 project with a District contribution of \$422,464. The tasks funded under the Agreement include; Construction Engineering Services, Levee Construction, Habitat Enhancement Construction, Field Investigations, Permitting and Mitigation.

The first step in the process, once there is a fully signed Agreement, is the preparation of a Statement of Work (SOW), which is to be undertaken by the District preparatory to any project costs being incurred. Preparation of the SOW is reimbursable. Thereafter, project costs are subject to DWR review and approval prior to payment by the District. DWR will advance monies to the District based on an estimate of expected costs covering six months or as specified by DWR. Advance payments can not exceed 90% of the maximum amount payable by the State, under the Agreement. Detailed quarterly progress reports will be required and submitted to DWR to account for project expenses. DWR is withholding the 10% as retention until certain project completion requirements are met. There is a provision in the Agreement for addressing unforeseen and necessary cost increases not covered by the Agreement. In general, the proposed Work Agreement resembles the document signed by the District when it undertook the emergency erosion repair project in 2006 funded and administered separately from the regular Levee Subventions Program reimbursement process.

The one unusual requirement in the proposed Work Agreement is the pre-condition requiring the District to enter into an Agreement with Sacramento County and the City of Isleton to prepare and adopt a Safety Plan within 2 years. No advances or reimbursements under the Agreement will be made by the State until it receives the agreements from the two local entities identified above.

The term of the Agreement extends until December 31, 2018.

4. 2015-16 Levee Subventions Budget. As previously reported, the Governor's Budget includes a \$12 million allocation for the Delta Levee Subventions Program. That amount is the same funding level as FY 2014-15. However, for various reasons, final State reimbursements to the participating LMA's have never reached the reduced \$12 million threshold since it was initiated in 2009-10. In fact DWR has indicated that the total for 2013-14 reimbursement checks, which did not start arriving until mid-June this year, is only \$5.4 million. To date, the BALMD reimbursement check has not arrived and those that have arrived have been for much smaller amounts than originally budgeted.

The proposed 2015-16 Subventions Budgets for all LMA's participating in the Levee Subventions Program were due on June 30, 2015. BALMD's was submitted on time and totals \$1,849,500. That amount exceeds the District's 2014-15 Budget by \$132,431.

- 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 LMAs designated ineligible for rehabilitation assistance under PL84-99. Nothing new has been shared with LMA representatives since we were first appraised of the upcoming changes.
- C. BALMD 2014-15 Subventions. The main construction project budgeted is the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project. A similar project to the Delta Bay situation is also proposed which also involves construction of a modest stability berm at the levee toe. Planning and design funding is budgeted for a future crown raising project along the San Joaquin between Pirate's Lair Marina and Dutra Point, along with the continuation of the Georgiana Slough seepage management projects extending downstream from the old railroad bridge abutment. The necessary funding for permitting work for a Sacramento River erosion repair project, as envisioned in the District's 5-year Plan, is also included in the proposed budget. However, if the BALMD Board signs on to the DWR Work Agreement for a Special Project which has been approved by DWR and addresses the entire eroded levee reach between the Cache Slough confluence and Isleton, the future project funding needs will come from a separate Subventions account.
- 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. Lateral movement has been occurring approximately 22 feet below the crown for several years. The most recent reading of the monitoring device placed in the levee crown at this location indicated lateral movement during the last three months of 0.40 inches.

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 acquisition of the necessary easements for a drainage discharge line and the stability berm. The Park owner recently indicated a willingness to grant the required easements.

On the waterside at this location the necessary steps have been taken to go out to bid on 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 has to be removed completely in order to repair the levee slope, after which the rip-rap repair that was undertaken in November 2014 will be extended towards the Spindrift Marina levee area.

9.4 Counsel - Scott Shapiro. No report.

10. Director Reports

10.1 Deak. No report.

10.2 Gardiner. No report.

10.3 Giles. No report.

10.4 Silva. No report.

10.5 Van De Maele. No report.

11. Adjournment. With no further business to come before the Board, the meeting was adjourned at 11:50 a.m.

Respectfully submitted,

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

Date Approved: August 13, 2015
MSC: Giles / Van De Maele