

**RECLAMATION DISTRICT NO. 1000
BOARD OF TRUSTEES
ACTION SUMMARY
Regular Meeting
Friday, August 6, 2010
1633 Garden Highway
Sacramento, CA 95833**

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

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

5I) Community Canal Clean Up day (August 21)

General Manager Devereux informed the Board that staff has looked into the liability issue of a community day clean up of the Main Drainage Canal with boats on the canal. There is no insurance available to the District which would cover injuries (medical) for public participants; however the District's liability coverage would protect the District if an injury occurred and the District were sued. Trustee Shiels talked to the City of Sacramento about sponsoring the community clean up project, the City was not interested in sponsoring the clean up but would work with the District and the neighborhood association to organize the event. General Manager Devereux stated that he walked the canal yesterday and due to the growth of vegetation in the canal he is not sure putting boats in the canal is advisable. Steve Breen is interested in doing the clean up anytime and agrees that putting boats in the canal at this time might not be advisable. He said he was open to participating by helping clean up along the bike trail and the banks of the canal, and doing the clean up in the canal at a later time. General Manager Devereux stated that Creek week is in April. Trustee Shiels stated that he does not want to include it in Creek Week as he is trying to build the local community organization. The District and community will schedule a canal clean up in spring when the water quality is more conducive. Trustee Shiels further stated that the current community clean up day is on August 21 and breakfast would be served.

APPROVAL OF THE MINUTES

1A) Regular Meeting, July 9, 2010

Motion by Trustee Miller to approve the minutes of the Regular Board meeting held July 9, 2010. The motion was seconded by Harris, duly put and carried.

ADMINISTRATIVE ITEMS

2A) TREASURER'S REPORT – June 2010

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

County Treasurer- (O/M)	\$ 2,184,385.04
County Treasurer (OPEB)	\$ 916,840.00
O/M Fund – Checking	\$ 219,409.43
Designated Capital	\$ 933,758.68
LAIF (State Treas.)	\$ 698,216.92

Secretary Figueroa reported that 2nd Installment collections have been received by both Counties and recorded by the Sacramento County Tax Collector. The delinquent amount for Fiscal Year 2009/2010 is \$57,715. These delinquencies are generally collected via the Teeter Plan with

Sacramento County in December or January of each year. The District year end projections are on target at this time.

Motion by Trustee Harris to approve the Treasurer's reports for July 2010 as presented. Seconded by Trustee Barandas, duly put and carried.

2B) EXPENDITURE REPORTS– July 2010

The expenditures for the month of July 2010 were \$344,555.69. The expenditures from various funds are as follows:

Operation and Maintenance:	\$161,444.06
Capital Equipment Fund	\$183,111.63

No Warrants were issued.

3) COMMITTEE REPORTS

A. SAFCA Representatives

Trustee's Shiels informed the Board he learned the Corps of Engineers has included the all reaches of the Natomas levees in the Post Authorization Change Report (PACR). The only thing not included is the levee raise which needs to be justified with additional hydraulic studies. SAFCA reported the RD 1000 pump station mitigation will be fully cost-shared as a project feature and not as a relocation expense. General Manager Devereux asked if the MOU he sent to SAFCA was discussed. Trustee Shiels stated that the only discussion was that they had received it and would have modifications. The Corps of Engineers will have a Civil Review Board Process on September 23 in Washington DC where SAFCA will participate. Trustee Shiels further reported on the status of the Folsom Dam Joint Federal Project which is under construction and on schedule.

SAFCA is currently evaluating the impact of project cost increases on their current assessments including the \$16.1 million credit for previous Natomas work.

B. Executive Committee

Trustee Christophel informed the Board the Executive Committee met to review the agenda. The Executive Committee has been meeting on the Tuesday before the Board meeting but has decided to move the meeting to the Friday before the Board meeting to facilitate any changes to the agenda and ensure timely posting of the agenda prior to the Board meeting

Personnel Committee

Trustee Harris stated that the Personnel Committee met to review the General Manager's final Goals & Objectives for the coming year which will be discussed under Item 4C later on the agenda.

