

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, December 8, 2016

The stated meeting of the Brannan-Andrus Levee Maintenance District’s Board of Directors was called to order by President, Larry Gardiner, at 10:05 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, H. Denis Van De Maele and Gay Giles
Staff: Debbie Phulps, Secretary; Bruce Pisoni, Bookkeeper/Asst. Secretary; Andy Giannini, Superintendent and Gilbert Labrie, Engineer

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

3. Invitation to Address the Board. None responded.

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.	\$ 1,525,264.49
Total Accounts Receivable.	\$ 564,776.59
Total Other Current Assets.	\$ 159.79
Total Fixed Assets.	\$ 557,598.95
Total Other Assets.	\$ 5,369.31
Total Assets.	\$ <u>2,653,169.13</u>

Total Liabilities (all Current).	\$ 1,173,216.62
Equity.	\$ <u>1,479,952.51</u>
Total Liabilities and Equity.	\$ <u>2,653,169.13</u>

B. The following claims were submitted for payment approval.

Asta Construction.	6,061.00	Giles; Gay.	100.60
AT&T Wireless.	251.01	Kipfel; Russel.	2,238.99
Bank of Rio Vista.	190.93	North Delta Water Agency.	352.44
California PERS.	4,530.90	Oilwell Materials.	34.62
California Special Districts Asn.. . . .	1,210.00	Pisoni & Associates.. . . .	1,611.67
Correia; Harvey.	100.59	Ramos Oil.	137.23
Deak; Joe.	100.60	Reclamation Dist. 2067.	360.00
Downey Brand.	109.50	River Rats.	75.00
Dutra.	67,143.68	S&W Tire.	309.03
EDD (payroll).	330.43	SacCounty Finance.	490.00
EFTPS (payroll).	1,959.78	SacCounty Environment Mgmt.	387.00
Frontier Communications.	195.68	SacCounty Tax Collector.	3,063.98
Gardiner; Larry.	100.60	Steward Industrial.	222.95
Giannini; Andy.	2,255.11	Van De Maele; H. Denis.	<u>100.60</u>
Gilbert Labrie, AIA.	27,855.64	Total Claims.	\$ 121,879.56

MSC (Giles / Correia) authorizing payment of the claims by the issuance of one, \$50,000 warrant.

4.2 Secretarial - Phulps. **MSC** (Giles / Correia) approving the minutes of the November 10 meeting as distributed.

4.3 Encroachments.

- A. River Vine Ranch Pipe Replacement. Request endorsement on CVFPB application for project to replace the water intake pipe necessitated by USACE-DWR Sacramento River Bank Protection project being undertaken in the area. The existing water intake pipe, which supplied water for agricultural operations, will be replaced as part of the bank protection project; and the landowner, through an agreement with DWR, will remove the existing water intake pipe prior to the bank protection project and construct a new pipe at the same location following completion of the USACE-DWR project. BALMD permit and NOE previously authorized in July 2016. Location: Left bank of the Sacramento River at RM 17.1. Owner / Applicant: River Vine Ranch / KSN Engineers. APN 157-0100-006. **MSC** (Deak / Van De Maele).
- B. Drainage at the former Libordi Shoals properties. Gil reported as to drainage of the west end behind the most western unit of this development. It would appear that modifications were made affecting the movement of water and blockage of the back canal ditch such that water is not being transported to the main canal. This encroachment is impacting the fallow field belonging to Spensley. The ditch in question is designated on the District's map for cleaning in the 1/3 rotation schedule. However, owners have constructed culverts in Toe Drain 15 and have covered it to increase the land on the back end of their lots including the placement of storage containers and other debris. An enforcement issue now exists.

The ditches are usually cleaned by Gornto following the growing season. It was determined that notification be dispatched to the owners of question in June/July with a deadline of November 1 for their compliance to remove/correct any encroachments involving the drainage ditches in advance of Gornto's cleaning activities. Correspondence to be coordinated with legal. Non-compliance will result in the District abating the encroachments and billing the property owners to recover all expenses thereof. Owners to be advised that such amounts owed the District create a lien-able event against their property if unpaid.

5. Reports

5.1 Superintendent - Giannini. Andy reported as to utilizing fumigants towards rodent abatement; repairs related to a leak in the Aebi's hydraulic system; rototiller rental to take down vegetation at the 100 acres; and cleanup of homeless camp debris along 100-acres back tree line. The tour/inspection with DWR should take place after the holidays.

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 study 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 intent is to incorporate the recommendations and backup data into an updated Delta Plan and satisfy a Delta Reform Act requirement. An outside consultant, Arcadis, has been struggling with that task since the beginning because the Resources Agency and Delta LMA's are not in agreement with some of the assumptions being made and the validity of the data being used. DWR has limited Arcadis to existing published reports and data, which are now out of date. Additionally the water contractors have been able to influence subjective judgements being incorporated into the methodology approach in terms of the critical water supply corridors, and the consequences of certain islands failing in terms of protecting water quality. Not recognizing that risk influences an island's standing within

the priority list groupings being generated for future DWR budgeting decisions for flood protection and the evaluation of budget proposals by the Legislature.

