

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of Thursday, September 14, 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: Harvey Correia, 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
City Reps: Chuck Bergson, PE, City Manager; Romi Balbini, Director of Public Works and Building Official
Guests: Randy Bennett (at 11:20), Cathy Caldera, Kurt Campbell, Suzanne Daggert (Pisoni & Associates), Jean Harband, Pat Myrick, John Napier, Don Olson, Jane Stegmiller, Robert Werner, Kirk West

2. Agenda Setting. MSC (Correia / Giles) adopting the Agenda as published; and suspending the rules to allow consideration of items out of sequence. [MSC = Motion-Second-Carried unanimously unless otherwise noted].

3. Invitation to Guests. None responded.

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.	\$	286,444.13
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>1,743,080.96</u>

Total Liabilities (all Current).	\$	736,690.86
Equity.	\$	<u>1,006,390.10</u>
Total Liabilities and Equity.	\$	<u>1,743,080.96</u>

1. Bruce reported as to completion of the transfer of \$500,000 from the District's

Emergency Fund with the Local Agency Investment Fund into the General Fund.

B. The following claims were submitted for payment approval.

AT&T Mobility.	353.89	Dolk Tractor.	407.78
California EDD.	335.56	EFTPS (payroll).	2,090.50
California PERS.	5,187.76	Frontier Communications.	212.39
California Waste.	130.90	Gardiner; Larry.	100.59
Checkmate.	63.06	Giannini; Andy.	2,324.43
Correia; Harvey.	100.59	Gilbert Labrie, AIA.	37,841.52
Deak; Joe.	100.59	Giles; Gay.	100.60

John Deere Financial.	8,281.97	River Rats.	75.00
Kipfell; Russel.	2,291.16	SCI Consulting.	2,041.43
Oilwell Materials.	15.11	Stewart Industrial.	35.67
Pisoni & Associates..	1,641.07	Van De Maele; H. Denis.	100.59
Ramos Oil.	238.65	VISA.	53.86
Reclamation Dist. 2067.	360.00	Total Claims.	<u>\$ 64,484.67</u>

MSC (Correia / Deak) approving payment of the claims presented and the issuance of one \$50,000 warrant.

4.2 Secretarial - Phulps. **MSC** (Deak Correia) approving the minutes from the July 25 joint districts meeting. **MSC** (Giles / Deak) approving the minutes of the August 10 meeting as distributed.

- A. Debbie reported as to the receipt of the Subventions FY2017-18 Work Agreements for execution by President Gardiner (authorization per action taken at time of program application submittal).
- B. Debbie presented a resolution requested by Cal OES regarding designation of District's agent for processing the disaster assistance application and associated paperwork. **MSC** (Giles / Deak) adopting Resolution 2017-05 as prepared by Cal OES:

Resolution No. 2017-05
Designation of Applicant's Agent Resolution for Non-state Agencies
[Cal OES Form 130 (Rev.9/13)]

BE IT RESOLVED by the Board of Directors of Brannan-Andrus Levee Maintenance District (BALMD):

THAT Gilbert Labrie is hereby authorized to execute for an on behalf of the Brannan-Andrus Levee Maintenance District (BALMD), a public entity established under the laws of the State of California, this application and to file it with the California Governor's Office of Emergency Services for the purpose of obtaining certain federal financial assistance under Public Law 93-288 as amended by the Robert T. Stafford Disaster Relief and Emergency Assistance Act of 1988, and/or state financial assistance under the California Disaster Assistance Act.

THAT the District (BALMD), a public entity established under the laws of the State of California, hereby authorizes its agent(s) to provide to the Governor's Office of Emergency Services for all matters pertaining to such state disaster assistance the assurances and agreements required.

This is a universal resolution and is effective for all open and future disasters up to three (3) years following the date of approval below.

(End of Resolution)

4.3 Encroachments

4.4 Kurt Campbell: Irrigation and Solar Panel Array. Request endorsement of permitted encroachments on Applicant's Central Valley Flood Protection Board application. **MSC** (Deak /Correia) authorizing execution of said document.

4.5 Levee Toe Drain 15 Obstructions. District Engineer Labrie prefaced by bringing the Board up-to-date regarding investigation as to the ditch and encroachments. Don Olson addressed the Board as to history of the ditch and placement of the culvert, and on-going issues along the properties. Cathy Caldera cited feces and other debris making its way into the ditch. BALMD began assisting in RD317's maintenance of the ditch when it was ascertained that, to some extent, the ditch does

assist with moving levee seepage. President Gardiner and the property owners concurred that it is in their mutual best interest to have the ditch properly functioning; and that obstructions can not continue to exist which hinder the District's ability to perform maintenance.

Following continued discussion, the property owners were in agreement with the following, upon which the District took formal action: **MSC** (Giles / Deak) that: 1) the LMD will schedule its routine ditch cleaning activities on the accessible portions with the spoils being discharged toward the open field; 2) the engineering group will perform minimal surveying and staking to establish a set-back line for the property owner's reference; 3) unauthorized structures within the easement area and inhibiting ditch maintenance will be addressed separately on a case-by-case basis; 4) report of the sewage issue(s) will be made to County Health for investigation and follow-up.

