

DECLARATION OF POSTING

"I Terrie Figueroa, the Secretary of Reclamation District No. 1000, hereby declare that I posted the attached agenda in a public and conspicuous place at the front entrance to the District Office. I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed the 9th day of January, 2012 at Sacramento, California."

A handwritten signature in cursive script, reading "Terrie Figueroa", written over a horizontal line.

Secretary

**RECLAMATION DISTRICT NO. 1000
BOARD OF TRUSTEES
REGULAR BOARD MEETING
SACRAMENTO, CA
January 13, 2012
8:00 A.M.
AGENDA
1633 Garden Highway
Sacramento, CA 95833**

Any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public at: 1633 Garden Highway, Sacramento, CA 95833

CALL TO ORDER

SET THE AGENDA

ITEMS SCHEDULED FOR ACTION

1. APPROVAL OF THE MINUTES OF THE BOARD OF TRUSTEES (Action)
 - A. Regular Meeting, December 9, 2011
2. ADMINISTRATIVE ITEMS (Action)
 - A. Treasurer's Report for December 2011
 - B. Expenditure Report for December 2011
3. COMMITTEE REPORTS (Information)
 - A. SAFCA Representatives
 - B. Executive Committee (1/6/12)
 - C. Personnel Committee (12/14/11)
4. BOARD BUSINESS (Action/Information)
 - A. Election of Board Officers and Committee Assignments
 - B. Status of North Natomas Drainage Facilities Agreement with City of Sacramento (Bill Busath – City Utilities)
 - C. Adopt Annual Banking Resolution
 - D. Approve Legal Services Retention Letter – Day, Carter, Murphy
 - E. Approve Utility Agreement with Sacramento County for Proposed Elverta Road and Highway 99 Interchange Drainage Canal Relocations
 - F. Adopt Final Mitigated Negative Declaration and Mitigation Monitoring Report– Plant 1B Emergency Generator Project
 - G. Adopt Levee Access Policy
 - H. Central Valley Flood Protection Board Encroachment Permit Application No. 7236-1--House Addition at 1963 Garden Highway (Variance Request)

ITEMS SCHEDULED FOR INFORMATION/DISCUSSION

5. GENERAL MANAGER'S REPORT (Information)
 - A. Regional Flood Control Issues
 - B. Flood Season Update and Long Range Weather Forecast
 - C. Status – SAFCA's Natomas Levee Improvement Project (NLIP)
 - D. Encroachment Permits Endorsed
6. DISTRICT COUNSEL'S REPORT
7. SUPERINTENDENT'S REPORT (Information)

OPPORTUNITY FOR MEMBERS OF THE PUBLIC TO DIRECTLY ADDRESS THE BOARD ON SUBJECT MATTER WITHIN THE JURISDICTION OF THE BOARD.
8. Correspondence/News/Information
9. ADJOURN

RECLAMATION DISTRICT NO. 1000
BOARD OF TRUSTEES
ACTION SUMMARY
Regular Meeting
Friday, January 13, 2012
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 Day

APPROVAL OF THE MINUTES

1A) Regular Meeting December 9, 2011

Motion by Trustee Gilbert to approve the minutes of the Regular Board meeting held December 9, 2011 as presented. The motion was seconded by Trustee Shiels, duly put and carried.

ADMINISTRATIVE ITEMS

2A) TREASURER’S REPORT – December 2011

The Treasurer’s Report for December 2011 is as follows:

County Treasurer- (O/M)	\$ 2,276,271.25
County Treasurer (OPEB)	\$ 423,410.00
O/M Fund – Checking	\$ 136,778.12
Designated Capital	\$ 346,155.06
LAIF (State Treas.)	\$ 203,155.51

Motion by Trustee Shiels to approve the Treasurer’s report for December 2011 as presented. Seconded by Trustee Harris, duly put and carried.

2B) EXPENDITURE REPORTS – December 2011

The expenditures for the month of December 2011 were \$177,750.07. The expenditures from various funds are as follows:

Operation and Maintenance: \$177,750.07

Warrants 7361 & 7362 were issued in the amount of \$200,000.00.

