

BRANNAN-ANDRUS LEVEE MAINTENANCE DISTRICT

Minutes of November 9, 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, Asst. Secretary / Bookkeeper; Gil Labrie, Engineer

[Note: Superintendent Andy was absent attending a meeting in Sacramento for District business]

Guests: Suzanne Daggert (Pisoni & Associates)

2. Agenda Setting. MSC (Correia/Van De Maele) 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.	\$	269,352.98
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>1,725,989.81</u>
Total Liabilities (all Current).	\$	838,506.76
Equity.	\$	<u>887,483.05</u>
Total Liabilities and Equity.	\$	<u>1,725,989.81</u>

B. The following claims were submitted for payment approval.

AT&T Mobility.	354.78	Giannini; Andy.	2,324.44
California EDD.	315.77	Gilbert Labrie, AIA.	28,354.60
California PERS.	4,487.76	Giles; Gay.	100.60
California Waste Recovery.	130.90	Kipfell; Russel.	2,291.15
Correia; Harvey.	100.59	North Delta Water Agency.	366.98
Deak; Joe.	100.59	Oilwell Materials.	236.02
EFTPS (payroll).	2,006.36	Pisoni & Associates.	1,910.29
Frontier Communications.	148.41	Ramos Oil.	2,986.39
Gardiner; Larry.	100.59	Reclamation Dist. 2067.	360.00

River Rats.	75.00	VISA.	434.26
Stewart Industrial.	76.31	Total Claims.	<u>\$ 47,362.68</u>
Van De Maele; H. Denis.	100.59		

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

C. Discussion ensued regarding the delinquent status of subventions program proceeds to the districts and cash flow. President Gardiner introduced the idea of joining with other districts in correspondence to the Governor over the hardship and expense being borne by the districts by the delay. Gil will follow up. Letter will be under the President's signature. Gil also suggested that Larry take the matter to the next Central Valley Flood Control Association meeting for assistance.

4.2 Secretarial - Phulps. **MSC** (Giles/Van De Maele) approving the minutes of the October 12 meeting as amended to include comments by Director Correia about spraying blackberries at 100-acre site.

4.3 Adoption of Resolution 2017-05 for execution of the Special Project BA-17-1.0-SP Work Agreement and associated documents. **MSC** (Correia/Giles) adopting the draft resolution and authorizing President Gardiner or Vice-President Van De Maele to sign the Work Agreement and any project associated documents on behalf of the District.

Resolution 2017-06
 Authorizing execution of documents related to BA-17-1.0-SP
 District Multi-Benefit Project: Georgiana Sough Erosion Control
 and Riparian Bench Restoration

WHEREAS, Brannan-Andrus Levee Maintenance District, is 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.); and

WHEREAS, 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 was made to the California Department of Water Resources to obtain funding for the "Georgiana Slough Erosion Control and Riparian Bench Restoration Project"; and

WHEREAS, said project was selected for funding by the California Department of Water Resources as a Multi-Benefit Project and assigned the reference as BA-17-1.0-SP; and

WHEREAS, the Funding Agreement and subsequent documents relative to this project and reimbursement thereof must be executed by a member of the Board;

BE IT THEREFORE RESOLVED THAT the Board of Directors of Brannan-Andrus Levee Maintenance District hereby empower and direct the President of said Board, Larry Gardiner, and the Vice-President, H. Denis Van De Maele, collectively or individually, to sign the Funding Agreement and any subsequent documents relative to the Special Project BA-17-1.0-SP.

[End of Resolution]

5. Reports - Staff

5.1 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. Delta Levee Investment Strategy (DLIS). As previously reported, this benefit/cost budgeting methodology, was conceived to enable prioritization of levee project funding proposals and was to be incorporated into the 5-year update of the (CVFPP), which is a legislative requirement in the Delta Reform Act. The 2017 CVFPP Update was adopted on August 25, 2017. In the document DLIS concept was replaced with a State Systemwide Investment Approach (SSIA) that focuses on “investments and policies to support comprehensive flood risk management actions locally, regionally, and systemwide, rather than promoting specific projects”, presumably not just in the Delta. The impact of this approach on the Levee Subventions Program will only become apparent when DWR and the Legislature address the upcoming end of the bond monies that have been available to fund the Levee Program. Additionally, since the Governor vetoed legislation that would have extended the 75% State funding authorization, the Program would fall back to its original format with a maximum of 50% State participation and a maximum mandated funding level of approximately \$2 million.

The only hint at what may be coming is in a Staff Report to the CVFPB on October 13, 2017 regarding a Board sponsored effort to propose changes to the existing SSJD assessment statutes in the Water Code, to accomplish a goal of the 2017 CVFPP Update to develop adequate funding and financing to support the near and long-term goals outlined in the Update. The 2017 CVFPP Update recommends that all funding partners contribute significantly more than they have in the past. Local assessments are not specifically exempted from the targeted stakeholders mentioned in the Staff Report. A copy of that Staff Report is attached to this report to further expand on the funding and financing approach the Flood Board wants to consider.

- B. Subventions Special Project (BA-15-1.0-SP). As previously reported, this major erosion repair project is being funded separately with Subventions Special Project monies that are advanced to the District in stages. The first phase, which is permitting, is underway with the Flood Protection Board, the USACE and CDFW.

Following submittal of the applications, this office has been interfacing primarily with USACE regulatory agency staff, but assisted by the supplier of the proposed plant able retaining wall system to be utilized to construct the habitat benches. Up until a month ago, there had been an ongoing exchange with USACE regarding technical details involving installation of the special fabric bags that are crucial to the habitat bench design. At this juncture, it appears that the USACE structural and durability concerns have been addressed satisfactorily. The next step was for the USACE to initiate the Section 7 environmental consultation process, as well as a new Section 406 cultural evaluation. There has been no correspondence from the USACE regarding the status of this phase of its permitting process, such as a request for additional information.

On the environmental review side, the outside consultant that was retained earlier by this office to undertake a biological assessment of the existing project impact area, Robertson-Bryan is currently working on the Initial Study that is part of the CEQA process and is integral to the preparation of an Environmental Impact Report. Based on those documents and final recommendation, the BALM District will take on its role as the project's Lead Agency to process reports and adopt a final Project EIR determination. That action is likely to involve approval of a Mitigated Negative Declaration. This is an important part of the permitting process and involves a very formal procedure with dictated time constraints. Robertson-Bryan consulting services are an important component of the effort to eventually satisfy both CEQA and NEPA (Federal)

environmental processing requirements and avoid any unnecessary procedural delays.

- C. 2016 Special Projects Solicitation Results. It was previously reported to the Board 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 in the project implementation process involves the BALMD Board entering into a Work Agreement with DWR. That document arrived recently and needs to be executed by the Board and returned to DWR for its official sign off. Once that happens, the next step is to prepare a Statement of Work (SOW), which is essentially a project schedule and more detailed estimate of time line and cost. After the Work Agreement is official, any consulting effort expended to prepare and get approval of the SOW is reimbursable under the Work Agreement. The approved State Share under the agreement is \$2,275,000 and represents approximately 85% of an estimated total project cost of \$2,676,470. So the District's contribution would be around \$400,000. It is planned to also involve Robertson-Bryan in the environmental permitting phase of this project, because of its similarity to the Sacramento River Special Project, and the anticipation that some of the USACE permitting hurdles currently being dealt with will help the Georgiana Slough project permitting to go more smoothly and quicker.
- D. Delta Bay Stability Project. The initial gravel berm construction project was submitted for FEMA consideration as an emergency response triggered by the January/February 2017 high water event. At this juncture the Project Worksheet has been blessed at the local level by FEMA representative's and OES and has been submitted up the chain. The approved project total eligible for reimbursement is \$497,594.81. That amount does include engineering and would be eligible for 75% Federal reimbursement. The remaining 25% would be eligible for 75% State reimbursement. In addition, the State will pick up some of the District administrative costs associated with processing the claim (Labrie and DCCE), by adding another 10% of its share to the total.
- E. Levee Subventions Program. It was previously predicted by this office that BALMD's 2015-16 Levee Subventions reimbursement could be arriving before the end of October, based on information from a DWR spokesperson. However, there has been no response to a recent email requesting an update from DWR while advising the agency representative of the program implications being exacerbated by this delay in reimbursement, because of the unusual costs absorbed by LMA's from the January/February High Water Event. A reliable source has shared information indicating that the hold up is high up in DWR management. Given the attitude of the current administration occupying the executive branch in Sacramento, towards the importance of Delta flood protection budgeting and expenditures, the current funding delay is not surprising. As previously reported, the District's adjusted eligible claim amount is approximately \$1,062,294. Which means that the reimbursement check, when it arrives should be for approximately \$796,720.

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. Given the current circumstance a likely construction schedule would be spring 2018. It is recommended that some vegetation removal work be authorized for this fall in order to meet the conditions of the Memorandum of Understanding entered into by BALMD regarding the development of a habitat mitigation area on the District's 100-acre site. One of the requirements from CDFW, generated by that Memorandum is the removal of existing vegetation and application of an herbicide to facilitate the control of invasive weeds. A contractor has been contacted and was met on sight in order to obtain an estimate of addressing vegetation removal of the area this office has designated for consideration on the east

side of the property. That contractor has also been requested to provide cost estimates for addressing the vegetation on the rest of the property separately, as well as grinding up the vegetation components that were moved to this location from the B &W levee toe clearing project.

- F. 2017 High Water Event. For Brannan-Andrus, the emergency response items submitted for review and consideration for reimbursement by FEMA included: the berm construction at Delta Bay discussed above; 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. As indicated above, the final FEMA claim amount that is now in process for payment, totals \$821,679.81.

6. Invitation to Guests. Casey Campbell arrived to report a levee encroachment issue in progress at the Isleton Trailer Park (approximately Space 5 of 6) where parties have established tent dwellings and have proceeded to dig into the levee slope. Mr. Campbell was thanked for the notification; and it will be brought to the attention of Superintendent Giannini for follow-up.

7. Reports - Directors

7.1 Director Corriea. Inquired as to whether the pipe replacement on Highway 160 being undertaken by SWG Vineyards had District authorization. Gil responded that it did have a permit.

7.2 Director Giles. Reported that the water draining from Port Apache was not flowing through to the collection point; and that husband Ron was investigating.

8. Announcements, Notification of Change of Venue, Recess. President Gardiner announced that the meeting would resume over lunch following the recess. Those present were invited to join the Board for lunch at River Delta Diner (Viera's Resort), 15460 St. Highway 160, Isleton (approximately 12:30 p.m.). The meeting was then recessed.

9. Call from Recess. The meeting was 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: December 14, 2017
MSC: Correia / Giles