

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, October 8, 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: Joe Deak, Larry Gardiner, Gay Giles, Fran Silva and Denis Van De Maele

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

3. **Personnel Review.** Discussion ensued.

4. **Recess**

5. **Call from Recess in Open Session and notation as to attendees**

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

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

Guests: Dave Spensley, Bruce Gornto, Lisa Ramsey, Chris Voelker, Bruce Pisoni

6. **Report back from Closed Session.** No action taken.

7. **Bid Opening and Contracting.** Two bids were received in response to the request for proposals relative to Job 7702.53 Mokelumne Station 100+00 French Drain and Blanket near Andrus Acres. The bid by Asta Construction was \$289,313.00. The bid by Gornto Ditching was \$393,352.06. **MSC** (Giles/Silva) awarding contract to the apparent low bidder, Asta Construction, pending District Engineer's review of proposals as to content and form; and authorizing District President or Vice President to execute contract documents.

8. **Financial.** Vicki introduced Bruce Pisoni of Pisoni and Associates who has acquired her firm, Delta Bookkeeping, and will be taking over the District's bookkeeping duties at the beginning of the year. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

8.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.	\$ 1,450,770.49
Total Accounts Receivable.	\$ 33,396.06
Total Other Current Assets.	\$ 162,535.68
Total Fixed Assets.	\$ 573,011.58
Total Assets.	\$ <u>2,219,713.81</u>
Total Current Liabilities.	\$ 305,078.00
Equity.	\$ <u>1,914,635.81</u>
Total Liabilities and Equity.	\$ <u>2,219,713.81</u>

8.2 The following claims were submitted for payment approval.

AT&T Wireless.	347.68	Giannini; Andy.	2,272.28
Countour Sierra Aebi, LLC.	451.77	Gilbert Labrie, AIA.	34,693.79
County of Sacramento Finance..	3,373.33	Giles; Gay.	100.60
Deak; Joe.	100.60	Gornto Ditching.	7,988.00
Delta Bookkeeping.	2,131.81	Kipfel; Russel.	2,233.88
Frontier Communications.	126.60	L.A.N.D..	3,450.00
Frontier Communications.	55.47	Payroll - PERS.	4,264.46
Gardiner; Larry.	201.20	Payroll - Liabilities.	2,277.00

Quickbooks Payroll.	3.20	Silva; Frank.	100.60
Ramos Oil.	2,289.74	The River News Herald.	334.75
RD 2067.	360.00	Van De Maele; H. Denis.	100.60
River Rats.	75.00	VISA.	944.90
Robert Burns Construction.	11,026.50	Total Claims.	\$ 79,303.76

A supplemental funding request was presented on behalf of L.A.N.D. **MSC** (Van De Maele / Giles) authorizing the expenditure. **MSC** (Silva / Deak) authorizing issuance of (2) \$50,000 warrants and (1) \$30,000 warrant and payment of the presented claims.

[The Treasurer left the meeting following her report.]

9. Invitation to Address the Board. Chris Voelker updated the Board regarding the on-going improvements being made at his property adjacent to the City Sewer Ponds, and pending drainage/culvert work and improvements being undertaken as presented to the Board earlier.

10. Staff Reports

10.1 Secretary - Debbie Phulps. MSC (Deak/Silva) approving the minutes of the September 10, 2015 meeting as presented.

10.2 Superintendent - Andy Giannini. Mowing activities are proceeding. Levee vegetation management is looking good. Arundo follow-up still to be undertaken. Debris removal activities are on-going.