3) COMMITTEE REPORTS

A. SAFCA Representatives

Trustee Shiels reported the South Sacramento Streams group project is proceeding and the SAFCA levee contract work will start in the spring. The Joint Federal Project at Folsom Dam is experiencing some funding issues; they do not have all the costs for

the change orders, but are pretty sure there will not be enough funding. He reported SAFCA will be issuing bonds this spring to provide the local funds for work outside the Natomas area which will help with the cash flow on the Natomas Levee Improvement Project (NLIP). It is unlikely the Corps of Engineers will be certifying levees around Sacramento in the future. SAFCA and/or a consulting engineer will certify the levees using FEMA's guidelines. The NLIP construction work is wrapped up for this year. SAFCA will be looking at the most critical sites remaining as determined by the geotechnical engineers and develop small projects to reduce the risk and/or improve patrolling and flood response. Trustee Smith stated we need to rethink how we do flood control improvements in the future and decide whether we really need the Corps of Engineers if they just add costs to projects and in the end will not certify the levees?

B. Executive Committee

The Executive Committee met to review the agenda for the January 13, 2012 Board meeting. In attendance were Trustees Christophel, Shiels and Harris and General Manager Devereux.

C. Personnel Committee

Trustee Harris stated the Personnel Committee met with the General Manager and Grace Consulting to review and approve the final job descriptions for all staff. The job descriptions are available if any Board member would like to review them.

4A) Election of Board Officers and Committee Assignments

Trustee Christophel informed the Board that he tasked Trustee Barandas with finding out who might be interested in serving as the President or Vice President of the Board. The consensus was unanimous that the Trustees would like to continue with the same slate of officers for next year. Trustee Barandas recommended the Board continue with the current President, Trustee Christophel and Vice President, Trustee Shiels.

Motion by Trustee Barandas to continue with the current officers as noted above. The Motion was seconded by Trustee Harris, duly put and carried.

Trustee Christophel stated he will put together new committee assignments for the next meeting. He noted the committee assignments have not changed in several years and he would like to make some changes so Board members are exposed to different aspects of the District.

Motion by Trustee Harris to reaffirm Trustees Shiels and Smith as the District's SAFCA representatives and Trustees Barandas and Miller as alternates. The motion was seconded by Trustee Barandas, duly put and carried.

4H) Central Valley Flood Control Board Encroachment Permit Application Mo. 7236-1 – House Addition at 1963 Garden Highway (Variance Request)

General Manager Devereux informed the Board last September the Board approved an encroachment application to modify the single family residence at 1963 Garden Highway. At the time the applicant was seeking a variance to the requirements of Title 23 for the elevation of the addition and to the 65 foot minimum setback requirement from the centerline of the existing Garden Highway levee. They have since resolved the issue of elevation and will meet the Title 23 requirement. However they are still seeking a variance to the 65 foot setback because the current residence is at 55 feet and they want the structure addition to align with the existing structure. When this District endorsed the application it was sent with our special conditions including a condition the applicant must comply with Title 23 unless the Central Valley Flood Protection Board (CVFPB) grants a variance. The CVFPB staff has requested the District indicate whether they would support the applicant's variance request.

Larry Azfal, representing the property owner, Larry Cassidy, addressed the Board. He stated the owner had previously discussed the project with the CVFPB staff who did not think the variance request would be a problem. However, a new staff person has taken this permit application and is requesting this Board (RD1000) state if they support the variance request or do not.

A lengthy discussion pursued among the Board members in which it was noted the current structure, previously approved by the Reclamation Board, already is set at 55 feet from the levee centerline. Therefore, the proposed addition at the same setback would not adversely impact the District's operation and maintenance at this site. It was also noted by District Counsel Jim Day that the right to grant or deny a variance rests solely with the Central Valley Flood Protection Board and not with Reclamation District No. 1000.

After additional discussion it was moved by Trustee Harris to authorize the General Manager to send a letter to the CVFPB with language drafted by Counsel Day stating the District does not object to the applicant's variance request at this site because of the reasons noted above (i.e. the current structure previously approved by the State is already encroached within the required setback). It should also note, the authority to grant or deny said variance lies solely with the CVFPB. Seconded by Trustee Shiels, duly put and carried.

