

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, August 10, 2017

The stated meeting of the Brannan-Andrus Levee Maintenance District's Board of Directors was called to order at 10:00 by President, Larry Gardiner, on the above cited date at the District Office, 310 Second Street, Isleton, California.

1. Roll Call. The following were in attendance:

Directors: Joe Deak, Larry Gardiner, Gay Giles and H. Denis Van De Maele
 Staff: Debbie Phulps, Secretary; Bruce Pisoni, Bookkeeper/Asst. Secretary; Andy Giannini, Superintendent; Gilbert Labrie, Engineer
 Reps: Glenn Giovannoni, City of Isleton Mayor
 Guests: Kurt Campbell, Kirk West, and Isleton City personnel: James Gates, Interim Planner and Romi Balbini, Public Works Director and Building Official

2. Agenda Setting. MSC (Giles/Van De Maele) adopting the Agenda as amended to include action on the encroachment request of Kurt Campbell; and suspending the rules to allow consideration of items out of sequence. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Guests. City Mayor, Glenn Giovannoni and Public Works Director Romi Balbini addressed the Board about the joint effort towards encroachment enforcement regarding those properties adjacent to Highway 160. Glenn will be meeting with Gil.

4. Business

4.1 Financial - Pisoni.

A. Copies of the Balance Sheet and Unpaid Bills Detail were distributed and reviewed.

Balance Sheet Summary as of meeting date:

Total Checking / Savings	\$	339,113.27
Total Accounts Receivable..	\$	54,026.56
Total Other Current Assets.	\$	880,725.50
Total Fixed Assets.	\$	514,182.77
Total Other Assets.	\$	7,702.00
Total Assets.	\$	<u>1,795,750.10</u>
Total Liabilities (all Current).	\$	736,794.80
Equity.	\$	<u>1,058,955.30</u>
Total Liabilities and Equity.	\$	<u>1,795,750.10</u>

1. Cash flow discussion followed. Bruce reported on RD2067's action supporting a one-year, \$500,000 note with BALMD at 6% APR for term borrowed, no pre-payment penalty. The BALMD Board was appreciative of RD2067's support. However, in subsequent action **MSC** (Van De Maele / Deak) authorization was given to Bruce to transfer \$500,000 from the District's Emergency Fund with the Local Agency Investment Fund; and new signature forms were executed to update the Board Member names authorized on the account.

B. The following claims were submitted for payment approval.

AT&T Mobility.	353.89	Kipfell; Russel.	2,289.39
California EDD.	315.76	Oilwell Materials.	53.58
California PERS.	4,486.74	Pisoni & Associates.	1,610.75
CCVFC.	4,521.00	Ramos Oil.	1,750.57
Correia; Harvey.	201.19	Reclamation Dist. 2067.	360.00
Deak; Joe.	201.19	Rio Vista Ford.	2,137.38
EFTPS (payroll).	2,006.30	River Rats.	75.00
Frontier Communications.	147.66	S&W Tire.	66.33
Gardiner; Larry.	201.19	Stewart Industrial.	325.47
Giannini; Andy.	2,324.44	Van De Maele; H. Denis.	100.60
Gilbert Labrie, AIA.	25,897.31	VISA.	260.60
Giles; Gay.	100.59	Total Claims.	<u>\$ 50,006.93</u>
Jay's Towing.	220.00		

MSC (Giles / Van De Maele) approving payment of the claims presented.

4.2 Secretarial - Phulps. **MSC** (Van De Maele / Deak) approving the minutes of the July 13, 2017 meeting as distributed.

- A. Outstanding Correspondence: Downey Brand request for execution of an "Agreement Regarding Joint Representation of Clients by Downey Brand LLP in Litigation under the California Environmental Quality Act and/or National Environmental Policy Act re California WaterFix Project". President Gardiner recapped the Special Meeting of July 25 held jointly with RD317, 407 and 2067 regarding Downey Brand's request presented to each entity. It was agreed that BALMD would take the lead as the sole entity signing on with Downey Brand with BALMD representing the joined interests of the LMD and reclamation districts rather than each of the reclamation districts participating financially.