4A) Draft Flood Emergency Response Services Mutual Aid Agreement – City of Sacramento

General Manager Devereux informed the Board that the draft Mutual Aid Agreement prepared by the District has been accepted by the City Attorney and City Utilities staff. It's a beneficial agreement to have in place during a flood emergency. Generally the District uses Natomas Water Company staff to help with levee patrol when the river is at patrol stage because of their familiarity with the District facilities and access routes in and around Natomas. Occasionally the District may require additional staff support, equipment and/or materials, and the City realizes that

there may be times they may need additional resources in an emergency situation. Since residents of the City reside in our District it is a mutually beneficial agreement.

It was moved by Trustee Harris to authorize the General Manager to execute the Flood Emergency Response Services Mutual Aid Agreement with the City of Sacramento in substantially the form presented. The motion was seconded by Trustee Shiels, duly put and carried.

4B) Draft Memorandum of Understanding with SAFCA – Mitigation to District’s Pump Stations for Natomas Levee Improvement Project

General Manager Devereux informed the Board that this is an information item only. He has drafted, with the assistance of District Counsel, an MOU concerning mitigating potential impacts of the NLIP on the District’s pumping plants. Changes to the project design and cost increases have forced SAFCA to reduce the scope of the work they will be able to complete, leaving more work to be completed by the Corps of Engineers once the project is federally authorized. One of the elements deferred is the mitigation for levee construction impacts on the District’s perimeter pumping plants. Staff is concerned the Corps of Engineers’ proposed mitigation for the pumping plants may not be the District’s preferred alternative to meet our long term operations and maintenance responsibilities. The proposed MOU states SAFCA and the District will cooperate to determine the best solution for each pumping plant affected by the project. Furthermore, if the Corps of Engineers fail to make the modifications as determined by SAFCA and the District; SAFCA will provide funding to RD 1000 from available NLIP funding sources and that SAFCA will coordinate with RD 1000 on prioritizing use of these funds, including anticipated development impact fees to complete the pump station modifications. The MOU has been sent to SAFCA and the General Manager is waiting for comments on the draft agreement. Once the final agreement is negotiated it will be brought back to the Board for approval.

4C) 2010-2011 General Manager’s Goals and Objectives

General Manager Devereux stated that a copy of the final Goals and Objectives for 2010-2011 has been included in the Board packet. Trustee Harris stated that the Personnel Committee met with the General Manager and reviewed the goals and objectives. The goals and objectives will be used to evaluate the performance of the general manager which can be used to objectively quantify a merit salary increase. Trustee Harris stated the Committee believes the General Manager should meet periodically on an individual basis with each of the Trustees.

4D) Status of Agreement with Natomas Mutual Water Company

General Manager Devereux stated at the last Board meeting they discussed having an agreement for action at this meeting. Last month staff tried to push more and Attorney Day had been working with Kevin O’Brien, counsel for the Water Company but Mr. O’Brien was out for a pre-planned sabbatical last month. They have a meeting set for August 16th with the Water Company staff, two Board members and the Water Company Counsel. GM Devereux requested that two District Trustees attend the meeting. In the meantime GM Devereux has hired the former District Engineer Jim Clifton to see what the affect on the District operations would be if the District is forced to stop the Water Company’s use of District facilities for irrigation. What would be the cost impacts to the District? Mr. Clifton is working on a report this month for the Board. Trustee Christophel stated Mr. Clifton’s report will help the Board make a decision regarding what action to take if an agreement cannot be reached with the Water Company. Trustee Barandas stated the Jim Sopwith, a member of the Water Company Board, did not know why the agreement has never been brought to their Board. GM Devereux stated that the first impact on the District if the Water Companies use of District facilities is terminated is that the District will be pumping water all year long. It will cost the District in terms of power costs and it will cost the Water Company money because they will have to buy water that they can no longer re-circulate. The meeting with the Water Company is scheduled for 2:30 pm on August 16th at

the District office.

4E) Declare John Deere Tier 0 Excavator as surplus and Direct General Manager to sell at Fair Market value

Motion by Trustee Miller to declare the John Deere Tier 0 Excavator as surplus and direct the General Manager to sell the excavator at fair market value. Seconded by Trustee Shiels, duly put and carried.

5) GENERAL MANAGER'S REPORT

A. Regional Flood Control Issues

General Manager Devereux stated he had nothing more to report on this item at this time.

B. Encroachment Permit Applications Endorsed

General Manager Devereux stated he has not endorsed any encroachment applications since the last Board meeting.

C. Rental/Purchase Option for Long Stick Excavator

General Manager Devereux informed the Board that for the last three years the District has been renting a long stick excavator. There are certain ditches and canals in the district that are too large for the District to maintain with its excavator. This year we are renting a Hitachi long stick excavator from Pape Machinery who has agreed to sell the excavator to the District and credit our rental payments against the purchase price. The purchase price of the long stick excavator would be approximately \$50,000 after a \$30,000 rental credit is applied. The District will continue to need a long stick excavator, and given the rental payments we have incurred the past several years (\$30,000 to \$50,000) this represents a very good deal to the District.

Attorney Day stated there are special bid requirements for Reclamation Districts which generally requires any purchase in excess of \$25,000 be bid. If the District required a specialized piece or equipment not readily available then they could probably purchase without bidding, as long as they built a case for the purchase. In addition, there are case law exceptions if the agency can demonstrate going to bid will not result in a savings to the agency. On this particular piece of equipment it makes sense to lay the groundwork for a case law exception. GM Devereux stated that is the direction he would like to go on this particular piece of equipment.

D. Status Central Valley Flood Protection Board Enforcement Action – 2817 Garden Highway

General Manager Devereux informed the Board the unauthorized encroachment on the Sieglitz property at 2817 Garden Highway is a storage container cut into the levee. The CVFPB staff wants to bring the encroachment before their Board for action; however, their Board could not agree on a recent enforcement action taken to them in July. Therefore, staff will not bring the Sieglitz action until their Board develops a policy and process for enforcements. However, the Corps staff is concerned that inaction by the State could impact public safety and they are likely to send a letter urging the Board to take action.

E. Sacramento County Grand Jury Findings/Response

General Manager Devereux stated he enclosed a copy of the Grand Jury report for the Board's review. There is nothing in the report that raises a red flag, though bidding issues; trustee compensation and pension spiking are included in the report. A response from the District is due by September 30. Trustee Christophel directed the Legal Committee to review the Grand Jury findings with staff.

- F. Sacramento-Yolo County Mosquito District Notification and Response**
General Manager Devereux informed the Board he has received a letter from the Sacramento-Yolo County Mosquito District regarding a mosquito/stagnant water situation on the Natomas East Main Drainage Canal. He has enclosed his response to them for the Board's information. Staff is working with the Mosquito District and others to mitigate the problem.
- G. State DWR Spring Levee Inspection Results**
The subject report is included for information. There were no surprises and it's a good report.
- H. Public Meetings by Corps of Engineers for Natomas Post Authorization Change Report (PACR) EIS.**
General Manager Devereux informed the Board that the Corps has held several meetings in Natomas on the PACR EIS and all have had very low attendance.

6.) District Counsel Report

Attorney Day informed the Board he and his staff have worked on the Natomas Mutual Water Company Agreement, SAFCA condemnations, City of Sacramento Mutual Aid Agreement, Cal Trans Contemporary Construction Easement, SAFCA MOU, SAFCA JPA Amendment with the CVFPB and the Brookman security patrol contract.

Superintendent's Report

Superintendent Blicke stated staff has been using the long stick excavator to clean up the West Drain. Most of the North Natomas Project area has been mowed. Mowing has been done on Garden Highway where accessible and spraying has been done in areas too steep to mow. The primrose herbicide application in the interior canals on the north and south had good results. They have hauled rip rap for slope protection and working on access along the waterside toe of the Pleasant Grove Creek Canal. Trimming of the trees from I-5 to the bike path has been completed. The WAPA power poles are going in on the Pleasant Grove Canal from Sankey to Howsley on elevated platforms. The I-80 Pedestrian crossing is going in slowly. Teichert is working on the canal. Independence is building a work platform for the slurry wall construction. They will begin degrading at RM 75.1 on Monday. Nordic is building a work platform to begin work on the levee.

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

President

Secretary