4B) Status of North Natomas Drainage Facilities Agreement with City of Sacramento

General Manager Devereux informed the Board Bill Busath with the City Utilities Department was in attendance to update the Board on the North Natomas Community Drainage Plan Agreement (NNCDP) and answer any questions they may have.

Mr. Busath informed the Board the initial funds for the NNCDP were exhausted and the backup generator and the dredging of the main canal were not completed primarily due to cost overruns on the initial construction. Subsequently, the assessment district funding the NNCDP has accrued interest which can be used to fund remaining elements of the project so the City of Sacramento contacted the District about proceeding with constructing the backup generator at Plant 1B and dredging the Main Drain canal.

Trustee Shiels said he was concerned about the agreement with the City and the fact project features were supposed to have been completed by 2001 and have been delayed until now, though the development has occurred. He noted, the agreement did not state the work would be done unless funding ran out. Mr. Busath stated it was the City's understanding that the projects would be completed with NNCDP funds but if funding was not available in the assessment district the City would not be obligated to complete the work.

Trustee Harris stated that interest on funds is generally not earmarked for a specific project and he is pleased the City is going to use the interest for the Plant 1B and Main Drain projects.

Trustee Shiels asked who sets the priority on allocation of interest funds. Mr. Busath stated the City allocates the funds. Trustee Barandas stated he believes the City should include the District when prioritizing use of the remaining funds in the assessment district.

Trustee Harris reiterated that interest money is not dedicated and he appreciates the efforts of staff and Mr. Busath in getting the interest funds allocated to the Plant 1B project.

4C) Adopt Annual Banking Statement

Secretary Figueroa stated the Board is required to submit a new Banking Resolution with specimen signatures to the Sacramento County Treasurer annually.

Motion by Trustee Gilbert to adopted Resolution 2010-03 as presented. The Motion was seconded by Trustee Barandas, duly put and carried.

4D) Approve Legal Services Retention Letter – Day, Carter, Murphy

The Legal Committee met with District Counsel Jim Day and staff to review the services provided by Mr. Day and his firm of Day, Carter Murphy. The Committee recommends the District continue to contract with Day, Carter, and Murphy for general counsel services. A retention letter was submitted by Mr. Day setting out the services and fees. The agreement may be terminated by either party with notice. The Board expressed their appreciation to Mr. Day for his long tenure as District Counsel and the legal advice and guidance he has provided to the District over the years.

Motion by Trustee Shiels to approve retaining Day, Carter and Murphy as legal counsel for the District as outlined in Attorney Day's letter. The motion was seconded by Trustee Harris, duly put and carried.

4E) Approve Utility Agreement with Sacramento County for Proposed Elverta Road and Highway 99 Interchange Drainage Canal Relocation

General Manager Devereux stated he and Counsel Day have negotiated a draft Utility Agreement with Sacramento County for the relocation of the District's canal which conflict with the proposed Elverta Road / Highway 99 Interchange project. The new canal easements will be slightly wider to allow for flatter and more stable 2.5:1 side slopes based on the District's experience. The District previously agreed to cost share in the additional right of way costs for the flatter slopes. The easement will be conveyed to the District by a Director's Deed. The Utility Agreement is very similar to the one previously approved by the Board with Caltrans for the Riego Road/Highway 99 interchange.

Motion by Trustee Harris to authorize the General Manager to execute the Utility Agreement with Sacramento County as outlined above and in substantial conformance with the draft agreement included. The Motion was seconded by Trustee Shiels, duly put and carried.

4F) Adopt Final Mitigated Negative Declaration and Mitigation Monitoring Report – Plant 1B Emergency Generator Project

General Manager recommended the Board approve Resolution No. 2012-02 adopting the Final Mitigated Negative Declaration and Mitigation Monitoring Report and approving the Plant 1B Emergency Generator Project. The mitigated negative declaration was the subject of a public review process and a public meeting held at the District. The Resolution was prepared in consultation with Counsel Anne Trowbridge from Day, Carter, and Murphy.