4.3 Encroachments

4.4 Kurt Campbell: Irrigation and Solar Panel Array. Request authorization for the installation of sprinkler lines on either side of the levee crown patrol road and the construction of a pole style structure to support a roof and solar panels. Except for the solar structure, this request is for a sprinkler installation similar to the McDowell request approved last month and is similar to the Adgate sprinkler installation and maybe some others along this levee reach. As long as the lines along the levee crown do not inhibit the districts ability to work on the crown and the owner is aware that he is responsible for removal and replacement if the District needs to work on the levee the application could be granted, given the precedent that has already been set.

The solar panel support structure is proposed to be located at least 15 feet away from the levee toe, similar to the existing permitted residence that is located on the parcel. Since it is basically a pole structure it is not expected to impact levee integrity or visibility of the levee toe area during an event in the slough.

MSC (Giles / Van De Maele) authorizing issuance of permit incorporating the District's Standard Conditions.

4.5 Levee Toe Drain 15 Obstructions. Staff in this office is preparing to go out and set some property corners at the problem locations. Prior to that step this office will draft another letter directed specifically to the encroaching property owners.

5. Reports

5.1 Superintendent - Giannini. John Deere and Aebi underwent various general maintenance repairs, nothing major. Sheep have been grazing Sevenmile in advance of Aebi mowing to reduce vegetation and expose unknown debris hazards. Andy and Russell took advantage of the Caltrans Highway 12 closure and mowed the Terminous entrance. Follow-up continues on abandoned vehicles/boats/trailers. Andy reported as to a Caltrans mow equipment demonstration which they conducted on Highway 160 from the Isleton Bridge to Ida Island, and the vegetation debris field which they left. Gil to prepare/transmit correspondence of displeasure with regards to their activities in the revegetation area and field staff attitude when the matter of debris removal was brought to Caltrans attention.

5.2 Engineer - Labrie. Gil distributed and presented his monthly engineering report. Discussion or questions occurring during the course of the Report are noted in inset paragraphs.

- A. Levee Investment Strategy (DLIS). As previously reported, this study, was initiated in 2014 as a Delta Stewardship Council (DSC) directed effort to develop a benefit/cost budgeting methodology, relying on flood risk assessments, to enable prioritization of levee project funding proposals. The results of that effort is essentially now the responsibility of the the Central Valley Flood Protection Board to somehow incorporate into its update of the (CVFPP), which is a requirement of the Delta Reform Act, at 5-year intervals.

Of crucial concern for all stakeholders participating in Delta Levees Subventions Programs are the DLIS recommendations regarding "measurable Delta levee program funding objectives", which could significantly impact Program funding decisions by the Legislature. To deal with the DSC issue, the CVFPB has charged a subcommittee with the task of working with all the stakeholders providing input into the Plan Update and workshops have been underway. Consequently, the battle between the various stakeholders and DWR, over the final version of the CVFPP update, is not over.

- B. Subventions Special Project (BA-15-1.0-SP). As previously reported, this major erosion repair project involving major segments of the Sacramento River levee from Isleton to Cache Slough is officially underway, with an initial funding advance check of \$209,950 arriving in April to partially

reimburse the District for the consultant costs to prepare the SOW and provide for the initial project permitting effort to move forward ahead of finalizing construction drawings, advertising for bids and going to construction.

This office actually submitted documents to begin the permitting process before the advance check arrived and has been interfacing, primarily with USACE regulatory agency staff. Consequently, as part of the USACE/CVFPB process a consultant was retained by this office to provide the required hydraulic analysis to evaluate the impact of new channel incursions greater than 1%. That hydraulic analysis report has been completed and submitted. While it was previously reported that the USACE/CVFPB permitting process could experience a significant delay caused by a USACE budgeting snafu, there has been an ongoing exchange between the supplier of the special fabric bags that are crucial to the habitat bench design and a USACE representative. That exchange has focused on the design of the fabric bag retaining wall and the use of a GeoGrid material to guard against bag tear and a wall failure.

