

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, December 10, 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, Gay Giles, Fran Silva and Denis Van De Maele
- Staff: Andy Giannini, Superintendent (arrived during Item 5); Gilbert Labrie, Engineer; Victoria Hale, Bookkeeper; Andrea Clark, Counsel; and Debbie Phulps, Secretary.
- Guests: Andrea Robinson of Pisoni & Associates; and Emily Pappalardo of DCC Engineering.

2. Introductions. President Gardiner introduced Andrea Clark, the District's newly appointed Counsel, who proceeded to provide the Board with a bit of her professional and personal background.

3. Agenda Setting. MSC (Giles/Silva) MSC adopting the meeting Agenda and suspending the Rules to allow consideration of items out of sequence. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

4. Invitation to Address the Board. None responded.

5. Financial Report. Vicki reported on the following: 1) Directors Gardiner, Giles and Silva were reappointed on October 27, 2015 by action of the Board of Supervisors to four-year terms expiring November 2019; 2) the District received notification of an insurance premium increase related to the Superintendent's healthcare package; and 3) she, with Director Giles assistance, has responded to two public records requests regarding District expenditures. September, October and November Bank Statements were provided to Director Giles. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

5.1 Balance Sheet Summary as of meeting date:

Total Checking / Savings.	\$	1,039,358.43
Total Accounts Receivable.. . . .	\$	623,069.54
Total Other Current Assets.	\$	6,820.69
Total Fixed Assets.	\$	573,011.58
Total Assets.	\$	<u>2,242,260.24</u>
Total Liabilities.	\$	315,065.57
Equity.	\$	1,927,194.67
Total Liabilities and Equity.	\$	<u>2,242,260.24</u>

5.2 The following claims were submitted for payment approval.

Applied Water Resources.	6,285.00	Oilwell Materials.	30.25
Asta Construction.	289,658.29	Payroll - Liabilities (Oct).	2,298.04
AT&T Wireless.	247.67	Payroll - Liabilities (Nov).	2,319.18
California Waste Mngmt.	130.90	Payroll - PERS.	4,503.32
Deak; Joe.	100.60	Quickbooks Payroll.	*1.75
Delta Bookkeeping.	1,913.77	R.A.M. Welding.	960.00
Dolk Tractor.	38.63	Ramos Oil.	227.67
Frontier Communications.	127.25	RD 2067.	360.00
Gardiner; Larry.	100.60	River Rats.	75.00
Gardiner; Larry (Reimb.).	111.22	Sacramento County EMD.	362.00
Giannini; Andy.	2,272.28	Silva; Frank.	100.60
Gilbert Labrie, AIA.	27,486.92	Stewart Industrial.	111.43
Giles; Gay.	100.60	Van De Maele; H. Denis.	100.60
I.O.U. Sheep Co.	2,000.00	VISA.	702.85
Kipfel; Russel.	2,233.88	Total Claims.	<u>\$ 344,960.30</u>

*figure originally reported as \$3.20 was corrected by Bookkeeper.

MSC (Silva/Giles) authorizing payment of the claims and issuance of seven (7) \$50,000 warrants totaling \$350,000.

President Gardiner noted that this would be the last meeting with Vicki as Bookkeeper. He noted the

tasks she completed at the beginning of her tenure to update the District's records and he thanked her for the service provided to the District over the past 14 years. Vicki was gracious in her response and noted that she will continue to make herself available for a smooth transition to Pisoni & Associates. The Board thanked Vicki and noted that she should submit an invoice for time expended assisting in this transition.

[Vicki Hale and Andrea Robinson retired from the meeting following the Financial Report.]

6. Business

6.1 Appointment of District Assistant Secretary / Bookkeeper. **MSC** (Deak/Van De Maele): 1) authorizing President Gardiner to execute an agreement with Pisoni & Associates to provide bookkeeping/financial services; 2) appointing Bruce Pisoni of Pisoni & Associates to serve as the District's Assistant Secretary / Bookkeeper effective January 1, 2016; and 3) authorizing Resolution 2015-05 pertaining to signators for checks and warrants.

