

**BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT**

**Minutes of Thursday, June 9, 2016**

The stated meeting of the Brannan-Andrus Levee Maintenance District’s Board of Directors was called to order by President, Larry Gardiner, at 10:03 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: Harvey Correia, Joe Deak, Larry Gardiner, Gay Giles and Denis Van De Maele
- Staff: Debbie Phulps, Secretary; Bruce Pisoni, Bookkeeper/Asst.Secretary; Andy Giannini, Superintendent; Gilbert Labrie, Engineer
- Guests: Kirk West, Dave Spensley, Bruce Gornto, Scott Schmidt, Troy Sanderson

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

**3. Bid Opening.** Job 7702.56 - Georgiana Slough Sta 300+00 to 302+00 Concrete Removal and RipRap Placement [Re-bid following redesign]. Two bids were received. Asta Construction Co., Inc. bid \$97,013. Bruce Gornto Ditching bid \$92,150. **MSC** (Giles / Deak) awarding a contract to the apparent low bidder, Gornto Ditching, pending the District Engineer’s review of the proposals as to content and form; and authorizing the President or Vice President to execute the contract documents.

**4. Invitation to Address the Board.** Troy Sanderson, President of the Bank of Rio Vista, introduced himself to the Board members.

**5. Business**

5.1 Financial - Pisoni.

A. Bank of Rio Vista May statement was provided to Director Giles. Copies of the FY2014-15 Audit, Balance Sheet and Unpaid Bills Detail were distributed.

Balance Sheet Summary as of meeting date:

Total Checking / Savings.....	\$	675,726.54
Total Accounts Receivable.....	\$	212,117.45
Total Other Current Assets.....	\$	632,234.09
Total Fixed Assets.....	\$	557,598.95
Total Assets.....	\$	<u>2,083,206.13</u>
Total Liabilities.....	\$	243,132.44
Equity.....	\$	1,840,073.69
Total Liabilities and Equity.....	\$	<u>2,083,206.13</u>

B. The following claims were submitted for payment approval.

AR Service.....	24,156.60	Giles; Gay.....	100.60
AT&T Wireless.....	251.22	Golden State Risk Mngmt. ....	9,317.00
Bank of Rio Vista.....	337.61	Gornto Ditching.....	4,112.50
CalPERS.....	5,803.35	Kipfel; Russel.....	2,238.99
Correia; Harvey.....	100.59	Oilwell Materials.....	50.88
Crop Production Service.....	697.04	Pisoni & Associates.....	1,615.19
Deak; Joe.....	100.60	Ramos Oil.....	1,138.18
EDD (payroll).....	310.63	Rio Vista Ford.....	339.22
IRS (payroll).....	1,959.70	River Rats Toilets.....	75.00
Frontier Communications.....	127.51	The River News Herald.....	360.75
Gardiner; Larry.....	100.59	Van De Maele; H. Denis.....	100.60
Giannini; Andy.....	2,255.17	Total Claims.....	<u>\$ 103,253.19</u>
Gilbert Labrie, AIA.....	47,603.67		

**MSC** (Giles/Deak) authorizing payment of the claims.

C. FY 2016-17 Budgeting.

1. **MSC** (Deak/Giles) establishing the rate for Benefit Assessment Call 3 and Mineral Rights Assessment Call 30 each at \$1.75 per \$100 of assessment valuation; and authorizing publication of the same.

**Resolution No. 2016-01**

A Resolution Ordering the Continuation of the Levy of Assessments  
For Brannan-andrus Levee Maintenance District  
For Fiscal Year 2016-17  
(Benefit Assessment Call 3)

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 (OM Roll) for Brannan-Andrus Levee Maintenance District [hereinafter referred to as BALMD] 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 OM Roll is now, and at all times herein mentioned was, in full force and effect; and

WHEREAS, in the opinion of the BALMD Board of Directors, it will be necessary to raise the assessment for fiscal year 2016-17 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:

1. 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 "BA Call No. 3" based upon the said 2013 Benefit Assessment Roll of Brannan-Andrus Levee Maintenance District, Sacramento, California, for fiscal year 2016-17 for the purposes herein above set forth; and
2. The assessment rates under the Benefit Assessment Roll for fiscal year 2016-17 have 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 the Sacramento County Board of Supervisors; and
3. The assessment is levied without regard to property valuation; and
4. 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
5. The Secretary of the District is hereby directed for and on behalf of this Board and said BALMD, 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 rolls, 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 assessment rolls to the same extent and for the same proposes as if said rate and assessment had actually been inserted in said Benefit Assessment Roll; and
6. 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
7. 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 the BALMD; and
8. 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 the Benefit Assessment Roll of said District; and

9. 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 BALMD; and

10. 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 BALMD; and

11. The BALMD Board of Directors hereby certifies that the assessments to be placed on the fiscal year 2016-17 property tax bills meet the requirements of Proposition 218 that added Articles XIII C and XIII D to the California Constitution.

End of Resolution

2. 2016-17 Delta Levees Subventions Program. **MSC** (Deak/Giles) authorizing a resolution requesting participation in the 2016-17 program, adopting the proposed Subventions Budget, and authorizing the President or Vice-President to execute all Subventions Program documents relative thereto.

#### **Resolution No. 2016-02**

A Resolution Authorizing District's Submittal of a  
FY2016-17 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 2016-17 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

#### 5.2 Secretarial - Phulps.

- A. **MSC** (Giles/Deak) approving the minutes of the May 12, 2016 Stated Meeting as distributed.
- B. **MSC** (Giles/Deak) casting the District's vote for CSDA Special District Seat B in favor of Gil Albani.

#### 5.3 Encroachments

- A. Sherloong Deck. Owner: Michael Conception. Location: 11 Main Street, Isleton, APN 157-0032-006. Request authorization to replace existing deteriorated deck at the rear of an existing historic building. This issue was discussed at the May meeting. To recap, construction had commenced prior to the May meeting on a replacement deck; but was halted by Superintendent Giannini, and the Owner was subsequently advised to file an encroachment application with the District. The application was received too late to be placed on the decision agenda; but, as a courtesy to the Owner, was presented to the Board in an effort authorize a Letter of Permission (LOP) enabling construction to continue in advance of an encroachment permit action by the Board.

The deck under construction is approximately two feet off of the existing grade and reportedly, extended approximately 10 feet away from the back of the building. A subsequent site investigation revealed that the deck actually extended 12 feet; and some other reported relationships of the finished deck regarding other adjacent structure extensions also proved to be erroneous. It was determined by this office that the deck involved in this request was outside the current Flood Board levee toe setback requirement of 10 feet. It was recommended that the Board authorize an LOP to allow the owner to continue with the project and take formal action to issue the permit in June. However, there was a lengthy discussion regarding the relationship of the deck to the lots rear property line and the potential that the deck was encroaching on the adjacent parcel extending all along the rear of the Main Street lots that back up to the Sacramento River levee toe area. Consequently, the Board wanted noted that its action to authorize the LOP did not constitute an authorization to encroach into property owned by others.

A more thorough investigation thereafter, by this office, determined that the rear property line for APN 157-0032-006 at the 11 Main Street address is only 6 ½ feet beyond the back of the existing building on the lot. That information was then transmitted to the applicant by telephone and included in the LOP that was prepared and sent. It is the understanding of this office that the applicant was going to have her contractor reduce the deck framing to live within the 6 ½-foot extension limitation. Consequently, the District's Encroachment Permit for the proposed deck at the Main Street location in question should only be for a new replacement deck extending a maximum of 6 ½ feet from the back of the existing building.

**MSC** (Deak/Giles) authorizing issuance of the permit incorporating the District's Standard Conditions.

5.4 Special Projects - "Georgiana Slough Erosion Control and Riparian Bench Restoration (RM 0.29 to 0.56). **MSC** (Giles / Deak) 1) authorizing preparation and submittal of application for special project participation and funding, and resolution to accompany same; 2) designating the President or Vice-President to execute documents relative to submittal thereof; and 3) authorizing execution of "Statement of Authorization" to be included with application packet empowering the District Engineer to negotiate the contract on behalf of the District for said project.

#### **Resolution No. 2016-04**

Authorizing execution of documents in response to the  
Department of Water Resources' Project Solicitation Proposal

Resolved by the Board of Directors of Brannan-Andrus Levee Maintenance District, a public entity established under the Water Code of the State of California and formed under the Brannan-Andrus Levee Maintenance District Act (Stats.1967,c.910.)