On the environmental review side, some existing project site-specific information was gathered earlier by an outside consultant and that effort is being followed up by the same consultant, who is currently generating the required information and documentation to facilitate the regulatory environmental reviews that are part of the permitting process. This effort is now the principal focus of all consulting effort at this time. It has been determined that both a CEQA and NEPA environmental processing will be required so the outside consultant brought in earlier in the project development stage is now working on the necessary documentation.

A 1600 Agreement for the project has been reached with CDFW which eliminates one hurdle and adds to the environmental oversight that will be a significant part of the ultimate project construction process.

- C. 2016 Special Projects Solicitation Results. It was reported to the Board in April that on March 28 a notification was released listing the PSP projects that had received final approval and BALMD's erosion repair project for the B & W bend on Georgiana Slough stayed on the list. The next step of the process, once a Work Agreement is signed with BALMD, will be the preparation of an SOW. DWR reported recently that the Work Agreements should be sent to the districts this month.
- D. Delta Bay Stability Project. As previously reported three new levee monitoring devices at this location, were installed in early June 2016. During the following eight-month period gradual lateral movement was being detected in periodic readings. However, during the 2017 January/February, readings taken February 7, and February 22, 2017, indicated more significant lateral shifts than in the previous seven-month period.

Based on the additional concerns generated by the February 2017 monitor readings and an on-site discussion with John Raney, a stabilizing approach utilizing a drain rock stability berm at the levee toe, was selected as the first phase of a District effort that could increase the factor of safety and guard against any potential failure. Based on a recommendation from this office at the early March meeting, the Board voted to proceed with construction documents and bid advertisement for a stability berm project to get underway as soon as possible. A bid opening was scheduled for the end of the month.

Construction of the rock berm actually began the second week of May and was completed, except for a minor punch list item, by June 2, 2017. The project has been submitted for FEMA consideration as an emergency response triggered by the January/February 2017 high water event. A geotechnical report is currently being finalized by Raney Geotechnical to document the findings and recommendation that ultimately led to the Board decision to get the stability berm construction underway quickly.

- E. Levee Subventions Program. Essentially the major construction project for the 2016-17 Fiscal Year was the rip-rap 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. Additionally, the January/February 2017 high water events and the prospect of continued high flows on the San Joaquin River, well into the spring because of the record snow pack in the Sierras and limited remaining reservoir capacity in the San Joaquin River watershed led to a decision to address the need to provide better overtopping protection along the crown of the Mokelumne River levee.

As previously reported, it appeared that BALMD's 2015-16 Levee Subventions reimbursement review process was being held up because of a delay in CDFW sign off due to on-going discussions about the mitigation requirements for the habitat impacts that occurred when the

vegetation was removed near B&W in preparation for the installation of a drainage management system at the land-side levee toe. However, a communication with CDFW cleared up this log jamb holding up DWR's review of the District expenditures claimed, for eligibility and this office received the list of adjustments in late June. The mitigation issue was resolved by a Board decision at the last District meeting to move forward with the establishment of a District managed mitigation bank on its property, to take care of this impact and future impacts. This office is now beginning to respond to CDFW information requirements and a prescribed process to establish a habitat mitigation bank on the easterly portion of the District owned property bordering Delta Bay and the Machado property.

In terms of major rehabilitation project planning for FY 2017-18, this office is prepared to finish developing bid packages for the revised B&W French drain project and Gardiner toe ditch removal projects so that those projects could be considered for construction when funds are expected to be available in the fall. No effort is being expended to that end, at this time, pending more solid information regarding reimbursement of the emergency response expenses and payment on the 2015-16 Levee Subventions claim.