RESOLUTION NO. 2015-05

APPOINTMENT OF ASSISTANT SECRETARY / BOOKKEEPER AND AUTHORIZATION OF SIGNATORS FOR BANKING ACCOUNT(S) AND WARRANTS

WHEREAS, Victoria Hale of Delta Bookkeeping, the District's Assistant Secretary / Bookkeeper, has tendered her resignation to the District effective December 31, 2015; and

WHEREAS, Delta Bookkeeping is in the process of transferring several of its reclamation district clients to Pisoni and Associates, Post Office Box 984, Walnut Grove, California; and

WHEREAS, upon Victoria Hale's recommendation, and the concurrence of the District's Board of Directors, that it is in the District's best interest to likewise transfer the financial services for the District to Pisoni and Associates; and

WHEREAS, an individual within said firm is to be designated as the District's Assistant Secretary / Bookkeeper for the purpose of being vested with the powers and duties necessary to fulfill the duties of said office for the District; and

WHEREAS, the Board of Director's must likewise designate the signatures authorized for the execution of checks and certification of warrants on behalf of the District;

NOW THEREFORE BE IT RESOLVED that the Board of Directors of Brannan-Andrus Levee Maintenance District hereby:

1. Appoints Bruce Pisoni, Principal of Pisoni and Associates, to serve as the District's Assistant Secretary / Bookkeeper effective January 1, 2016 and vests him with all the duties and powers as would normally come under the purview of that office; and
2. Designates Bruce Pisoni as an authorized signator, in addition to the Directors, on any checking, savings or money-market accounts; and
3. Designates Bruce Pisoni as an authorized representatives to attest the Board of Directors' signatures on District warrants, in addition to President Gardiner who was previously authorized to attest to the signatures on such documents in the unforeseen absence of the Assistant Secretary / Bookkeeper [ref. Resolution 2001-005].

6.2 Encroachment Requests

- A. Jim Deak Stairway. Applicant requests authorization to install a prefabricated, wooden access stairway on the landside levee slope to provide crown access from the levee toe. The stairs will be constructed of pressure treated wood and anchored to the slope with 8 to 15, 5/8-inch diameter stakes. Approximate dimensions 17-ft x 3-ft. Location: 447 Willow Tree Lane, Isleton, APN156-0100-004. Owner/Applicant: Jim Deak. Because the stairs rest on the slope, requiring no excavation, the District Engineer recommended approval. **MS** (Silva/Giles) authorizing execution of a permit for the structure. **Carried** with one abstention, Joe Deak.
- B. Spindrifft Marina / Resort Sumps. Request involves an emergency project to install drainage sumps and a collection system at Spindrifft to address surface drainage issues impacting a row of mobile homes backing up against the San Joaquin River levee toe, east of the restaurant. Three sumps will be installed at approximately the levee toe which is about 80 feet from the centerline of the levee road. All proposed trenching work is within the District's area of jurisdiction. At present, run-off water collects along a swale area that has developed due to natural settlement, probably caused by a high ground water table. An on-site investigation and review was conducted by the District

Engineer's office and the proposed solution is the least invasive, least costly, and quickest approach to be better prepared for the upcoming weather onslaught being predicted. District Engineer recommended approval of the request by issuance of permit with standard conditions and waiver of application fee. **MSC** (Giles/Deak) approving the recommendation of the District Engineer.

- C. Bureau of Reclamation request for District's endorsement on Central Valley Flood Protection Board Encroachment Application involving the replacement of monitoring station on RD317 levee. **MSC** (Deak/Silva) authorizing execution of endorsement.

6.3 President Gardiner requested the Board incorporate by resolution some type of Cease and Desist Order form for use by staff to put parties on notice as to unauthorized construction or other activities within the jurisdiction of the levee maintenance district. The document should be something that can be posted on or at the infraction site, similar to "red tagging" an activity. The Board was agreeable with the concept. Larry and Debbie will prepare something for the Board's consideration.

7. Staff Reports

7.1 Secretary - Debbie Phulps. MSC (Deak/Van De Maele) approving the minutes of the November 12, 2015 meeting as mailed. Debbie reported on receipt of the 2015-16 Subventions Program Work Agreements and execution of same by President Gardiner.

7.2 Counsel - Andrea Clark. Andrea provided a brief water litigation update including matters related to "the water fix" including a request to change diversion points which, if adopted, would impact Sacramento Valley water rights holders. The North Delta Water Agency has engaged Downey Brand to represent them and their member agencies in the filing of comments. As members of the North Delta Water Agency, Andrea inquired whether Brannan-Andrus LMD and its reclamation districts desire to join in the complaint effort which, by virtue of them being NDWA members, is being underwritten by that agency. Downey Brand has determined that joint representation on the matter is not inconsistent overall. The Board agreed to participate. Andrea provided them with sample correspondence which is to be returned to her office by January 4.

7.3 Superintendent - Andy Giannini. Flood preparations are proceeding in good order. Mowing has gone smoothly with both machines running well. Grazing is complete. The repair of the flap gate at the west end of Sevenmile Slough is complete. Have similar issues on adjacent gate to follow-up with diver. Asta will be contacted to place dirt and gravel cover at two ramp locations. Material from the Mokelumne project is arriving at the 100-acre site for temporary storage. Discussion ensued about the notification steps during a district-declared emergency.

7.4 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 Investment Strategy. This proposed new Levee Program management tool has been in the works since November 2014. It is a Delta Stewardship Council (DSC) directed and funded effort to develop a *Delta Levees Investment Strategy* (DLIS) methodology that could potentially be utilized by DWR and the State Legislature to prioritize and validate the budget-decision making process for the Subventions Program in the Governor's Budget. Since its early beginnings there has been more than one iteration of the draft DLIS document and some workshops have been conducted. The various drafted versions have been the subject of consistent criticism regarding the assumptions incorporated into the proposed decision methodology due to the limitations posed by incomplete and flawed data gleaned from earlier reports produced for DWR to show the vulnerability of Delta levees and assign a high cost to bring them up to a higher standard. Such inflated costs are an important element in the risk-based evaluation approach being taken in the development of the prioritization methodology. The most recent version was given a so called trial run at a stakeholder's meeting in October 12 organized by DWR and the DSC.

The presentation at that meeting, chaired by the DSC, was very superficial and not what was expected by most of the stakeholder representatives present. Consequently, another attempt to test the methodology with a more limited group of stakeholder representatives is scheduled for Friday, December 11. With no advance distribution of materials for the meeting, it is not possible to provide any indication of how this decision-making tool will influence future flood protection budget decisions. It has been stated that the focus of this potentially new State Levee Flood Control budgeting guide will be on **where** the investment priorities should be and **what** types of levee improvements best reflect those priorities. The promised demonstration scheduled for Friday may give a clearer indication of what the real implications are with its use.

Concurrently, the DSC has been seeking comments on a 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. That document was scheduled to be considered and fine tuned at the November DSC meeting in preparation for the eventual adoption of a final version in December. This is probably the most crucial part of this budgeting tool process since these *Principles*, currently being crafted separately by the DSC, are basically establishing the priorities which to protect people, property and water quality. A reliable DSC source recently indicated that the *Principles* document is now being treated as an "interim" guide.

- B. Title 23 Revisions. Another Resources Agency effort affecting jurisdictional levee work is an update of the Flood Board Standards governing the design and construction of proposed work within the Board's jurisdiction and incorporated into Sections 8571, 8608 and 8610.5 of the Water Code. The focus of this update was carefully coordinated with the USACE O&M Manual, applicable Federal regulations affecting Project and Jurisdictional Non-Project levees, and the Flood Board's Encroachment Permit authority and regulations. The 146-page document introduced at a workshop in October was subjected to a public comment period that ended on November 6, 2015. According to DWR staff there will be a formal response to the comments received from stakeholders, and a follow up briefing will be held in February 2016. Flood Board adoption of a completed Administrative Draft of the revised regulations is scheduled for March. That action is followed by a formal State prescribed rule-making process, with final approval by the Office of Administrative Law anticipated in July 2016.
- C. 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. 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 six months or as specified by DWR, less a 10% retention. A draft of that SOW has been prepared and is currently under review.