10.3 Engineer - Gil Labrie. Gil distributed and reviewed his monthly report to the BALMD Board (*discussion or questions occurring during the course of the Report are noted in inset paragraphs*):

A. Levee Subventions Program Issues and Overview

1. Levee Investment Strategy. In the November 2014 report this office made to the Board, information was provided about a new Levee Program management tool in the beginning stages of development, by the Delta Stewardship Council (DSC). At that time a team of outside consultants was retained to develop a *Delta Levees Investment Strategy* (DLIS) methodology. Once it is finalized and adopted, the final document could be utilized by DWR and the State Legislature to prioritize and validate the decision making process for the Governor’s Budget. Since that early beginning there have been more than one iteration of the draft DLIS document and some workshops have been held, providing some limited opportunities for local input. The pace of the DLIS development effort has picked up in the last few months and is moving forward on several fronts. That includes progress report briefings at the regularly scheduled meetings of the Stewardship Council and the Delta Protection Commission (DPC) and a few Central Valley Flood Protection Board hosted workshops. Currently, the DSC is seeking comments on the DLIS Programmatic EIR that is currently being circulated. Additionally, a “White Paper” entitled the “*Delta Flood Management Investment Strategy Principles*”, which was crafted independently by three senior members of the DSC to guide Council deliberations on the DLIS, has been undergoing a separate review procedure. 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. It is not clear whether many of the issues raised in the critiques cited above are being given serious consideration by members of the DSC. However, time is of the essence if the draft Principles document is to be revised to eliminate the anti-levee program message that is currently being conveyed. The DSC is currently scheduled to consider fine tuning the Principles in November, in preparation for the eventual adoption of a final version in December.

Meanwhile, the DLIS has undergone some development pains and the newest version will be given a trial run at a stakeholders meeting that has been scheduled for

October 12. Meanwhile a formal Programmatic EIR review process has been underway to consider the adequacy of its review of the potential impacts of an investment strategy approach to assisting decision makers in evaluating the prioritization choices generated by the risk based methodology being developed. It has been stated that the focus of this new State Levee Flood Control budgeting guide will be on the **where** the investment priorities should be and **what** types of levee improvements best reflect those priorities. Probably the most crucial part of this budgeting tool process will be the Investment Strategy Principles currently being crafted separately by the DSC, which basically establishes the priorities.

As noted in the September report, this DLIS approach is a far cry from the current (successful) Subventions Program process where the local LMA's (Levee Maintaining Agencies) set their priorities guided by CVFPB criteria (essentially priorities) and first hand knowledge of local conditions and resources. The jury is still out on whether the DLIS will affect all of the Delta Levee Subventions programs or only the larger scale projects funded under the Special Projects selection process. In any event, the DLIS approach could pose a significant threat to the future of the Levee Subventions Program.

2. Title 23 Revisions. Another Resources Agency effort affecting jurisdictional levee work, 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 includes 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. Recently a notification was sent out that the draft guidelines are now available for review on the DWR website and a limited 30-day comment period has been established.

Additionally, the Flood Board is holding a workshop on October 8 to go over proposed updates to the Water Code Sections pertaining to its Encroachment Permit authority and regulations. The document coming under review at this workshop is carefully coordinated with the USACE O&M Manuel and applicable Federal regulations. The regulations being updated affect both Project and jurisdictional non-Project levees. A 146 page document will be the subject of this workshop and hopefully additional workshops.

3. Subventions Special Project BA-15-1.0-SP. This major erosion repair project involving the Sacramento River levee between Cache Slough and Isleton is now identified in an officially approved Work Agreement with DWR. To recap; 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 for this levee reach was ultimately approved to receive State funding at a cost-share level of 94%. 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. 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 term of the agreement extends until December 31, 2018.

This office is now working on the first step in the process, the preparation of a Statement of Work (**SOW**), which is preparatory to any Project Costs being incurred. However, preparation of the SOW is reimbursable. Once the SOW is approved, DWR will advance monies to the District based on an estimate of expected costs covering 6 months or as specified by DWR, less a 10% retainage.

4. Upcoming Special Projects. As reported in September DWR is preparing to again solicit project proposals in a new PSP round. In advance of that effort 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 for many LMA's, DWR is still trying to focus on multi-benefit type of projects that have an important habitat enhancement component which pose serious permitting difficulties. However, the water-side levee toe erosion repair project this office has been considering for the Georgiana Slough bend near B & W does include a habitat bench component, similar to the approved Sacramento River PSP project. The design that this been worked up, taking into consideration channel blockage issues that are now an integral part of any in-water permitting effort involving USACE and Flood Board, did receive favorable consideration by USACE representatives in a recent pre-project meeting. The whole purpose for the meeting was to focus on the blockage issue as well as the conflict that arises when designing a levee repair for a project levee and trying to determine the applicable geometry standard. The Project levee O&M standard and the PL 84-99 (Bulletin 192-82) non-urban standard have different levee slopes called out for the water-side and land-side which raise some issues on the smaller project levees like Georgiana Slough. The meeting with USACE Flood Safety staff cleared up some of our concerns about what would be a feasible project in this area. Therefore, we intend to submit the project for consideration when the next PSP comes out.
5. 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.

