

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, August 13, 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, Joe Deak and Denis Van De Maele

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

3. Personnel Discussion. Discussion ensued.

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

Directors: Joe Deak, Larry Gardiner, Gay Giles and Denis Van De Maele

Staff: Andy Giannini, Superintendent; Gilbert Labrie, Engineer; Victoria Hale, Treasurer; and Emily Pappalardo on behalf of the Secretary.

Guests: Dave Spensley

5. Report from Closed Session. The Board agreed to conduct another Closed Session convening at 9:00 a.m. as part of the October Stated Meeting. The meeting was then recessed to reconvene in Open Session at 10:00 a.m.

6. Invitation to Address the Board. None responded.

7. Financial. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

7.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.....	\$	700,780.35
Total Accounts Receivable.....	\$	38,119.17
Total Other Current Assets.....	\$	1,026,533.54
Total Fixed Assets.....	\$	573,011.58
Total Assets.....	\$	<u>2,338,444.64</u>
Total Current Liabilities.....	\$	267,097.77
Equity.....	\$	2,071,346.87
Total Liabilities and Equity.....	\$	<u>2,338,444.64</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.

County of Sacramento.....	1,636.67	Paul Vaz Trucking.....	2,280.00
Deak; Joe.....	100.59	Payroll - PERS.....	4,261.57
Delta Bookkeeping.....	1,746.81	Payroll - Liabilities.....	2,276.98
Frontier Communications.....	177.04	Quickbooks Payroll.....	3.20
Frontier Communications.....	55.03	Ramos Oil.....	1,517.33
Gardiner; Larry.....	201.18	RD 2067.....	360.00
Giannini; Andy.....	2,272.28	River Rats.....	75.00
Gilbert Labrie, AIA.....	21,880.81	Silva; Frank.....	100.59
Giles; Gay.....	100.59	Stewart Industrial Supply.....	10.23
John Deere.....	572.12	The River News Herald.....	175.50
Kipfel; Russel.....	2,233.88	Van De Maele; H. Denis.....	100.59
Oilwell Materials.....	14.81	Total Claims.....	<u>\$ 42,152.80</u>

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

7.3 Vicki announced that she will be retiring, potentially by year's end; and that Bruce Pisoni Associates will be acquiring her firm, Delta Bookkeeping. Director Gay advised that, since the current contracted provider is being absorbed by Pisoni, it would not be necessary to re-advertise for financial services unless the Board wanted to seek a different provider. It was the consensus that staying with Pisoni would be in the immediate best interest of the District. He is already representing other districts; and, more particularly, Vicki will be working with Bruce during the transition.

The Treasurer left the meeting following her report.

8. Staff Reports

8.1 Secretary - Debbie Phulps (absent). MSC (Giles / Van De Maele) approving the July 9, 2015.

8.2 Superintendent - Andy Giannini. Mowing is proceeding. Anticipate working with Caltrans on the Sacramento stretches in a few weeks. Bruce Gornto will discuss the District property of dry vegetation in light of the recent fire at Korth's. Andy reported as to unauthorized vehicles at the District property which have been difficult to have removed because their locations change. CHP can tow the one which is not registered. Additionally, there is an abandoned barge in the waterway. In general, the Coast Guard will not get involved in the removal unless it is showing an oil sheen on the water. Gil noted that, due to recent legislation, State Lands can now issue Cease and Desist Orders allowing the removal of abandoned vessels.

Andy attended the Delta Levees Vegetation Workshop and Tour of the Natomas Levees. The project included set back levees and cut off walls with in-place mitigation. Sedges were created for Swainson Hawks. Special equipment was constructed for seeding the slope. That equipment is now available for rent. The grass looked dead and didn't appear to be good for the hawks. Additionally, they placed guards on the electrical lines. The project encountered issues with emerging broad leaves blocking the natural vegetation requiring the district use lots of herbicide to kill the broad leaves. Gil interjected that there were also issues regarding the State paying to maintain the new vegetation. DWR has started promoting habitat enhancement with encouragement by CDFW. He also added there are concerns about the root mat of 2 to 3 feet and its possible encroachment into the critical levee section. Andy concluded that the levee looked like it was bullet proof; but it is easy to grow weeds, not sedge.

Larry inquired about the exposed pipe following the Korth fire. In Andy's opinion, it is a capped, suction dredger pipe used in the 1960's to remove sediment from the marina and infill the trailer storage area.

8.3 Engineer - Gil Labrie.

A. Levee Subventions Program Issues Overview

1. Levee Investment Strategy. In July it was reported that 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) would not be surfacing until meetings scheduled for later this month of the Stewardship Council and the Delta Protection Commission (DPC). On July 10 the Central Valley Flood Protection Board hosted a workshop in Clarksburg regarding its coordination with the DSC and the development of the DLIS. On July 16, the DPC discussed the DLIS at a meeting in Oakley. At the Delta Levees and Habitat Advisory meeting on Friday, July 10, the status of the DLIS process was discussed with particular attention being given to the timing of the EIR process. The DSC has been seeking comments on the 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 leading to the adoption of the DLIS. Some well thought out critiques of both 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. On July 17 representatives of the key Delta engineering firms were invited for a workshop session with representatives of the consultant firms hired by the DSC to develop the levee funding methodology. There was some evidence during this local agency session that the issues raised in the critiques cited above about the reliability of the island and levee data going into the investment strategy methodology was getting some serious consideration as was the prioritization matrix parameters.

So, while the DLIS itself is still undergoing development pains, the Programmatic EIR process is well underway to consider its impacts and assist decision makers in evaluating the consequences of prioritization choices generated by the methodology. This definitely seems like the cart before the horse that involves an important shift in the budgeting for, and administration of, the Delta

Levee Subvention Program and the Special Projects segment of the Subventions Program. The focus of this new State levee spending control effort will be on the where the investment priorities should be and what types of levee improvements best reflect those priorities. This is a far cry from the current situation where the local LMA's (Levee Maintaining Agencies) set their priorities guided by first-hand knowledge of local conditions and resources. Suffice it to say the entire process is flawed and is a significant threat to the future success of the Levee Subventions Program.

2. Title 23 Revisions. Another Resources Agency effort previously reported 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.
3. Subventions Special Projects. 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, the early introduction of a bonus point system coupled with a focused project solicitation process has allowed DWR to skew the program towards certain type of projects. In the first two project solicitation (PSP) rounds, the CalFed planning effort helped some projects get on the short list and receive funding support, such as the BALMD Beneficial Reuse Study and a potential stability berm project for Lower Andrus levees. But, with the development of the Delta Plan and emphasis on water supply and ecosystem restoration, the bonus point system has given higher priorities in later solicitations to project proposals that protected water supply components or provided habitat enhancement.

The most recent DWR PSP 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 was ultimately approved to receive State funding at a cost-share level of 94%. The Project Funding Agreement for BALMD consideration arrived on June 22, 2015 and was approved by the Board at the July 9 meeting. 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 this agreement include; Construction Engineering Services, Levee Construction, Habitat Enhancement Construction, Field Investigations, Permitting and Mitigation. The first step in the process, the preparation of a Statement of Work (SOW), is being developed by this office. It is 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 6 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. Certain project completion requirements need to be met before DWR will release the 10% retention. The term of the agreement extends until December 31, 2018.

In an effort to get more districts to submit project proposals for an upcoming PSP round, DWR has been soliciting input from local LMA representatives regarding the impediments to local agency participation and exploring criteria that might make the next solicitation more appealing. Unfortunately, DWR is still trying to focus on multi-benefit type of projects that have an important habitat enhancement component. Because of permitting difficulties, districts are shying away from any in-water work, which is still where DWR wants to see enhancement. The project this office is designing for the Georgiana Slough erosion site near B&W could have a habitat bench component similar to the approved Sacramento River PSP project.

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. Proposed 2015-16 Subventions Budgets for all the 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 BALMD's proposed 2014-15 budget by \$132,431. The main construction project included 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 a modest stability berm to be constructed 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.

Currently this office is in the planning and design stage for two critical new projects involving a previously discovered erosion site on Georgiana Slough and a through-seepage area on the Mokelumne River upstream of Rancho Marina Resort. The Mokelumne levee reach involved has been seeping for some time and was being monitored. However, the extent of the seepage problem and level of saturation of the levee slope became more apparent during the recent emergency repair of the Spensley siphon. A solution being considered is to install a rock blanket on the slope similar to the 1998 fix on the Georgiana Slough levee near August Correia's house, and connect it to the existing French drain at this location. Any District levee preparation for a wet winter should consider addressing this seepage issue before flood season begins.

With regards to the Georgiana erosion, Larry expressed hesitancy about cutting back the berm and inquired whether the issue would be better addressed by placing large rock. Gil was dubious as to the permit ability due to channel blockage calculation requirements, now part of the permitting review.

- 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. Nothing new has been shared with LMA representatives since we were first appraised of the upcoming changes. However, the BALMD Board should be pleased to hear that its District Engineer has been hired as the District Engineer for RD 556.
- C. BALMD 2014-15 Subventions. With the conclusion of the 2014-15 Fiscal Year this office will be assembling and preparing the District's Subventions Claim document for submittal to DWR by October 31, 2015.
- 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 meet with the Park owner to discuss the alignment and obtaining easements for a drainage discharge line and the stability berm. The Park owner has indicated a willingness to grant the required easements.

Additionally, on the waterside at this location the District received bids at the July meeting for 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. The low bidder for that effort was Gornto Ditching with a low bid of \$39,040.

The District Engineer is working towards a commitment letter with the property owner.

8.4 Counsel - We received confirmation of the assignment of Andrea Clark as District Counsel. No report.

9. Director Reports

9.1 Deak. No report.

9.2 Gardiner. Reported as to the hospitalization of Director Silva. The Secretary has dispatched a card on behalf of the Board.

9.3 Giles. Inquiry regarding timing for next levee inspection. She advised of a stack of wood adjacent to Ken

Adgate's property. Discussed with property owner to no avail. The District Engineer / Secretary will write letter advising him of the encroachment infraction and giving him 30 days to move it. Otherwise, it will be removed by the District with the cost thereof a potential lien against the property. Gil will also send correspondence to the Isleton area regarding vegetation requirements and overgrowth. It was noted that the properties on the fringe of Isleton should also be noted. The District has the ability to turn the encroachments over to the CVFPB for enforcement.

9.4 Van De Maele. No report.

10. Announcements, Recess and Change of Venue. Those present were invited to join the Board for lunch at Rogelio's. The meeting was recessed to reconvene at 12:15 p.m. at Rogelio's on Main Street, Isleton.

11. Call from Recess. The meeting reconvened with Larry Gardiner, Andy Giannini, Gay Giles, Denis Van De Maele, Emily Pappalardo, Gilbert Labrie and Dave Spensley in attendance. Discussion continued regarding the Korth fire, the Isleton encroachments, and the upcoming Sacramento Erosion project.

12. Adjournment. With no further business to come before the Board, the meeting was adjourned at 1:30 p.m.

Respectfully submitted,

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

Date Approved: September 10, 2015
MSC: Van De Maele / Deak