That pursuant to and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or California Water Code Section 75030 an application by this levee maintenance district be made to the California Department of Water Resources to obtain funding for the "Georgiana Slough Erosion Control and Riparian Bench Restoration Project".

That the President of said Board, Larry Gardiner, is hereby empowered and directed to authorize preparation of the necessary data, make investigations, sign certifications required as part of the application, and sign and file such application with the California Department of Water Resources.

End of Resolution

## **6. Reports**

6.1 Superintendent - Andy Giannini. Received high water notification and have been monitoring. Rodent abatement program continuing including followup on a new trap allowing for capture of multiple rodents. Have been following up on campers and vagrants on the levee slopes and associated clean-up. Clean-up effort undertaken near Duck Island with Caltrans now temporarily storing some K-rails in the area since the State will be closing their access. Mowing is continuing on Sevenmile near Jackson Slough. The goats are on the 100 acres and will be utilized elsewhere in non-sand slope situations. Caltrans has advised Andy of a Highway 12 repaving effort and was seeking water for the project. Ben at River Vine advised Andy of his contact with DWR of an upcoming levee project which will necessitate replacing the River Vine siphon. For an interim water source they intend to draw from the adjacent property via a pipe parallel to the levee. Andy obtain the DWR contact information for Gil.

6.2 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. Delta Levee Investment Strategy (DLIS). This proposed new Levee Program management tool has been in the works since November 2014. It is a Delta Stewardship Council (DSC) directed effort to develop a benefit/cost methodology, focusing on flood risks. The process seems to have slowed down considerably after the most recent stakeholder session, which took place on January 13, 2016. The message from the stakeholder representatives to the DSC consultants at that meeting was that the first priority of the methodology has to justify the importance of the Delta islands functioning as a system.

To date there has been no follow up, broad-based stakeholder meeting. However, a more limited group of LMA stakeholder representatives were invited to participate in a workshop to test the developed DLIS methodology with single island scenarios and levee improvement concepts developed with a few more select stakeholder groups, namely DWR and the water contractors. The methodology is now described as a "Decision Support Tool" and the strategic approach now being taken is to group the islands into priority tiers for budget decision making being considered as a risk aversion process. So budgeting priorities would be weighed based on the benefits associated with buying down risk with various project scenarios on various islands, or even groups of islands. The tentative time for "public scoping" meetings to review on-island asset info and application of the methodology was this month and the first such meeting is taking place tomorrow in West Sacramento on June 9, 2016 with an effort to really focus on thresholds to measure risk reduction success.

This District Engineer is not convinced that the methodology being developed will ever truly be independent and objective once the political process begins its more subjective machinations.

- B. Subventions Special Project (BA-15-1.0-SP). As previously reported, this major erosion repair project involving the Sacramento River levee from Isleton to Cache Slough is covered by an officially approved Work Agreement with DWR. This office has completed the first step in the process spelled out in that agreement, the preparation of a Statement of Work (SOW). It was submitted to DWR for approval the last week of March 2016. Recently, in early June, the District received a two-page letter from DWR requesting additional information as well as questioning some changes in the project details generated by the more detailed scoping of the project and tasks involved that was dictated by the process. The necessity for a two-month review of a more detailed project outline at this preliminary stage and the nature of the follow up questions is testimony to the way business is conducted by the DWR staff that are overseeing the Subventions Program. It also adds significantly to the project administrative costs hampers timely execution of the levee work involved. Once the SOW is finally approved, an application for an advance can be submitted and the State will then provide advance funding for 90% of its share of the eligible project costs occurring once the SOW is approved. The cost of the preparation of the SOW is reimbursed separately, presumably at the 94% state share level.
- C. Recent Special Projects Solicitation. In May it was reported that another Multi-Benefit Projects Solicitation Package (**PSP**) release was noticed on February, 22, 2016, with a submittal deadline of March 18. A total of \$60 million has been earmarked utilizing Prop 1E and 84 monies to provide funding assistance for LMA projects selected. As in the prior PSP an important project requirement is a habitat enhancement component. It was also reported that a concept design for a water-side levee toe erosion repair project for the Georgiana Slough bend near B & W, which fits all the criteria mentioned to be eligible for special funding consideration under this new PSP, was submitted by this office to meet the deadline. A total of 23 projects were submitted, with an estimated construction cost total of \$165 million. To create a short list for a final selection based on more detailed proposals, the submittals were evaluated and scored against criteria in the PSP that was circulated. The maximum possible points that could be achieved by a project is 80. Suffice it to say, the project submitted by this office for the B&W erosion repair project received a score of 64 and made the top of the list. A budget estimate of \$2.9 million was submitted for the project.
- D. Subventions FY2015-16. The major project that BALMD undertook for the current fiscal year was the seepage repair and management project involving the Mokelumne River levee upstream of Rancho Marina Resort. Consequently, the construction projects originally budgeted for 2015-16, the seepage management and French drain project for Georgiana Slough and a stability berm project at Delta Bay were put on hold in order to address the Mokelumne River levee problem. Because of the shortfall in 2015-16 expenditures, compared to the District's Work Agreement, the District Board agreed to move forward and address a component of a seepage management project being engineered to address a major problem involving the Georgiana Slough levee opposite the B&W Boat Storage compound. That component involved removal of the vegetation