For 2015-16 BALMD's main construction project proposed was the seepage management and French drain project for Georgiana Slough, designated the Gardiner/Still project. A similar project to address the Delta Bay situation is also proposed and would include a modest stability berm to be constructed at the levee toe. Because of a new concern that was presented to the Board at the August meeting, and with Board concurrence, this office moved a new seepage management project to the top of the priority list. This is a levee through seepage project involving the Mokelumne River levee just upstream of Rancho Marina Resort. The Mokelumne levee reach involved has been seeping for some time and was being monitored. The solution initially considered and ultimately adopted after consultation with Raney Geotechnical, involves the installation of a rock blanket on the slope to manage and drain away the seepage into the existing French toe-drain at this location. The final design also includes some smaller lateral French drains which will be installed prior to placement of the blanket at 25 and 50-foot intervals to better collect and more quickly pipe the seepage water directly into the existing toe drain line. With Board approval this office moved forward to get the project out to bid, with a bid opening date scheduled for the October Board meeting. It is anticipated that construction can get underway and completed before mid-November.

- B. 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. Based on readings from the inclinometer that was installed in the levee crown at this location, the 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 which exceeded the prior 3-month reading of 0.40 inches.

The most recent mitigation option discussed with Raney Geotechnical and engineered by this office includes the installation of lateral French drains to lower the phreatic water level in the levee, a collection system and discharge line to the District drainage ditch at the rear

of the RV Park property, and a stability berm at the toe of the levee slope. This will require obtaining an easement through the RV Park in order to install a drain line to the drainage ditch and to construct the collection system and a berm along the levee toe. The design concept for the drainage system and stability berm would not necessitate the removal of any existing trees or the loss of any RV parking spaces along the levee toe. This office has developed a recordable easement description, met once with the resort owner and is currently awaiting an email response to requests to proceed with the easement process. Initially, the Park owner indicated a willingness to grant the required easements. However, there have been no responses to requests from this office to proceed. That may be due to the fact that it has been indicated to this office that the current resort owner is trying to sell the property.

- C. USACE Regional General Permit #8. This RGP, which became effective January 1, 2015 replaces RGP #60, which covered repair and protection activities in emergency situations which necessitated the discharge of dredged or fill material in waters of the United States. RGP #60 established a simple notification procedure involving the USACE and environmental control agencies with a short time frame for those agencies to respond. Under RGP #8 a notification "in writing" is required to the USACE and an "expedited" permit process will be initiated, which will involve notification and responses from the environmental control agencies. Additionally the LMA will also have to notify the other agencies, which will have 48 hours to respond. No emergency response involving fill on the water-side of the levee is permitted until the USACE authorizes the activity. Obviously this is not a workable emergency response authorization process. Further, non-adherence would likely lead to a FEMA assistance denial, if FEMA assistance is triggered. Given that FEMA is trying to avoid providing any financial assistance. Yet time is of the essence in a flood threat emergency.

This administrative regulatory problem has been brought to the attention of DWR and the Flood Board staff in an effort to find a workable solution to the problem posed by the new language in RGP #8.

10.4 Counsel - Andrea Clark. Ms. Clark accepted the Board's invitation and will be attending the December Stated Meeting.

11. Director Reports. Director Giles reported back as to the review and update of the District's Employee Policy Handbook. Copies were distributed.

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

13. Call from Recess. The meeting reconvened with Gay Giles, Denis Van De Maele, Joe Deak, Dave Spensley, Gilbert Labrie and Debbie Phulps in attendance.

14. 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:
MSC: