

**RECLAMATION DISTRICT NO. 1000  
BOARD OF TRUSTEES  
ACTION SUMMARY  
Regular Meeting  
Friday, September 9, 2011  
1633 Garden Highway  
Sacramento, CA 95833**

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

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

**APPROVAL OF THE MINUTES**

**1A) Regular Meeting August 12, 2011**

Motion by Trustee Barandas to approve the minutes of the Regular Board meeting held August 12, 2011 as presented. The motion was seconded by Trustee Shiels, duly put and carried.

**ADMINISTRATIVE ITEMS**

**2A) TREASURER'S REPORT – August 2011**

The Treasurer's Report for August 2011 is as follows:

County Treasurer- (O/M)	\$ 2,825,590.96
County Treasurer (OPEB)	\$ 921,551.10
O/M Fund – Checking	\$ 103,634.00
Designated Capital	\$ 396,631.74
LAIF (State Treas.)	\$ 702,601.74

Motion by Trustee Gilbert to approve the Treasurer's report for August 2011 as presented. Seconded by Trustee Shiels, duly put and carried.

**2B) EXPENDITURE REPORTS – August 2011**

The expenditures for the month of August 2011 were \$275,570.78. The expenditures from various funds are as follows:

Operation and Maintenance: \$275,570.78

Warrants 7355 & 7356 were issued in the amount of \$200,000

**3) COMMITTEE REPORTS**

**A. SAFCA Representatives**

Trustee Smith reported he attended the SAFCA Executive Committee meeting. The next phase of the American River General Re-evaluation Report (GRR) was supposed to be done in September; now it is October or November and the schedule for completion continues to slip. The Corps is conducting explorations in the Pocket area to look for

deep under levee seepage. The Pocket Area will be SAFCA's next big challenge. The issue of a maintenance road at the landside toe of the American River Levees (as being proposed in the State's urban levee standards) is not final but would be an issue if required. Congresswoman Matsui is on record stating the Corps cannot have a blanket policy on levee vegetation. There needs to be regional considerations and should recognize the benefits of some vegetation on the levees. SAFCA Director Rick Johnson will be meeting with the Corps on the 15<sup>th</sup> and 23<sup>rd</sup> of September to discuss the schedule, the slippage on the Folsom Joint Federal Project construction as well as the Folsom Dam re-operation proposal. Trustee Shiels stated that the Folsom Dam operation agreement is on the critical path and is going to take a long time to negotiate an agreement between flood control, water supply, environmentalists and the Corps of Engineers

On the Natomas Levee Improvement Project, it was reported Independent Construction is done and just has the punch list to complete. Nordic Construction (working from Teal Bend to Bayou) is close to being done. Suket Construction will be done with the slurry wall September 13<sup>th</sup> from Powerline to I-5 and will be rebuilding the levee and then start the riverside canal work. SAFCA will finish most of the flood control work this year needed to get meet the A-99 Zone FEMA flood plain designation criteria.. Trustee Shiels stated the A-99 floodplain designation requires Congressional authorization which we do not have and does not appear likely in 2011. Trustee Barandas asked if the preferred risk flood insurance rates will be extended because of the slippage in the project. Trustee Shiels stated that Congresswoman Matsui has introduced a bill that will limit the rate increase to 20% a year for five years, but the rates will be increasing once the current extension has expired.

**B. Executive Committee**

The Executive Committee met to review the agenda for the September 9 meeting. In attendance were Trustees Christophel, Shiels and Harris as well as General Manager Devereux.

**C. Urbanization Committee**

The Urbanization Committee met with staff to discuss the open house for the District's centennial anniversary and discussed a policy for use of the new levees, in particular regarding parking on the levee. In attendance were Trustees Christophel, Shiels and Smith.

**D. Finance Committee**

The Finance Committee met with Maryann Cropper, the auditor and staff for a pre-audit planning meeting. The field work will be done in early October and the Finance Committee will meet to review the draft audit in early November with the intention of bringing it to the full Board at the November meeting for approval.

