

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, November 10, 2016

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order by President, Larry Gardiner, at 10:00 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: Harvey Correia, Joe Deak, Larry Gardiner, and Gay Giles (arrived during Item 4.3)
Staff: Debbie Phulps, Secretary; Bruce Pisoni, Bookkeeper/Asst. Secretary; Andy Giannini, Superintendent and Gilbert Labrie, Engineer
Guests: Bill Kearns

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

3. Invitation to Address the Board. Bill Kearns was present as follow-up to correspondence from the District Engineer about permit non-compliance regarding his fence construction. Location and permitted material (wrought iron versus wood) were discussed. Owner believes the fence is 12-feet from the toe; and it was noted that the toe was moved out. As a result, it should be outside of DWR jurisdiction. It was decided that the current fence may remain as long as it does not negatively impact the District's inspection with DWR. If it becomes an issue with DRW, then the matter will have to be revisited and modifications to the location and material be made. A second issue relates to the corrugated pipe out front of the gravel ditch and slope of the ditch. Owner noted that the pipe was installed to County requirements and that they County had set pins at the street related to the elevation requirements.

4. Business

4.1 Financial - Pisoni.

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

Balance Sheet Summary as of meeting date:

Total Checking / Savings.....	\$	1,174,581.08
Total Accounts Receivable.....	\$	464,319.98
Total Other Current Assets.....	\$	159.79
Total Fixed Assets.....	\$	557,598.95
Total Other Assets.....	\$	5,369.31
Total Assets.....	\$	<u>2,202,029.11</u>

Total Liabilities (all Current).....	\$	738,236.54
Equity.....	\$	<u>1,463,792.57</u>
Total Liabilities and Equity.....	\$	<u>2,202,029.11</u>

- B. The following claims were submitted for payment approval.

Asta Construction.....	54,552.00	Giannini; Andy.....	2,255.09
AT&T Wireless.....	251.59	Gilbert Labrie, AIA.....	50,016.57
Bank of Rio Vista.....	279.24	Giles; Gay.....	201.19
California Waste Mngmt.....	130.90	Harold W. Bertholf, Inc.....	1,550.25
CalPERS.....	4,530.90	Kipfel; Russel.....	2,238.98
Correia; Harvey.....	201.19	Oilwell Materials.....	33.11
Deak; Joe.....	201.19	Pisoni & Associates.....	1,753.14
Dolk.....	5.22	Ramos Oil.....	132.12
Dutra.....	361,980.13	Reclamation Dist. 2067.....	360.00
EDD (payroll).....	310.64	River Rats.....	75.00
EFTPS (payroll).....	1,959.69	Steward Industrial.....	244.03
Frontier Communications.....	134.77	Van De Maele; H. Denis.....	201.19
Gardiner; Larry.....	201.19	Total Claims.....	<u>\$ 483,799.32</u>

MSC (Correia / Deak) authorizing payment of the claims by the issuance of warrants totaling

\$525,000 [ten (10) \$50,000 warrants and a \$25,000 warrant].

4.2 Secretarial - Phulps. **MSC** (Deak / Correia) approving the minutes of the September 23 and October 13 meetings as distributed.

A. Subventions: The District's FY2015-16 Delta Levee Subventions Program Claim totaling \$1,304,707.25 was transmitted to the Dept. of Water Resources. With regards to FY2016-17, the District is in receipt of the Work Agreement and either the President or Vice President are authorized to sign program documents for FY2016-17. Due to the absence of the Vice President, the Secretary requested an additional Board Member be authorized to sign the FY2016-17 Delta Levee Subventions Program documents.

MSC (Correia / Deak) authorizing Director Deak to sign said documents on behalf of the District.

4.3 Encroachments.

A. Vine Acres Pipe Repair (former Silva property). Request for after-the-fact issuance of permit covering the emergency repairs undertaken to the irrigation pipe at the former Silva property. Repair consisted of sleeving the deteriorated pipeline and repairing the slope/toe erosion. Due to the emergency nature of the situation, the repairs were authorized with the expectation of this follow up approval and issuance of a District Encroachment Permit. Repairs were carried out in accordance with the District's standard conditions and were monitored by the District Engineer's staff. Location: 15001 State Highway 160, Isleton.

MSC (Deak / Correia) authorizing issuance of permit. [ref 2016-07]

B. Deak's Willow Tree Waterline. Request authorization to install a new domestic water line within the District's area of jurisdiction, parallel with the levee forming the west bank of the B&W Resort Marina, and then crossing the levee and extending to a point of connection with the existing water line serving the Willow Tree Lane residential area. Location: APN156-0100-020. Owner/Applicant: Deak.