5. Guests addressing the Board. Accommodation was made to Randy Bennett who arrived at 11:20. Mr. Bennett inquired as to the placement of a small shed at his location within the Isleton Trailer Park. He was advised as to requirements for setback from the toe of the levee. Engineer will follow up with Mr. Bennett.

6. Reports

6.1 Superintendent - Giannini. Mowing activities along the Sacramento River (water and land sides) is complete along Highway 160. Russell conducting miscellaneous debris clean-up. Caltrans local management is undergoing changes. New personnel cites that the MOU only applies to those portions with guardrail, not the landside areas. Consequently, now that Caltrans is short-handed, we should not expect the level of cooperation / participation for traffic control during Highway 160 mowing operations. Andy has been addressing various glitches with the mowers. Grazing is taking place on Sevenmile between the dams. Director Correia raised the issue of the reestablishment of the berries at the 100 acre site and, in general, vegetation control. Superintendent Giannini expressed the need for a versatile and stubble disk to combat the issues. President Gardiner directed Andy to keep watch for such items which may come up for resale to address this need. Director Giles reported an issue with wandering, aggressively behaving dogs owned by the sheep operation of Joe Mattos. Joe purchased property and is now housing the sheep within the District. Mr. Mattos was non-response to phone calls trying to report the problem. Andy will note the problem to Joe, noting that if steps to rectify the problem are not undertaken, future incidents will be directed to Animal Control.

6.2 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 Subventions Program Issues Overview

1. 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 was transmitted to the the Central Valley Flood Protection Board to incorporate into the 5-year update of the (CVFPP), which is a requirement of the Delta Reform Act., at 5-year intervals. Starting from the beginning of this process there has been serious concern on the part of all stakeholders participating in Delta Levees Subventions Programs that the DLIS recommendations could significantly impact Program funding decisions by the Legislature. To deal with the DSC individual island prioritizing approach, the CVFPPB assigned a subcommittee with the task of working with all the stakeholders to overcome their objections and refine the financial strategy input for the Plan Update. To that end, numerous workshops were held with stakeholder representatives, over a number of months. Since the fine tuned version of the 2017 CVFPP Update was just adopted on August 25, 2017, and is over 150 pages long it is just now being

scrutinized by this office. Suffice it to say, the DLIS seems to have been replaced with a State Systemwide Investment Approach (SSIA) that, according to the Flood Board action summary, focuses on “investments and policies to support comprehensive flood risk management actions locally, regionally, and systemwide, rather than promoting specific projects”. The Board action also emphasizes the fact that the CVFPP is a planning document that is intended to serve as a guide to decision making processes relating to individual projects and program elements.

2. 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 underway in the initial project permitting stages.

This office actually submitted documents to begin the permitting process before the SOW advance check arrived and has been interfacing, with the assistance of the habitat bench wall supplier, with USACE regulatory agency staff. There has been an ongoing exchange regarding the installation detail for the special fabric bags that are crucial to the habitat bench design and a USACE representative. That exchange has focused on the use of a GeoGrid tie-back material to guard against bag tear and a wall failure. At this stage in that review process, it appears that the USACE technical concerns have been addressed satisfactorily. That still leaves the Section 7 environmental consultation process to go through, as well as Section 406 cultural.

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, Robertson-Bryan, who is currently generating the required information and documentation to facilitate the regulatory environmental reviews that are part of the permitting process. Their services will also include preparation and assistance with both CEQA and NEPA environmental processing.

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.

3. 2016 Special Projects Solicitation Results. It was previously reported to the Board that this office has received notification from DWR that BALMD’s erosion repair project for the B & W bend on Georgiana Slough has been approved for Subventions Special Project funding. The next step of the project implementation process is the preparation of a project Scope of Work (SOW). Before that effort is initiated the BALMD Board needs to enter into a Work Agreement with DWR. That document has yet to arrive but could be forth coming soon as DWR is in the process of getting all the Work Agreements out for the Levee Subventions O&M Program. The consulting effort to prepare and get approval of the SOW is reimbursable under the Work Agreement.
4. Levee Subventions Program. As previously reported, it appeared that BALMD’s 2015-16 Levee Subventions reimbursement was being held up because of a delay in CDFW sign off because of potential cost to the District of the mitigation requirements for the habitat impacts that occurred when the vegetation was removed near B&W in 2015-16. The mitigation issue was resolved by a Board decision at the July 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. However, CDFW did not sign off on the 2015-16 claim until late June. Based upon a recent contact with DWR it appears that the District should get its reimbursement check for 2015 before the end of October.

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.

- B. Delta Bay Stability Project. As previously reported, because the levee monitoring during the 2017 January/February, resulted in readings taken February 7, and February 22, 2017, indicating more significant lateral shifts than in the previous seven-month period. Based on a recommendation from this office, which was backed by geotechnical consultation with Raney Geotechnical, the Board voted at its regular March meeting to proceed with construction documents and bid advertisement for a stability berm project to get underway as soon as possible.

