

RECLAMATION DISTRICT NO. 1000  
BOARD OF TRUSTEES  
ACTION SUMMARY  
September 8, 2017  
1633 Garden Highway  
Sacramento, CA 95833

Trustees Present: Barandas, Christophel, Gilbert, Harris, Jones and Smith

Trustees Late Arrival: Nick Avdis and Debra Jones

Staff in Attendance: General Manager Devereux, Board Secretary Gutierrez,  
Attorney James Day, and PR Consultant Karen Pardieck

**President Smith presided at the meeting.**

**1. Approval of the Minutes – August 11, 2017**

Staff Counsel Day requested a correction to code section references. Trustee Smith requested minor correction to a meeting date and name.

It was moved by Trustee Christophel to adopt the minutes of August 11, 2017 as corrected. The motion was seconded by Trustee Barandas, duly put and carried by a unanimous vote.

**2. Administrative Items**

**A. Treasurer’s Report for August 2017**

Fund Balances for August 2017 follow:

Checking:	\$ 451,269.91
Money Market:	\$ 517,985.25
County Treasurer:	\$ 2,800.362.31
LAIF:	\$ 1,731,765.25
City Pool A:	\$ 2,025,027.83

Board Secretary Gutierrez provided an overview of the August 2017 Treasurer’s Report, highlighting account balances and directing the Board’s attention to the month’s new banking transactions and summary provided on the bank register. Secretary Gutierrez also mentioned that a Warrant in the amount of \$1 million dollars had been circulated to gather five trustee signatures.

Trustee Avdis asked about payments to Brookman our security contractor. GM Devereux explained that we pay approximately 1/3 of a shared billing (cost shared with Natomas Water and Natomas Basin Conservancy) which amounts to roughly \$3500 per month.” Trustee Christophel asked if Mr. Brookman would be able to attend a future meeting so the Board can meet him. GM Devereux will schedule this. The Board also requested a copy of the monthly

activity summary from Mr. Brookman be provided to see if some of the information may be useful to the Board.

A motion to approve the Treasurer's report as presented was made by Trustee Smith. The motion was seconded by Trustee Jones, duly put and carried by a unanimous vote.

### **3. COMMITTEE REPORTS**

#### **A. SAFCA Representatives**

Trustee Barandas noted some of the Corps staff has been re-deployed due to the recent Hurricane Harvey and tropical storm Irma which is affecting Corps activities on our projects. He also discussed the status of the Federal budget and noted recent actions by Congress to raise the debt ceiling and passage of a Continuing Resolution to keep the government funded until December. He discussed status of the Sacramento Weir/Yolo Bypass and Folsom Dam Raise projects.

He noted the delays in getting the first Natomas Levee Project construction contract awarded due to bid protests. Reach I (Northgate to I-5) is delayed to 2018 as a result. The Corps plans on awarding Reach H (Natomas East Main Drain Canal) and Reach D (Natomas Cross Canal) also in 2018. He reported SAFCA is working to get funding for these projects in the State's General Fund for 2018 since all Prop 1E bond funds have been obligated. Finally he reported Mr. Gary Bardini, former State DWR Flood Management Chief has been hired as SAFCA's Director of Planning replacing Tim Washburn.

#### **B. Personnel Committee (8/4)**

Trustee Harris reported the Personnel Committee met on August 4. The Committee conducted a detailed review of the revised Employee Handbook to be considered for approval by the Board today; authorized a 1.5% Cost of Living increase to the GM's salary; a CalPERS discrepancy with newly hired Administrative Services Manager's position and the need for additional GM support during the current peak workload. The minutes from the meeting are attached.

#### **C. Finance Committee (8/18)**

Trustee Gilbert reported the Finance Committee met on August 18.

The meeting discussion primarily centered on the District's pre-audit activities, as well as, a robust discussion about the need for CalPERS, OPEB, and GASB statements; how to best work off of a timeline when this information is not yet available; and a timing issue with receipt of the actuary statement report and the accuracy of projected returns. A copy of the minutes are attached. An audit follow up meeting is scheduled on November 10, 2017 at 9:30 am; immediately following the November Board Meeting.

#### **D. Executive Committee (8/30)**

Board President Smith reported the Executive Committee met on August 30. The Committee reviewed the draft agenda for the September Board meeting. In addition, the Committee discussed the proposed Greenbriar development agreement; an update on the SCADA and Capital Improvement Plan implementation; staffing changes and proposals for asset management consulting. The minutes from the meeting are attached.