Discussion ensued related to avoiding trenching parallel with the levee. Alternative route would be to run the pipe down the length of the waterside dock and then cross the levee. **MS** (Giles / Correia) authorizing issuance of permit with the alternate (dock) routing. **Carried** (3 Yes, 1 Absent, 1 Abstention - Deak). [ref 2016-08]

5. Reports

5.1 Superintendent - Giannini. In addition to routine maintenance activities, attention has been given to clearing debris from the District yard, combating rodents and dealing with a new vagrant at the 100-ac. The ATV was in the shop for repair and rodent damage to the harness was revealed. A salvage harness was located and installed. Joe inquired as to the Board's prior action to update the Superintendent's truck, thus allowing Andy's truck to be passed to Russel. The matter had been placed on hold due to cash flow concerns. Andy indicated that the trucks are running OK; and that deferring the purchase awhile longer should not be a problem. [Andy retired from the meeting in order to return rental equipment.]

5.2 Engineer - 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 (DLIS). This Delta Levee Program financial management report effort has been underway since November 2014. It began as a Delta Stewardship Council (DSC) directed effort to develop an, objective, benefit/cost budgeting methodology relying on flood risk assessments to set funding priorities. The goal is to incorporate the report and recommendations into the updated, Delta Plan and satisfy a Delta Reform Act requirement. To develop the methodology the DSC awarded a contract to an outside consultant, Arcadis. Arcadis has been struggling with that task since the beginning because the Resources agency and the affected Delta LMA's are not in agreement with the data being used. This is important to the outcome because the Agency is Arcadis's client and paying its bill, and has imposed budgetary and timing constraints which have limited Arcadis to existing published reports and data, most of which is out of date. Adding to the uncertainty obstacle that data limitation presents is the fact that the water contractors have influenced the subjective judgements in the report, about the consequences of failure in terms of protecting water quality. Not recognizing that risk for certain islands influences the risk-based priority list being generated for the evaluation of flood protection expenditures in the future. Of course, another significant factor that is influencing the priority list is the Delta Reform Act requirement that levee investments attempt to reduce the risks to people, property and State

interests. That has resulted in some major urban areas being moved higher on the priority list and ultimately being eligible to get a larger share of the approximate \$155 million of Prop 1E and 84 bond funds left for flood protection through the Subventions Program.

To respond to critics of the entire process, the risk analysis methodology and priority list is being described as a "Decision Support Tool" (DST). Obviously the tool would be used for Subventions budget decisions by DWR and to support Legislative budget deliberations. The logical progression of this micro-management process could be a revision of Title 23 which affects after-the-fact reimbursement eligibility determinations and likely lead to ability-to-pay determinations. The DSC "consultant team" continues to defend its DST product and questionable conclusions, and is planning to eventually hold "public information" meetings for the record and to defend its public outreach claims.

To be more "transparent" and appear to be listening to outside input, a joint meeting was held on August 12, Friday, involving the DSC and CVFPB to get brought up to date regarding the latest draft of the methodology. That event was followed by a work session with local LMA engineers the following week. That session covered some of the deficiencies in the data and methodology contributing to questionable conclusions. However, it did not result in any corrections of the data enumerated in the DST charts or the conclusions presented in the accompanying report. Because of the potential adverse impact on the Subventions Program by this DLIS effort, it is critical that important technical flaws in the methodology and the uncertainties creating holes in the results and island rankings are totally discredited. Consequently, this office is partnering with other LMA engineering firms to enlist the assistance of a well-qualified geotechnical engineer to thoroughly review and comment on the engineering assumptions, policies and recommendations generated by the DLIS consultant, Arcadis.

A revised draft of the proposed Delta Plan revisions regarding priorities for State Delta levees investment was on the DSC agenda of September 29-30 as an Action Item but was pulled at the last minute under a directive from the Administration.

Efforts are still being made to educate DSC and CVFPB members about the flaws in the DLIS document and approach and convince Arcadis to revise its current draft of the DST and accompanying Policies and Recommendations report. Additionally, the DPC undertook a Feasibility Study to develop a Delta-wide Assessment District to expand the funding base for flood protection expenditures at the LMA level. That effort is also flawed and the Flood Control Association is challenging the report that the DPC will be considering adopting. This document will also influence the DLIS report and potentially get memorialized in the Delta Plan update that will eventually be adopted by the Flood Protection Board and become the guide for future legislative budget decisions. The importance of this entire effort to the future of the Levee Subventions Program cannot be dismissed, particularly since the Governor vetoed the bill extending the Program beyond 2018 with a reference to awaiting the outcome of the DLIS effort.