- D. Upcoming Special Projects. As previously reported DWR is preparing to again solicit project proposals with a new PSP release. The timing for that release is supposed to be early 2016. As in the prior PSP an important component that will be required is a habitat enhancement component. Consequently, the water-side levee toe erosion repair project this office has been considering for the Georgiana Slough bend near B&W and discussed in last month's report to the Board, which does include a habitat bench component, and may be eligible for submittal and consideration.
- E. 2015-16 Levee Subventions Projects. As reported in November, BALMD's main construction projects proposed for FY2015-16: 1) a seepage management and French drain project for Georgiana Slough, 2) the Gardiner/Still project, and 3) a stability berm project at Delta Bay, were put on hold until spring 2016, or later, in order to address a serious seepage problem involving the Mokelumne River levee upstream of Rancho Marina Resort. The Mokelumne levee reach has been seeping for some time and was being monitored; but an irrigation pipe repair in the vicinity revealed that the lower levee slope was too saturated. Because of the potential for an unusually wet winter, the situation needed to be addressed in advance of such an occurrence. With Board approval, a concerted effort was made to get the project designed, plans prepared, and construction bids solicited.

The low bidder, Asta Construction, was awarded a contract in October and construction officially began in the second week of November. The seepage management design was worked out in consultation with Raney Geotechnical, and involved the installation of some lateral French drains up the levee slope and connected directly to the existing toe drain pipe installed by the USACE in 1998. A rock blanket was then added to the levee slope to further capture seepage and carry it to the existing French drain. Early on during construction it was discovered that the existing drainage system was not functioning properly due to a sediment build up at the toe of the slope holding back seepage waters from the drain trench and sand collected in the existing drain pipe. To address those deficiencies a new 8-inch drain was installed above the existing line and new drain rock was used to replace the existing clogged drain rock in the upper portion of the 1998 French drain to better connect with the new rock blanket. The rock blanket has been capped with fabric and 18-inches of fill dirt transported from the District's stockpile. The project will be

approximately 90% complete by the end of this week. Hydro seeding and the spreading of a straw erosion control blanket will take place next week.

The new drain at this "Andrus Acres" site is working and the saturation level of the levee slope was visibly subsiding, even before the rock blanket was placed. The only shortcoming now apparent is the situation with the 12-inch line installed by the Corps in 1998. It does not appear to be carrying any water into the drainage ditch connecting to the RD 317 canal. It is the opinion of this office that the problem is due to the fact the existing drain line was not installed properly, with a consistently sloped invert. Pot-holing and exposing the existing drain line to connect the new laterals revealed some significant variations in the depth of the line. Consequently, it may make sense at a later date to go in and connect the new slope laterals to the new line installed to capture seepage water from the new rock blanket.

- F. Delta Bay Monitoring. As previously reported this has developed an engineering solution to address the unstable section of the levee at the Delta Bay Resort, working with Raney Geotechnical. The design 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. Based on the schematic plans this office has been trying for some time to obtain an easement from the owner of the RV Park in order to undertake the stabilization effort. A recordable easement description was prepared and a representative from this office met once with the resort owner. To date there has been no response from the owner, and this office has been informed that both the RV Park and the Marina are For Sale.
- G. USACE Regional General Permit #8. This issue was presented to the Board in October and has not been clarified or resolved as we head into a potentially wet winter season. To recap, RGP #8, which became effective January 1, 2015 replaces RGP #60, which covered repair and protection activities in emergency situations necessitating 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 is to be initiated. But this requires Section 7 notification to and responses from the environmental control agencies. That step in itself is very problematic as USF&W and NMFS do not expedite very well. 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. As occurred in 2006, non-adherence leads to a FEMA assistance denial of any disaster assistance claim.

When this administrative regulatory issue surfaced, the inherent problem was brought to the attention of DWR and Flood Board staff in an effort to find a workable emergency response notification solution to satisfy RGP #8. There has been no follow up report to the LMAs with a work around solution.

Discussion ensued regarding flood preparations and arranging for the annual emergency stand-by rock order of approximately 4,000 tons with crane.

8. Director Reports. None.

9. Announcements. Those present were invited to join the Board for lunch at Rogelio's following the meeting. Larry Gardiner, Denis Van De Maele, Gay Giles, Andrea Clark, Debbie Phulps, Gil Labrie and Emily Pappalardo accepted the invitation.

10. Adjournment. With no further business to come before the Board, the meeting was adjourned at 1:20 p.m.

Respectfully submitted,

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

Date Approved: January 14, 2016
MSC: Giles / Van De Maele