**4A) Local Cooperation Agreement – CVFPB and RD 1000 – Sacramento River Bank Protection RM 77.2**

General Manager Devereux informed the Board the Corps of Engineers will be doing a Bank Protection Project at RM 77.2. Bank protection is always a Federal / State cost shared project, however, the state requires the local maintaining agency (LMA) to agree to maintain the project once it is complete. The local maintaining agency, in this case, RD 1000 must agree to assume responsibility to maintain the site and the mitigation when the project is completed. However, the LMA's responsibility for the mitigation plantings is limited to damage as a result of the District's O&M activities. This agreement is the same as the previous LCAs the District executed with the State for previous bank protection projects in recent years..

It was moved by Trustee Smith to authorize the General Manager to execute the Local Cooperation Agreement with the CVFPB for the RM 77.2 Bank Protection Project. The motion was seconded by Trustee Harris, duly put and carried.

**4B) Acceptance of Easement from SAFCA – Hovis Property (T-2 Drain)**

General Manager Devereux informed the Board SAFCA acquired the entire Hovis property along the North side of Howsley Road east of Hwy 99 to accommodate the Natomas Cross Canal improvements as part of the Natomas Levee Improvement Project. The project required modifications to the District's T-2 lateral canal. Those modifications have been completed and SAFCA is proposing to transfer a drainage easement to the District over the entire canal width on across the southerly portion of this parcel. Records show there was no District easement for the existing canal though the District has been operating and maintaining the drain for many years. The new drainage easement is 70 feet wide for a total area of .483 acres and includes a public roadway easement (Howsley Road) in favor of Sutter County across the southerly 32 feet of the drainage easement.

Motion by Trustee Harris to accept the easement from SAFCA as presented by staff. The motion was seconded by Trustee Barandas, duly put and carried.

**4C) Propose to CalPERS creation of additional Pension Plans (T Gilbert)**

Trustee Gilbert stated that when they were developing the Tier 2 plan for retirement he learned that CalPers only offers limited benefit plans such as 2% @ 55 and 2% @ 60. He questions why there are not more options, such as a retirement age of 62, 65 or even social security age. Trustee Gilbert proposed writing a letter to CalPers and suggesting they pursue other retirement formulas including up to social security age. Trustee Harris stated they may want to also want to contact ACWA and/or CSDA for support.

After a lengthy discussion staff was directed to contact CalPERS asking for an explanation of how the various retirement plans are derived and what can be done, if anything to offer special district's more options. Staff was also directed to arrange for a representative from CalPers to address the Board at a future meeting.

**4D) Parking and Vehicle Policy on District Levees**

General Manager Devereux informed the Board there has been a problem with using the new levee crown for personal access and parking. The parking became an issue because of the recent Hemp Festival at the Rio Ramaza Marina and it is an ongoing issue with Pinky's a nightclub near Verona. Also, on a recent weekend, one of the waterside properties used the levee crown for parking during a wedding held at their house. The District needs to adopt a policy that clearly defines what is acceptable and what is not acceptable in regard to access to the levee. There has historically been a problem with 4 wheel drives and ATV's on the levee slopes, but with the new, wider levees with 3:1 slopes it is going to become even more of a problem with cars and other vehicles being able to access the levee from the Garden Highway.

After a lengthy discussion staff was directed to work with counsel to draft a policy that would prohibit vehicular traffic on the levees, but consider allowing pedestrian access except during flood season when all access would be prohibited. The Urbanization Committee will schedule a meeting to discuss a draft policy on levee access.

**4E) Authorize the Operations Committee to Review and Award Bids for New Dump Truck Chassis within Approved Budget Amount.**

General Manager Devereux informed the Board that request for bids on a New Dump Truck Chassis has been advertised in the Daily Recorder. He requested the Board delegate authority

to the Operations Committee to review and award the bid to the lowest responsible, responsive bidder within the approved budget.

Motion by Trustee Harris to authorize the Operations Committee to review and award the bid to the lowest responsible, responsive bidder for a new dump truck chassis. The motion was seconded by Trustee Shiels, duly put and carried.

**4F) ACWA – Committee Appointment Nominations for 2012-2013**

No action was taken on this item.

**4G) LAFCO – Nominations for Special District Representation – Special District Commissioner Office No. 6.**

No action was taken on this item.