- B. Subventions Special Project (BA-15-1.0-SP). 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. The first step in order to move forward and apply for funding advances was the preparation of a Statement of Work (SOW) for DWR approval. That document was submitted to DWR in March 2016. Responses to the additional comments by DWR staff regarding the SOW were transmitted to DWR in early September 2016. Final approval was received in October 2016.

With the SOW finally approved, an application for an advance can be submitted and the State will then provide advance funding for 90% of its 94% share of the eligible project costs based on the schedule proposed in the SOW. That will enable this office to officially begin the project permitting process.

- C. Recent Special Projects Solicitation. There has been no change in the status of the selection process for the most recent PSP round. As previously reported, this office received correspondence from DWR indicating that the detailed submittals made for BALMD and RD 38 were determined to be complete and will now be (re) evaluated and ranked for a final selection to be announced in February 2017. An initial ranking based on the points generated from the PSP point system circulated resulted in the BALMD and RD 38 projects receiving the highest point scores. The final selection announcement date has not been formally changed, nor has there been any correspondence indicating whether DWR still intends to move forward. There is every likelihood that efforts are underway to reconsider the points that were assigned to some of the

projects to bring any final selection more in line with the direction being spelled out through the DLIS effort.

- D. Delta Bay Monitoring. As previously reported, a total of three new inclinometers was installed in early June 2016, has been read twice, and is currently being read by Raney Geotechnical. During this period movement has continued to show up in the two new inclinometers installed on either side of the original crown installation and is starting to show up in the inclinometer installed at the levee toe opposite one of the new ones on the levee crown. This office installed some additional monitoring points within the park to check for surface horizontal and vertical movement on the levee slope and beyond the levee toe, to better try and understand what is going on. That monitoring is also going to be undertaken monthly.
- E. 2016-17 Subventions Program. This office will be preparing bid packages for the revised B&W French drain project and Gardiner drainage blanket and toe ditch removal projects so that construction can possibly get under next spring. For construction this fall it was recommended, at the September Board meeting that a high priority project for consideration was the repair of some deep erosion scallops along the Isleton river front that were not addressed during the last Sacramento River fall rip-rapping project in 2014. But taking on this repair meant there was an urgency to address these sites before the in-water work window closes at the end of this month on October 31. The Board concurred with a recommendation to go to bid as soon as possible and scheduled a bid opening for the last week in September. The San Rafael Rock Quarry was the only bidder. That project began before the end of October and any in-water work restricted by the fish window was completed by the end of the month. The remaining bank protection work above the ordinary high water line, which is included in the contract, is currently being completed.

In September this office recommended that the Board consider going to bid for tree trimming and brush removal along the Sacramento River and Georgiana Slough to address some of the issues raised in the latest DWR Levee Inspection report, which is actually based on the Spring 2016 Inspection. There has been some trimming accomplished as part of the rip rap project that was discussed above and is nearing completion. The last vegetation management contract was to Arbor Well in 2014. This office is in the process of renewing the encroachment permit that the District has from CalTrans which covers the vegetation work along Highway 160, with the necessary traffic control measures.

It was noted that construction documents, to address seepage near B&W by installing a french drain, are 95% complete (ref. 7702.54). All that is needed to proceed to bid is compiling of the Project Manual and contract document. However, due to current cash flow to cover the construction, the project will be rolled over to FY2017-18.

- F. Spoil Site Fence. This fence which separates the District 100-acre parcel from Rivers Edge RV Park is now complete. However, there is an issue with some homeless squatters that have taken up residence on the District's property. Access is now precluded from the RV Park area, which is the likely entrance point for the temporary inhabitants. With that option now blocked off the only access to the site is the District's gated ramp or the connection to the adjacent Machado parcel and then through the Delta Bay RV Park.

5.3 Director Reports.

- A. Correia. Harvey relayed that Bruce Gornto had recently cleared the ditch by Spensley's. Gil clarified as to which ditch was the subject of the prior discussion. It was determined they are not the same ditch. Harvey also provided feedback from Bruce as to the need to maintain a spray program to combat berries at the 100-ac. Harvey noted he will be absent from the January meeting.

6. Announcements. Those present were invited to join the Board for lunch at Pineapple's Restaurant, 22 Main Street, Isleton following the meeting. Harvey Correia, Gay Giles, Gil Labrie and Debbie Phulps accepted the invitation.

7. Adjournment. With no further business to come before the Board, the meeting was adjourned at 11:55 a.m.

Respectfully submitted,

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

Date Approved: December 8, 2016
MSC: Giles / Correia