Motion by Trustee Shiels to adopt Resolution No.2012-02 as prepared by staff adopting the Final Mitigated Negative Declaration and Mitigation Monitoring Report and approving the Plant 1B Emergency Generator Project. The Motion was seconded by Trustee Smith, duly put and carried.

4G) Adopt Levee Access Policy

General Manager Devereux stated he has provided a red-lined version of the Levee Access Policy with changes requested by the Board at the last meeting. After a brief discussion, Trustee Christophel recommended some minor edits to the policy.

Motion by Trustee Harris to adopt Resolution 2012-01 adopting a Policy on Public Access to District Facilities as revised by staff with the edits proposed at today's meeting. The motion was seconded by Trustee Shiels, duly put and carried.

5) GENERAL MANAGER'S REPORT

A. Regional Flood Control Issues

General Manager Devereux stated the State Budget is out and the Governor is seeking a tax increase which if not approved will lead to cuts later this year. At this time we don't know how these cuts could affect flood control. We are still looking for Congressional authorization for the Natomas Project, but given it is an election year it is

doubtful we will be successful given the other issues on a national level. In addition, the federal budget situation will make meaningful appropriations challenging for the foreseeable future.

B. Flood Season Update

GM Devereux reported long range forecasts continue to show dry conditions prevailing over California and the drought word is beginning to creep into conversations. However, the reservoirs are in good shape for the current year

C. Status – SAFCA's Natomas Levee Improvement Project (NLIP)

GM Devereux stated there is not much going on with the NLIP project and the contractors are shut down for the winter.

D. Encroachment Permits Endorsed

General Manager Devereux informed the Board he has not approved any encroachments since the last Board meeting.

General Manager Devereux informed the Board that the State's Fall Levee Inspection is complete and the District received an acceptable rating.

6.) District Counsel Report

Attorney Day stated that December was a quiet month. They spent three hours on the mitigation plan for Plant 1B and some hours on the mitigation plan and permitting for the emergency work at RM 64.1 done in January 2011.

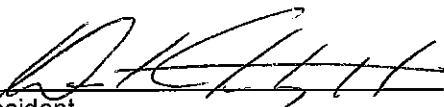
7.) Superintendent's Report

Superintendent Blicke stated the crew has been trimming trees along the Garden Highway levee and the Natomas East Main Drain Canal (NEMDC), mowing levees and ditches and removing silt from ditches. Nordic has completed their NLIP project and is completely out. Independent is on site leveling the borrow area. Sukat is shut down for the winter and Teichert is finishing up the rock at Plant 4 and the Sankey Ditch for the Natomas Mutual Water Company.

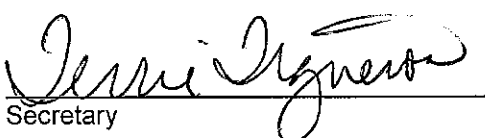
Trustee Shiels stated that if anyone has not been out to look at the project recently they should. It is looking good.

General Manager Devereux stated he could arrange a field trip to see the project if there is interest. Secretary Figueroa will send out an inquiry as to when everyone is available.

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



President



Secretary

RECLAMATION DISTRICT NO. 1000
OPERATION AND MAINTENANCE FUND
RESOLUTION NO. 2012-03

WHEREAS, Reclamation District No. 1000 maintains an Operation and Maintenance Fund held by the Sacramento County Treasurer; and

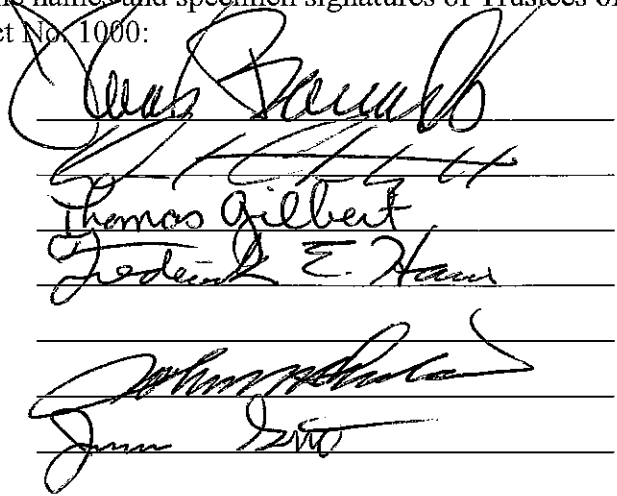
WHEREAS, Reclamation District No. 1000 also maintains a Revolving Fund pursuant to Water Code Section 50657, with a maximum balance of \$300,000.00; and Reclamation District No. 1000 assumes responsibility for disbursement of such Revolving Fund and agrees to hold and save the Sacramento County Treasurer harmless from any improper disbursement of such Revolving Fund as required by Water Code Section 50658; and

WHEREAS, the Board of Trustees by this resolution desires to set forth the names and specimen signatures of the officers and Trustees of Reclamation District No. 1000 and set forth the names and required signatures for withdrawal or payment of funds from such accounts;

NOW THEREFORE BE IT RESOLVED AS FOLLOWS:

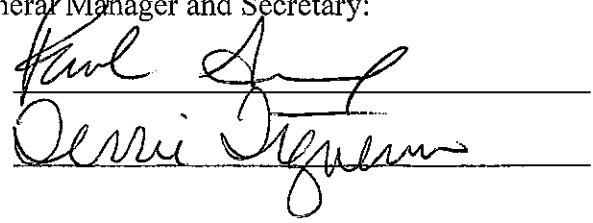
- 1. The following are the names and specimen signatures of Trustees of Reclamation District No. 1000:

Tom Barandas
David Christophel
Thomas Gilbert
Frederick Harris
James Miller
John Shiels
Jerome Smith



- 2. The following are the names and specimen signatures of the Reclamation District No. 1000 General Manager and Secretary:

Paul Devereux
General Manager
Terrie Figueroa
District Secretary

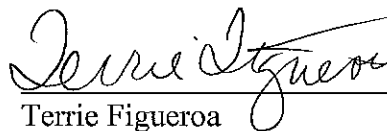


- 3. Funds held in the Reclamation District No. 1000 Operation and Maintenance Fund held by the Sacramento County Treasurer may be withdrawn or paid solely by warrant signed by any four or more of the Trustees of the District as identified in Paragraph 1 of this resolution and attested to by the Secretary of the Board of Trustees or the General Manager as identified in paragraph 2 of this resolution.

- 4. Funds on deposit in the District's revolving fund may be withdrawn or paid solely by check signed by any one of those identified in paragraph 1 of this resolution or the District Manager or District Secretary as identified in paragraph 2 of this resolution, for amounts less than \$5,000.00 and any two of the Trustees as identified in paragraph 1 or the General Manager as identified in paragraph 2 and a Trustee as identified in paragraph 1 of this resolution for amounts exceeding \$5,000.00.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held January 13, 2012 and made a part of the minutes thereof.



Terrie Figueroa
District Secretary

	<u>Dist</u> 3	<u>Co</u> SAC	<u>Rte</u> 99	<u>KP (P.M.)</u> 34.85/35.85	<u>EA</u> 371500
COUNTY OF SACRAMENTO	Federal Aid No.:				
	Owner's File:				
	FEDERAL PARTICIPATION: On the Project <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				
	On the Utilities <input type="checkbox"/> Yes <input checked="" type="checkbox"/> No				

UTILITY AGREEMENT NO. 03-UT-2468.5L

DATE: 2/7/2012

The County of Sacramento, hereinafter called "COUNTY", acting on behalf of the State of California through the Department of Transportation, hereinafter called "STATE," proposes to reconstruct the existing at-grade intersection of Elverta Road and State Route 99 with a Caltrans Standard type L-9 partial cloverleaf interchange,

and

Reclamation District 1000 (RD1000), hereinafter called "OWNER," owns and maintains existing canals for drainage purposes along the existing at-grade intersection, and along Elverta Road within the limits of COUNTY'S project which requires relocation to accommodate COUNTY'S project.