#### **4. BOARD BUSINESS**

##### **A. Presentation by North Precinct Landowner Group representatives**

This item will be presented at the next Board Meeting

##### **B. Greenbriar Development Project (City of Sacramento)**

GM Devereux noted ASM Gutierrez sent out a revised agreement a few days ago that will replace the one that is in their Board packet. The revised version is a result of some additional negotiation done with the landowner of the Greenbriar project over the past few days. GM Devereux provided some background on the proposed Greenbriar development located on the northwest quadrant where I-5 and Highway 99 intersect. The District has fee title to a piece of property within the proposed development that affects the owner's ability to obtain necessary financing. They have requested the District quitclaim our interest. Staff is concerned that should the project never proceed, we may need to reestablish our rights to provide drainage to the site. GM Devereux and District Counsel have negotiated an agreement that would require the owner to reconvey drainage easement back to the District covering the quitclaimed property parcel should the Greenbriar project not be implemented. This arrangement satisfies staff's concerns.

Board members had a long discussion about the recommendation including concerns about quitclaiming fee and only getting an easement should the project not move forward. District Counsel Jim Day advised the Board, the agreement protects the District's interests for future drainage should the Greenbriar project not proceed. The agreement requires the site grading which addresses staff's concerns be completed by 2020.

Motion by Trustee Harris to approve the quitclaim deed and the accompanying agreement with Greenbriar Project Owner LP. Motion seconded by Trustee Christophel, one abstention, motion carries.

##### **C. Employee Handbook**

GM Devereux advised the Board the Personal Committee took on the task of updating and revising the employee handbook which had not been updated in about ten years. There are a number of changes in the law related to labor and personal issues and there have also been some new policies that the Board has adopted in the last ten years covering personnel policies and employee benefits that need to be incorporated. The revised employee handbook will be reviewed with all of the staff to make sure the policies of the district are clear.

Trustee Gilbert indicated he had several modifications he would like the Board to consider. First, he requested the handbook be reviewed with all employees annually and they acknowledge the review. Secondly, he asked if the handbook had a "whistle blower" policy. Staff directed the Board to the Section in the handbook termed Reporting Violations. Trustee Gilbert would like to include specific reference to the State statute addressing Whistle Blower protections. Finally, he suggested the handbook include a section for Fraud. After discussion by the Board, they directed staff to include the suggested revisions by Trustee Gilbert in the final Employee Handbook.

A motion was made by Trustee Jones for the Board to approve the revised Employee Handbook with the amendments requested. Motioned was seconded by Trustee Harris, carried by a unanimous vote, motion carries.

**D. Resolution No. 2017-9-1 Adopting Uniform Construction Cost Accounting provisions of the Public Contract Code for Informal Construction Bid Process (Information)**

GM Devereux had previously provided information to the Board concerning public contracts and whether the District should participate in the Uniform Construction Cost Accounting (UCCA) provisions of the Public Contract Code bid process. At the time he anticipated bringing a resolution to the Board adopting the policy. However, staff has concerns about the required accounting documentation required by the UCCA and if the additional effort would negate the benefits given the limited number of projects the District is involved with. Staff needs to do additional research on the provisions of the code and reach out to other agencies and districts currently in the program to understand the accounting documentation requirements before making a recommendation to the Board.

**E. Contract Amendment with Larsen-Wurzel and Associates for Consultant Project Management Services**

GM Devereux presented a proposed contract amendment with Larsen-Wurzel Associates (LWA) for consultant project management services. This contract is in response to the Personnel Committee's recommendation that the GM get additional support for the current peak workload. The proposed amendment specifies Mr. Scott Brown of LWA would be the designated project manager (PM). Mr. Brown has considerable experience working with the District, SAFCA and others on Natomas flood control issues. The amendment would provide for 8 to 10 hours per week of PM services through June 30, 2017 at which time the District would reevaluate the workload.

After discussion, the Board directed staff to make this a separate contract with LWA for Project Management Services rather than an amendment to the existing contract. This also addresses a concern related to the difference in hourly rates from the original contract. Secondly, the Board directed staff to make the contract a 'time and materials' with a not-to-exceed amount of \$75,000 per the estimate, but grant a contingency authority to the GM for up to \$90,000.

Motion by Trustee Avdis to authorize the GM to enter into a new contract with LWA for Project Management consulting services on a time and materials basis not to exceed \$75,000 with authority to the GM to increase the contract limit to \$90,000. The motion was seconded by Trustee Jones, duly put and carried by unanimous vote.

**F. Board of Trustees 2017 Election Update**

ASM Gutierrez reported to the Board August 24 was the first day to pick up Election 2017 Nominating Petitions. She reminded everyone that Nominating Petitions are due on September 14<sup>th</sup> by 5 p.m., and that the document must be notarized. Further she mentioned, that candidate statements would be due.

Trustee Smith asked whether candidate statements would be posted to the RD 1000 website. Legal Counsel Day reported this would not be possible not possible.

## **5. GENERAL MANAGER'S REPORT**

### **A. Regional Flood Control Issue**

GM Devereux had no additional regional flood issues not previously reported by Trustee Barandas but noted the importance of getting the Federal debt ceiling and Continuing Resolution approved to avoid a potential government shut down.