Following a bid opening in early April, 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. At this juncture all the FEMA representative's information issues and concerns have been resolved. However, the final approval from FEMA has not occurred. So the jury is still out as the long FEMA process continues.

- C. 2017 High Water Event. Since early May, expenditures directly related to the Winter of 2017 events are being assembled by this office, with a lot of backup, and transmitted to a consultant working for FEMA. This includes both levee related actions and excess pumping costs incurred by Reclamation Districts. The later are now at OES for payment.

For Brannan-Andrus, the emergency response items being reviewed for FEMA include: the berm construction at Delta Bay; the costs for the standby emergency response measure involving the crane barge and rock mobilization, the rip-rap over-topping crown edge cap that was placed on the Mokelumne River levee; levee patrols; and engineering consulting. The total of the District emergency response costs being assembled for FEMA review is approximately \$857,410.

- D. 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 numerous parcel owners. A close review of the entire toe ditch alignment indicates a number of instances where the ditch appears to have been filled. In addition, some parcels in the Libordi Shoals subdivision appear to have encroachments crossing the north property line and obstructing illegally obstructing a 15-foot utility easement for the drainage ditch.

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 structures in the utility easement, as well as the property line issues described above. The property line infractions are a separate matter between property

owners and with the County Division of Building Permits and Inspection. However, the functionality of the levee toe drainage ditch, as well as the utility easement infractions are legitimately of District concern.

This office has verified with the individual who has been farming the adjacent property to the north of the Libordi Subdivision that the ditch in question is only a drainage collector and is not utilized to irrigate from. That then raises the question as to whether the ditch can be filled in totally or partially with properly installed French drains or should be left totally open for cleaning and inspection. The District has examples of both situations and has been undertaking the installation of French drains where the levee drainage ditch is located at the toe of the levee slope and poses a potential for levee slope failure. That is not the case in this situation. The ditch in question is clearly within the area of jurisdiction of the BALMD Board so that the authority to install a culvert or French drain and fill the ditch does rest with the Board. The question as to what is acceptable is therefore up to the District. However, permanent structures cannot be constructed in a utility easement, only utilities are allowed.

Obviously there is a problem with the ditch functioning properly and adequately accommodating the seepage issues emanating from the levee and adjacent farm land adjacent to the Libordi subdivision. As previously discussed with the Board the problem appears to be near the west end of the subdivision. Addressing that problem would appear to be hampered by structures located in the easement area on top of a filled section of the ditch.

It should be noted that Don Olsen and Randy Winters attended a BALMD Board meeting in November 2004 to get consideration for an option to install a drainage pipe in the ditch in question, behind their properties, and to fill the ditch to eliminate problems with the embankment sloughing associated with an open ditch next to their access road. According to the meeting minutes, the Board determined that the ditch issue was more a property owners issue, at that time, and that the adjacent property needed to be brought into the discussion.

At the December meeting Mr. Olsen and Mr. Anderson were present to follow up on the discussion with an encroachment application to replace the drainage ditch with a French drain. At that point, the adjacent farmer had not yet been contacted and Superintendent Andy Giannini arranged a site visit with Mr. Olsen to discuss the issue further, preparatory to making contact with the farmer. There is no information in the files on the outcome of that future exchange. Based on phone calls recently received, Mr. Olsen has some potential followup information that this office is unable to corroborate. Suffice it to say, the installation that took place is not performing well and the easement is illegally covered with structures that prevent any corrective action.

The Board needs to address the Olsen situation and adopt a policy regarding the ditch and situations where it has been filed as well as the preferred configuration, open versus filled with a French drain. If the French drain option is open for consideration, some sizing and design standards need to be considered and applied as conditions to any future encroachment requests.

- E. Delta Legacy Community - Isleton Grant - This office is currently reviewing a project outline with tasks, team member involvement and costs associated with a DWR Legacy Community Grant program that is sponsored and administered through Sacramento County, with the local sponsorship of the City of Isleton. The first phase of this two-phased grant program involves a feasibility study to determine the most achievable and cost effective project to reduce the risk of flooding to the City of Isleton. The lead consultant is a multi-service engineering firm with an office in Sacramento, that has been

spear heading this effort and working with Sacramento County to take advantage of this State effort to reduce flooding risks to all the designated legacy communities. The lead consulting firm is GEI Consultants, who will be coordinating the entire effort involving a team of 7 sub-consultants. This office is one of those sub-consultants and is on the team because of early discussions with GEI about the District levees and the logical conclusion that addressing the levee deficiencies should prove to be the most feasible and cost effective solution to reducing the flood risk to Isleton.

The second phase of this grant program would be construction. Given the importance placed on this specific effort in the 2017 CVFPP Update discussed above, this office believes the program has the potential to come to fruition and could result in more State funding assistance with District levee upgrades.

7. Director Reports - None.

8. 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.

9. Recess and Reconvening. The meeting reconvened by Vice President Van De Maele with Harvey Correia, Gay Giles, Debbie Phulps and Gil Labrie in attendance.

10. Adjournment. With no further business to come before the Board, the meeting was adjourned at 1:45 p.m.

Respectfully submitted,

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

Date Approved: October 12, 2017
MSC: Giles / Correia