- F. 2017 High Water Event. Since early May, expenditures directly related to the Winter of 2017 events are being assembled by this office and transmitted by a consultant working for FEMA. This includes both levee related actions and excess pumping costs incurred by Reclamation Districts. For Brannan-Andrus, the emergency berm construction at Delta Bay has been included in the list of projects for consideration, as noted above. Additionally, the costs for the standby emergency response measure involving the crane barge and rock that was placed on the Mokelumne River levee crown to improve overtopping protection is included in the Districts FEMA claim that is being processed. However, the issues of emergency response versus permanent improvements, or related to pre-existing conditions that had not been addressed are an integral part of the discussions that are going on between this office and the FEMA representatives. The Delta Bay berm project is the subject of a lot of followup requests for additional information.
- G. San Joaquin River Toe Ditch Cleaning. This issue began because of property owner complaints about the functionality of a specific section of the toe drainage ditch along the back of the eight 2-acre lots developed by Tony Libordi in 1990. In response to this identified drainage problem, this office was directed to prepare and mail out correspondence to all of the property owners along the entire levee toe drain, commencing as far westerly as Happy Harbor, alerting them to District plans to clean the ditch this fall and directing the removal of any obstructions before this coming November.

Since that mailing this office has been contacted by only three parcel owners. Yet, a closer review of the entire toe ditch alignment revealed at least six more instances where the ditch appears to have been filled, between the Libordi Subdivision and Happy Harbor. In addition, at least three parcels have encroachments crossing the north property line and all six are illegally obstructing a 20-foot road access easement.

Obviously this is a complex problem given the variety of issues preventing the proper operation of the San Joaquin River levee toe drainage infrastructure in the area described above. Beside the ditch functionality problem caused by unauthorized fill placement, there are illegal encroachments into adjacent property as well as the road access easement. The property line and easement infractions are a separate matter between property owners and with the County Division of Building Permits and Inspection. As indicated above, this office is preparing to undertake some on-site survey effort at the ditch encroachment locations to identify and determine the extent of the ditch obstruction problem and impress on property owners the District's resolve to address the problem.

- H. DWR Deferred Maintenance Project. In June a letter addressed to Board President Gardiner indicates that BALMD is eligible for funding under the DMP to evaluate and repair the levee penetrations identified within the BALMD maintenance area. The DWR will provide 100% reimbursement for the effort, which only focuses on SPFC levees (Sacramento River and Georgiana Slough). Interested LMA's will be required to enter into a Work Agreement with DWR. The DMP includes inspection and repair of levees in two phases. During the first phase the funding will support an effort to better identify levee penetrations that have been cataloged by previous DWR research efforts, using video inspections and other electronic means. From this information DWR will prepare a Pipe Rehabilitation Plan (PRP) which will include a preferred rehabilitation alternative and preliminary cost estimate for each verified penetration. The second phase would fund the remedial actions identified in the PRP. To accomplish this overall effort DWR is soliciting the District's sponsorship for implementing the work identified in the June letter. To participate, the

District needs to submit an Intent to Participate letter to DWR pursuant to a resolution adopted by the Board . Sample formats of the documents needed to indicated the District's willingness to be involved were provided with the June letter.

Given the high priority assigned to BALMD by DWR, this office believes it would be prudent for BALMD to participate. It could also ultimately remove some of the issues affecting the District's eligibility classification under PL 84-99 and eliminate some of the negative levee inspection items.

6. Director Reports. Director Giles will be attending the CSDA Conference at the end of September.

7. Announcements and Notification of Change of Venue following Recess. Those present were invited to join the Board for lunch at Pineapple's Restaurant, 22 Main Street, Isleton, following a 15 minute recess.

8. Recess and Reconvening. The meeting reconvened with Larry Gardiner, Gay Giles and H. Denis Van De Maele in attendance. Discussion ensued.

9. 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: September 14, 2017
MSC: Giles / Deak