

**RECLAMATION DISTRICT NO. 1000
BOARD OF TRUSTEES
ACTION SUMMARY
Regular Meeting
Friday, April 9, 2010
1633 Garden Highway
Sacramento, CA 95833**

Trustees Present: Barandas, Christophel, Gilbert, Harris, Miller, and Shiels
Trustees Absent: Smith

Staff Attendance: General Manager Devereux, Secretary Figueroa, Superintendent Bickle and Attorney James Day

APPROVAL OF THE MINUTES

1A) Regular Meeting, March 12, 2010

Motion by Trustee Shiels to approve the minutes of the Regular Board meeting held March 12, 2010. The motion was seconded by Trustee Harris, duly put and carried.

ADMINISTRATIVE ITEMS

2A) TREASURER'S REPORT – March 12, 2010

The Treasurer's Report for March 2010 is as follows:

County Treasurer- (O/M)	\$ 1,758,889.95
County Treasurer (OPEB)	\$ 912,126.00
O/M Fund – Checking	\$ 343,640.14
Designated Capital	\$ 133,237.95
LAIF (State Treas.)	\$ 697,259.05

Motion by Trustee Gilbert to approve the Treasurer's reports for March 2010 as presented. Seconded by Trustee Miller, duly put and carried.

2B) EXPENDITURE REPORTS– March 2010

The expenditures for the month of March 2010 were \$157,326.04. The expenditures from various funds are as follows:

Operation and Maintenance: \$157,326.04

No Warrants were issues.

3) COMMITTEE REPORTS

A. SAFCA Representatives

Trustee Shiels informed the Board the contract for SAFCA's Natomas Levee Improvement Project (NLIP) Phase 3A (Sacramento River from Prichard Lake to approximately I-5) will be awarded on April 29. Phase 3A construction will take place over two years with the majority done in 2010 and completed in 2011. The award for

Phase 4A (Sacramento River from I-5 to approximately Powerline Road) will be in August or September with most of the work being completed in 2012. SAFCA is looking for \$60 million from the State to fund Phase 4A. The State has agreed and SAFCA is awaiting the funds. The Corps of Engineer's levee vegetation variance process is in the Federal Register for comments. The Army Corps of Engineer's approval of the 104 credit application for Phase 3A is imminent and must be signed before the contract can be awarded.

General Manager Devereux stated an issue has arisen with SAFCA on how to address the completion of the necessary improvements to the District's pumping plants. In most cases the plants require new pumps and motors in order to pump the water over the new 200-year water surface elevation per the Corps criteria. In some cases the plants will have to be relocated because they conflict with the new levee footprint. Available SAFCA's funds and State bond funds are not sufficient to do the levee work and modify the pump stations. SAFCA made the decision to defer modifying the pump stations to the Corps when they complete the NLIP work without significant consultation with District staff or the Board. Trustee Shiels stated he has made it clear the District needs to be involved in the decision process. The District has serious concerns about how the Corps of Engineers would address the pumping plants and is negotiating with SAFCA on how the pump stations will be addressed in the future. The pumps stations in question generally serve agricultural areas and therefore are not a significant public safety concern; though the District has responsibility to serve all properties. He has recommended the District and SAFCA enter into an MOU describing how the pumping plant work will be funded if the Corps of Engineer's project does not address the problem to the satisfaction of the District. At the recent Flood Forum in Natomas, which GM Devereux attended, the Corps of Engineers Representatives stated they need Congressional authorization for the NLIP work and the authorization is in doubt for 2010.

Trustee Shiels stated both California Senators have pledged to find a way to get funding even if there is no Water Resources Development Act this year. The Corps of Engineers is gearing up to do the work, even though they do not yet have authorization or funding.

Trustee Barandas asked if the pumps had not always been a part of the project. GM Devereux stated that they have always been a part of the project but it was believed the work on them would not be significant.

Trustee Shiels asked about the status on the FEMA reimbursement for Plant 2. GM Devereux stated he has sent letters indicating we are ready to go to construction but are waiting final action the environmental documentation and the 404 Permit which is anticipated in the next 30 days.

B. Executive Committee

Trustee Christophel informed the Board the Executive Committee, with Trustee Harris in attendance, met to review the agenda and discussed the status of the Natomas Mutual Water Company agreement.

C. Personnel Committee

The Personnel Committee met to discuss employee wages and benefits for the 2010/2011 Budget. The next Personnel Meeting will be on April 27 at 4pm to continue discussion of wage and benefits for 2010/2011 and for the GM's quarterly performance review.

General Manager Devereux stated that Mr. Steve Breen was in attendance to address the Board.

Mr. Breen stated that he is a resident in the Las Brisas neighborhood in Natomas and is interested in coordinating a clean up of the Main Drain with the District. He suggested having people in small canoe's or boats on the canal cleaning out garbage and to use Plant 1 as a staging area. There was much discussion on the safety and liability issues involved in such a project. Trustee Shiels invited Mr. Breen to

contact him at the River Oaks Community Association (ROCA) to coordinate the clean up. Attorney Day stated it was a good idea for the ROCA to be involved and to have the clean up organized by the City. Trustee Christophel said that he liked the concept but would need to explore the liability issues further. Attorney Day stated that he can deal with the liability issues, his main concern is that people will see canoes or small boats in the canal think boat use on the drains is acceptable which would be a serious problem for the District.