all along the levee toe near the drainage ditch along the County road to facilitate final project design and potentially get the construction expenditure included in the District's 2015-16 claim. Additionally, it was recommended that a separate project involving removal of the broken concrete slabs and temporary armoring of the berm on Georgiana Slough, opposite the problem seepage area be advertised for bid and accomplished during this same period. The updated office estimate of the potential cost for the two projects is \$150,000. Bids for both projects were received at the District's May meeting with a San Rafael Rock Quarry bid of \$137,875 for the water side work and an Asta Construction bid of \$235,513 for the vegetation removal project. The Board elected to award a contract for the in-water work to SRRQ and opted to take steps to re-bid the vegetation removal project with some modifications to lower the potential project costs. This office consulted with Asta Construction and modified the project construction procedure requirements and then re-advertised the revised project in an effort to get the work accomplished as soon as possible. The new bid is due today and two contractors attended a mandatory pre-bid meeting, Asta Construction and Gornto Ditching. A revised engineer's estimate of potential project cost is \$137,000.

- E. Delta Bay Monitoring. For the Delta Bay levee instability situation some new inclinometers were recently installed at this location to gather additional boring log data and continuing monitoring the lower level movement. In scheduling the new installation with John Raney a decision was made to install a second inclinometer in the levee crown towards the Spindrift Marina and a third device at the levee toe in order to generate some additional information at the level that the greatest shift seems to be taking place.
- F. Subventions Budgeting FY2016-17. This office has prepared a budget outline for Board consideration and submittal by the June 30, 2016 deadline for the upcoming 2016-17 Fiscal Year Subventions Program. As previously reported a total of \$12 million has been budgeted for the State's contribution to the operation and maintenance portion of the Levee Subventions Program. The budget developed for BALMD Board consideration totals \$2,120,800 and includes three major projects; the B & W seepage management French drain, a major segment of the Gardiner/Still drainage blanket and French drain, and a stability berm at Delta Bay. The above total only represents the eligible Subvention's expenditure elements of the District's total budget and does not include any anticipated Special Project costs or District administrative overhead expenditures that are not considered eligible under Subventions Title 23 criteria.

6.3 Directors - None.

**7. Announcements / Recess.** Those present were invited to join the Board for lunch at Pineapple's in Isleton following the recess. The meeting recessed at noon to reconvene at Pineapple's Restaurant in 20 minutes.

**8. Call from Recess.** The meeting reconvened with Denis Van De Maele, Harvey Correia, Gil Labrie, Larry Gardiner, Debbie Phulps, Gay Giles and Kirk West and Dave Spensley in attendance. Follow up discussions occurred regarding Special Projects and encroachments.

**9. Adjournment.** With no further business to come before the Board, the meeting was adjourned at 1:40 p.m.

Respectfully submitted,

(sig)  
Debbie Phulps, District Secretary  
DCC Engineering Co., Inc.

Date Approved: July 14, 2016  
MSC: Correia / Giles