It is hereby mutually agreed that:

I. WORK TO BE DONE:

In accordance with Notice to Owner No. 2468.5L dated 1/31/2012, COUNTY shall ^{-ki}relocate OWNER's canals as shown on COUNTY's contract plans for the improvement of State Route 99, EA371500 which by this reference are made a part hereof. OWNER hereby acknowledges review of COUNTY's plans for work and agrees to the construction in the matter proposed. Deviations from the plan described above initiated by either the COUNTY or the OWNER, shall be agreed upon by both parties hereto under a Revised Notice to Owner. Such Revised Notices to Owner, approved by the COUNTY and agreed to by the OWNER, will constitute an approved revision of the plan described above and are hereby made a part hereof. No work under said deviation shall commence prior to written execution by the OWNER of the Revised Notice to Owner. Changes in the scope of the work will require an amendment to this Agreement in addition to the Revised Notice to Owner. OWNER shall have the right to inspect the work during construction. Upon completion of the work by COUNTY, OWNER agrees to accept ownership and maintenance of the constructed facilities and relinquishes to COUNTY ownership of the replaced facilities.

II. LIABILITY FOR WORK:

Existing facilities are located in their present position pursuant to rights superior to those of the COUNTY and will be relocated at COUNTY expense.

III. PERFORMANCE OF WORK:

OWNER shall have access to all phases of the relocation work to be performed by COUNTY, as described in Section I above, for the purpose of inspection to ensure that the work is in accordance with the specifications contained in the Highway Construction Contract; however, all questions regarding the work being performed will be directed to COUNTY's Resident Engineer for their evaluation and final disposition.

UTILITY AGREEMENT (Cont.)

RW 13-5 (REV 4/2000)

UTILITY AGREEMENT NO.
03-UT-2468.5L

IV. PAYMENT FOR WORK:

"The COUNTY shall reimburse OWNER the actual and necessary cost to OWNER of the engineering review of COUNTY'S contract plans and construction management oversight ("OWNER COSTS") by OWNER'S consulting engineers within 45 days after receipt of five (5) copies of OWNER's itemized bill, signed by a responsible official of OWNER's organization and prepared on OWNER's letterhead, compiled on the basis of the actual and necessary cost and expense. The OWNER shall maintain records of the actual costs incurred and charged or allocated to the project in accordance with recognized accounting principles.

It is understood and agreed that the COUNTY will not pay for any betterment or increase in capacity of OWNER's facilities in the new location and that OWNER shall give credit to the COUNTY for the accumulated depreciation or "used life" of the replaced facilities and for the salvage value of any material or parts salvaged and retained or sold by OWNER.

Not more frequently than once a month, but at least quarterly, OWNER will prepare and submit progress bills for costs incurred not to exceed OWNER's recorded costs as of the billing date less estimated credits applicable to completed work. Payment of progress bills not to exceed the amount of this Agreement may be made under the terms of this Agreement. Payment of progress bills which exceed the amount of this Agreement may be made after receipt and approval by COUNTY of documentation supporting the cost increase and after an Amendment to this Agreement has been executed by the parties to this Agreement.

The OWNER shall submit a final bill to the COUNTY within 360 days after the completion of the work described in Section I above. If the COUNTY has not received a final bill within 360 days after notification of completion of OWNER's work described in Section I of this Agreement, and COUNTY has delivered to OWNER fully executed Director's Deeds, Consents to Common Use or Joint Use Agreements for OWNER's facilities (if required), COUNTY will provide written notification to OWNER of its intent to close its file within 30 days. OWNER hereby acknowledges, to the extent allowed by law, that all remaining costs will be deemed to have been abandoned. If the COUNTY processes a final bill for payment more than 360 days after notification of completion of OWNER's work, payment of the late bill may be subject to allocation and/or approval by the California Transportation Commission.

The final billing shall be in the form of an itemized statement of the total costs charged to the project, less the credits provided for in this Agreement, and less any amounts covered by progress billings. However, the COUNTY shall not pay final bills which exceed the estimated cost of this Agreement without documentation of the reason for the increase of said cost from the OWNER and approval of documentation by COUNTY. Except, if the final bill exceeds the OWNER's estimated costs solely as the result of a revised Notice to Owner as provided for in Section I, a copy of said revised Notice to Owner shall suffice as documentation. In either case, payment of the amount over the estimated cost of this Agreement may be subject to allocation and/or approval by the California Transportation Commission.