In response to Delta critics of the entire process and product, the risk analysis methodology and priority list is being described as a "Decision Support Tool" (DST). However, the questionable conclusions that can be drawn using the DST remain because DWR and Arcadis have not made any substantive revisions in the documents being produced, in response to the written criticism generated by Delta stakeholders and transmitted to the DSC and CVFPB. In a recent status report to the DSC, the "consultant team" continued to defend its product and questionable conclusions, and is planning to eventually hold "public information" meetings for the record and bolster its public outreach claims.

To comply with the Delta Reform Act requirement regarding the ultimate incorporation of the DLIS report into an update of Delta Plan a joint meeting was held in August involving the DSC and CVFPB, because the CVFPB will take the final actions to finish the update process. As previously reported, that event was followed by a work session with local LMA engineers, which did focus on 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 the DST is likely to impact the Subventions Program, 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, the CVFCA and LMA engineering firms, along with the assistance of a well-qualified geotechnical engineer are involved in an all out effort to formally comment on the engineering assumptions, policies and recommendations generated by the DLIS consultant, Arcadis, as well as a separate effort being undertaken by the Delta Protection Commission (DPC) to look at flood protection funding alternatives to ensure that all beneficiaries pay their fair share. That financial feasibility study will also be attempting to determine what constitutes a fair share of the costs for flood protection. That effort is also flawed and the CVFCA is leading the effort challenging the report that the DPC will be considering for adoption in January 2017. A meeting of the DPC Levee Funding Study subcommittee is scheduled for the same time as BALMD's December meeting. Public comments will be accepted at that meeting and written comments can be submitted up until January 4, 2017. This study effort could influence the DLIS report and potentially get memorialized in the Delta Plan update 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

A revised draft of the proposed Delta Plan revisions regarding priorities for State Delta levees investment was pulled from the DSC September agenda, at the last minute, under a directive from the Administration. As noted above, efforts have been and are still being made to educate the DSC and CVFPB members about the flaws in the DLIS document and approach, to convince key members that Arcadis needs to revise its current draft of the DST and accompanying Policies and Recommendations report and respond to the local critics. A total rejection of the entire budgeting methodology development effort would be more desirable, from the local's perspective, but there needs to be some type of response to the legislative directive.

- 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 and final approval was transmitted in October 2016.

An application for a total advance of \$209,950 submitted in November. According to the Work Agreement, the State will provide advance funding for 90% of its 94% share of the eligible project costs based on the schedule proposed in the **SOW**. This first request primarily involves the permit process with the Flood Board and USACE Flood Protection Section. The project schedule prepared by this office anticipates that most of 2017 will involve this phase of the project. A major component of the estimated cost is permit fees. This office has already begun to prepare the application package that will accompany the plans that have already been prepared.

- 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 was determined to be complete and is being (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 project receiving the highest point score. There has been no further official correspondence from DWR's Subventions Program staff regarding BALMD's project submittal.
- D. Delta Bay Monitoring. As previously reported, a total of three new inclinometers was installed in early June 2016, has been read four times since then by Raney Geotechnical. During this five-month 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. 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. Because of the looming end of the in-water construction window on October, the Board concurred with a recommendation to go to bid as soon as possible. A bid opening advertised for the last week in September resulted in the San Rafael Rock Quarry being the only bidder. Project construction began before the end of October, focusing first on any deeper in-water rip-rap placement that would be affected by the end of the fish window. The remaining upper-bank protection work, above the ordinary high water line and included in the contract, has been completed. The final project construction cost was \$430,540.84, with the two approved change orders, adding material for an additional erosion site and vegetation trimming to facilitate the placement of the rip-rap at some sites west of Isleton.

For potential bidding in the spring of 2017 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 could get under way for the 2017-18 Subventions cycle.
- F. Spoil Material Acquisition Opportunity. This office has been having discussions with Roy Reeves, the contractor who removed and relocated the 100,000 cubic yards of spoil material from the Machado site to the adjacent District property, about an opportunity to acquire approximately 40,000 cubic yards of material from a leveling project he has coming up where Terminous Road turns near OxBow drive. The thought would be to stockpile the material on the Kaprielian site for re-use upstream on the Georgiana Slough levee back slope.

5.3 Director Reports.

- A. Correia. Will be absent from January 12, 2017 meeting. Harvey updated the Board as

to the status of interface and his frustration with law enforcement regarding follow up on thefts at his father's residence.

6. Announcements. All were wished a happy and safe holidays. Those present were invited to join the Board for lunch at Peter B's, 203 Second Street, Isleton following the meeting. Larry Gardiner, Denis Van De Maele, Harvey Correia, Gay Giles, Joe Deak, Andy Giannini, Gil Labrie and Debbie Phulps accepted the invitation.

7. Adjournment. With no further business to come before the Board, the meeting was adjourned at 1:50 p.m.

Respectfully submitted,

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

Date Approved: January 12, 2017
MSC: Giles / Deak