**5) GENERAL MANAGER’S REPORT**

**A. Regional Flood Control Issues**

General Manager Devereux stated the reservoirs still have a lot of water. Shasta is at 3.5 million acre feet; Oroville at 3.2 million acre feet and it needs to drop an additional 750,000 acre feet for flood season; Folsom is at 810,000 acre feet and needs to drop to 577,000 acre feet for flood seasons. Therefore, the rivers will continue to run higher than normal this fall. The long range weather forecast produced by the Climate Prediction Center shows equal chance of being wetter or drier than normal through most of this winter. There will be a briefing at the end of September where they will have another forecast. GM Devereux reported the levee vegetation policy negotiations with the Corps of Engineers are at a stalemate and it may become a legislative fight noting Congresswoman Matsui’s position described earlier in the meeting. Trustee Shiels stated after his meeting in Washington with the mid-level bureaucrats at the COE he is convinced they are not going to change their minds on the policy.

**B. Status – SAFCA’s Natomas Levee Improvement Project (NLIP)**

GM Devereux stated SAFCA is still waiting for Congressional authorization of the NLIP and there is some hope that with the President’s new job creation program may include the NLIP will as a shovel ready project.

The District did an emergency bank protection project last January and notified the resources agencies at the time. A Section 404 After-the-Fact Permit was issued by the Corps of Engineers which included conditions from the US Fish and Wildlife service and National Marine Fisheries Service (NMFS). The FWS conditions were very reasonable, however, the NMFS conditions are not reasonable and would require significant alterations to the work done. GM Devereux is working with our District counsel and our contract biologist on the issue.

**C. Encroachment Permits Endorsed**

General Manager Devereux informed the Board he has not endorsed any other encroachment permits this month.

**D. Update Plant 1B Improvements – North Natomas Assessment District**

General Manager Devereux informed the Board a pre-project scoping meeting was held for the residents adjacent to the Plant 1B Emergency Generator project site. One resident attended as did Trustee Barandas.

**E. Update CVFPB Enforcement Action – 5291 Garden Highway**

General Manager Devereux informed the Board the CVFPB met and took action on the un-permitted wall built at 5291 Garden Highway even after a cease and desist order had been issued by the District and the State. The property owner obtained the District’s endorsement for a fence but did not yet have a permit from CVFPB to build the fence

when the solid wall was built. The CVFPB approve the enforcement action requiring the property owner remove the wall by November 1. If the property owner does not comply, the CVFPB will have to take an action and indicated one possibility would be to have the local maintaining agency remove the wall.

**F. District Centennial Open House**

General Manager Devereux stated that the timing of the open house will depend on when the District's book is completed and available as he would like to have the book available at the Open House. Currently the publisher is saying mid to late October for the book. They are looking at around October 19<sup>th</sup> for the open house. Once there is a firmer date on delivery of the book the Open House will be scheduled.

**6.) District Counsel Report**

Attorney Day stated his firm 1.3 hours on SAFCA condemnation issues, .8 hours working with the GM on the Hemp festival issues, .2 hours on the emergency levee repair issues, which will increase as indicated by the GM's report. .6 hours were spent on the Plant 1B generator project, 2 hours on the SAFCA security agreement and 3.1 hours to research bidding for the new dump truck.

**7.) Superintendent's Report**

Superintendent Blicke informed the Board the contract with Lee Hazeltine for using the sheep to work the levees worked out very well. There is good access and visibility in the areas where the sheep were grazed. Staff has been mowing the levees on the land and water side on the NEMDC and Pleasant Grove Levee. They have been using the long stick excavator to clean the West Drain in the reach west of Powerline Road; they will have to truck out the rest of the spoil as there is no room to store it on the bank east of Powerline Road. Pump No. 3 at Plant 8 was pulled because of damage to the bell; they are having trouble determining what caused the damage since there is nothing else damaged in the pump. Loewen took the pump back to their shop to repair it before flood season. .

He reported on the status of the NLIP construction as follows: Independent Construction is done and is mobilizing out. Restoration Resources is preparing the project for planting. Nordic Construction is topping out at Teal Bend and Suket Construction is building a working platform.

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

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President

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Secretary