### **B. Flood season preparation**

GM Devereux noted flood season is coming soon and the District is doing its preparatory work including repairs from last year's damages, final mowing, attending the pre-flood season briefing and scheduling the flood fight training class. Superintendent Caldwell can provide more details with his report.

### **C. Status – Corps Natomas Project Construction Schedule**

This item was covered by Trustee Barandas' SAFCA report previously.

### **D. Garden Highway Encroachment Permits Endorsed**

GM Devereux noted no new permits have been endorsed. However, he noted a permit for a new domestic well at 3031 Garden Highway has been submitted. The owner is having water quality issues and needs the new well for safe drinking water. We are working with the State and Corps to try and accommodate this emergency situation for the owner; however, many of the existing encroachments on the property have not been previously permitted which is causing an issue for the State.

### **E. Update on Plant 1 transformer repairs and determination on possible failure cause**

GM Devereux reported our consultant has downloaded some of the readings from the relay switches in Plant 1 to try and determine a cause for the transformer failures. He is coordinating with SMUD on our findings and the schedule for repairs to the transformer so the plant is operable by flood season.

### **F. Update on off-duty law enforcement patrols in floodway**

GM Devereux reminded the Board about the status of using off-duty patrols for the homeless camps in the floodway. Currently we have no patrols as the County Sheriff cannot patrol in the City and the City PD says they will not allow off-duty patrols as they have directed their Impact Team to respond to District issues. Superintendent Caldwell stated he has a good working relationship with the Impact Team. Trustee Avdis noted the recent actions by the Board of Supervisors to fund efforts in the Lower American River Parkway and Dry Creek floodway which could impact us by pushing more of the campers to the Natomas East Main Drain Canal (NEMDC). After much discussion by the Board, they referred this issue to the Urbanization Committee to continue tracking and developing recommendations for the District's actions. They also requested Superintendent Caldwell to reach out to the Impact Team as necessary and provide feedback to the Board on their response.

**G. Status of PL84-99 request for Corps assistance on erosion**

GM Devereux advised the Board the waterside berm erosion which is threatening the waterside residence at 7907 Garden Highway will not be addressed by the Corps under their PL84-99 authority as requested by the District. In addition, the State Department of Water Resources has not included this site in their critical list and therefore will likewise not be addressing this site with state funds. Staff is working with our consultants on the District's response to these and developing our plan to monitor the erosion this flood season.

**H. Natomas POPS in the Park Event**

GM Devereux reminded the Board the Natomas Pops in the Park event is scheduled for September 16 and our table is being coordinated by the District's public relations consultant Karen Pardieck.

**I. Panhandle development project (City of Sacramento)**

GM Devereux reported on his recent meetings with the City and SAFCA on requested setbacks adjacent to the existing Natomas East Main Drain Canal (NEMDC) levee. The proposed Panhandle development project has been submitted to City Planning. In coordination with SAFCA, the District has submitted a letter to the City requesting a 150 foot setback from the centerline of the existing levee be reserved to accommodate future levee improvements as part of the Federal Natomas Project.

Trustee Avdis expressed his concern about requiring such a substantial setback until we can determine the rights actually necessary based on the Corps design. He also asked if we are requiring similar setbacks in other parts of Natomas. GM Devereux responded we have informed the North Precinct developer (north of Elkhorn) of the 150 foot setback requirement and will recommend this to County Planning. He also noted the District currently has rights for 50 feet from the centerline and the City has agreed to require an additional 50 feet under their General Plan standard, so the discussion is around the last 50 feet. The purpose is to provide flexibility in the Corps levee design and allow for future flood control improvements should the standard or design criteria change

**J. Update on SCADA and Capital Improvement Plan implementation**

GM Devereux noted Scott Brown of LWA will be providing support for these items as part of the previously approved contract with LWA. He also is reviewing proposals from consultants for development of an asset management plan that will assist the District in implementing its Capital Improvement Plan and making funding decisions including doing a Proposition 218 election to raise our assessment rates. He noted the SCADA schedule is for construction to commence in spring 2018.

**6. PUBLIC OUTREACH UPDATE – K. Pardieck**

Public Outreach Consultant Karen Pardieck reported on the Pops in the Park event previously discussed; the newsletter proposed for inclusion in the October N-Magazine and her efforts on Facebook.

**7. DISTRICT COUNSEL’S REPORT**

District Counsel Jim Day reported on his activities for the month of August.

**8. SUPERINTENDENT’S REPORT (Information)**

Superintendent Caldwell reported the field crew has continued to do mowing due to the heavy vegetation this year from the wet winter. He also noted the aquatic vegetation is more extensive this year than past and we are planning our fall herbicide application. We also are doing repairs to two pumps at Plant 3, doing repairs from last year’s flood season and have scheduled the annual flood fight training.

**9. CORRESPONDENCE/NEWS/INFORMATION**

**10. ADJOURN**

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

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President

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Secretary