Attorney Day suggested the District let the plan be more fully developed and then come back to the Board. The regular May Board meeting was changed from the second Friday May 14th to the first Friday May 7th at the request of Trustee Miller and GM Devereux who have conflicts on May 14th.

4A) Update – Natomas Levee Improvement Project (NLIP)

General Manager Devereux informed the Board that the bids for Phase 3A were delayed until April 13th, with award of the contract scheduled for April 29th.

4B) Draft Mutual Aid/Emergency Response Agreement with City of Sacramento

General Manager Devereux informed the Board he has provided a copy of the Draft Mutual Aid agreement with the City of Sacramento for review. This agreement will come back to the Board for adoption when it has been finalized.

4C) District Trustee Compensation Policy

No action was taken and this item was tabled.

5) GENERAL MANAGER'S REPORT

A. Regional Flood Control Issues

General Manager Devereux informed the Board that he along with Trustee Harris attended the Natomas Flood Forum held at the North Natomas Library and sponsored by Councilman Ray Treatheway's office. The event was well organized and he was impressed with SAFCA's Executive Director Stein Buer's message about the status of the NLIP project. David McDaniel from the Corps of Engineers gave a brief discussion on the vegetation variance policy and indicated that once they have Congressional authorization and annual funding they are prepared to move forward with completing the design and construction of the project.

Trustee Miller asked if flood insurance concerns were raised. Trustee Harris stated that the City representative led off with a discussion on flood insurance. Most of the discussions tend to be overly technical; however, Stein Buer was good at explaining things in a language that everyone could understand. Trustee Harris stated that GM Devereux should have been part of the panel and he did a good job representing the District.

B. Flood Season Update

General Manager Devereux informed the Board that Shasta is at 87% of capacity and filling nicely. Folsom is at 62% of capacity and he is confident that with the snowmelt it will fill. Oroville is at 49% of capacity, but is not likely to fill because of State water deliveries to the fisheries. Flood season is fairly well over.

C. Encroachment Permit Applications Endorsed

General Manager Devereux stated he did not have any encroachment permits this month, but will have at least one for the next Board meeting.

D. Elverta Road – Hwy 99 Interchange – Easement on Ose Property

General Manager Devereux stated that this item was put on the agenda because there appeared to be an issue with the District's easement on the Ose Property. Doug Ose was interested in having the District quit claim our easement on his property as part of

the interchange project and indicated he would take care of his own drainage. Staff has some concerns with this proposal and the item may come back to the Board.

E. Natomas Mutual Water Company Agreement

General Manager Devereux stated he has been negotiating this agreement for a tried to get this agreement finalized for a couple of years. It appears the administrative and political avenues have been exhausted and we may need assistance from our legal counsel to resolve the remaining issues or advise the Board on potential next steps to force resolution. However, Trustee Christophel has made arrangements for he and GM Devereux to meet with Dan Spangler, President of the Natomas Mutual Water Company (NMWC) Board and their Executive Officer Dee Swearingen on Tuesday morning. Trustee Miller stated that they should attend the meeting Tuesday and if nothing is accomplished turn the matter over to legal counsel. Trustee Shiels suggested they set a deadline for the Water Company to come to agreement, and then turn it over the legal counsel.

Attorney Day stated it is a strange situation; the NMWC needs the District to allow use of its facilities to convey and reuse water in the drains. The NMWC has water rights to the waters which are discharged into our drains; however they need our permission to use the facilities to move water to their points of delivery to their shareholders.

F. Main Drain Canal Neighborhood Clean Up

Previously discussed in meeting.

G. Flood Emergency Response Plan

General Manager Devereux stated he is developing and Emergency response plan and will take it to the Operations Committee for review.

6.) District Counsel Report

Attorney Days informed the Board his firm has spent time the past month on the following: Research Plant 2 discharge requirements, Sacramento Regional Sanitation Joint Use Agreement, Doug Ose's request for a quit claim, responded to various condemnations in the NLIP project, and worked with GM Devereux on the Mutual Aid Agreement with the City of Sacramento.

7.) Superintendent's Report

Superintendent Bickle stated they took delivery of the new excavator on Tuesday, however it seemed to lack power. Staff has been doing canal maintenance and cleared sediment from the upper portion of the West Drain. The crew has sprayed herbicides on the waterside of the levees and has been mowing levees and ditch banks. The Department of Water Resources now has staff going after unauthorized encroachments. The District has sent several letters to the property owner at 2817 Garden Highway about his unauthorized encroachment. He shaved off a portion of the levee to accommodate a structure tucked into the levee. DWR has notified the property owner of the requirement to remove the unauthorized structure.

There being no further business to come before the Board, the meeting was adjourned.

President

Secretary