In any event if the final bill exceeds 125% of the estimated cost of this Agreement, an Amended Agreement shall be executed by the parties to this Agreement prior to the payment of the OWNER'S final bill. Any and all increases in costs that are the direct result of deviations from the work described in Section I of this Agreement shall have the prior concurrence of COUNTY.

Detailed records from which the billing is compiled shall be retained by the OWNER for a period of three years from the date of the final payment and will be available for audit by State and/or Federal auditors. Owner agrees to comply with Contract Cost Principles and Procedures as set forth in 48 CFR, Chapter 1, Part 31, et seq., 23 CFR, Chapter 1, Part 645 and/or 18 CFR, Chapter 1, Parts 101, 201, et al. If a subsequent State and/or Federal audit determines payments to be unallowable, OWNER agrees to reimburse COUNTY upon receipt of COUNTY billing.

The COUNTY shall perform the work under Section I above at no expense to OWNER except as hereinafter provided.

UTILITY AGREEMENT NO.
03-UT-2468.5L

It is understood that the relocation as herein contemplated includes betterment to OWNER's facilities by reason of increased capacity in the estimated amount of \$54,000, said amount to be deposited upon demand in the Sacramento County Office of the Department of Transportation, prior to the time that the subject freeway/highway contract bid is opened by the COUNTY. The final betterment payment shall be calculated based upon the actual quantities installed as determined by the COUNTY's engineer, and the current cost data as determined from the records of the OWNER. In addition, the OWNER shall credit the COUNTY at the time of the final billing for all the accrued depreciation and the salvage value of any material or parts salvaged and retained by the OWNER.

V. GENERAL CONDITIONS:

All costs accrued by OWNER as a result of COUNTY's request of October 22, 2007 to review, study and/or prepare relocation plans and estimates for the project associated with this Agreement may be billed pursuant to the terms and conditions of this Agreement. If COUNTY'S project, which precipitated this Agreement, is canceled or modified so as to eliminate the necessity of work by OWNER, COUNTY will notify OWNER in writing and COUNTY reserves the right to terminate this Agreement by Amendment. The Amendment shall provide mutually acceptable terms and conditions for terminating the Agreement.

All obligations of COUNTY under the terms of this Agreement are subject to the passage of the annual Budget Act by the State Legislature and the allocation of those funds by the California Transportation Commission.

COUNTY will acquire new rights of way in the name of the OWNER through negotiation or condemnation and when acquired in COUNTY's name, shall convey same to OWNER by Director's Easement Deed. COUNTY's liability for such rights of way will be at the proration shown for relocation work involved under this Agreement.

Where OWNER has prior rights in areas which will be within the highway right of way and where OWNER's facilities will remain on or be relocated on STATE highway right of way, a Joint Use Agreement or Consent to Common Use Agreement shall be executed by the parties.

It is understood that said highway is a Federal aid highway and accordingly 23 CFR, Chapter 1, Part 645 is hereby incorporated into this Agreement.

THE ESTIMATED COST TO COUNTY FOR ITS SHARE OF THE ABOVE DESCRIBED WORK IS \$ 2,225,000.

UTILITY AGREEMENT (Cont.)

RW 13-5 (REV 4/2000)

UTILITY AGREEMENT NO.
03-UT-2468.5L

IN WITNESS WHEREOF, the above parties have executed this Agreement the day and year above written.

COUNTY OF SACRAMENTO:

OWNER:

By RB Leonard 2-8-12
Robert B. Leonard Date
Chief Deputy County Executive
County of Sacramento Municipal Services Agency

By: Paul Devereux 02/08/2012
Paul Devereux, General Manager Date

Resolution No. 2012-2
Adopting the Final Mitigated Negative Declaration and Mitigation Monitoring Report for the Plant 1B Emergency Generator Project and Approving the Project

WHEREAS; The City of Sacramento and the District entered into a Joint Community Facilities Agreement in 1997 which included improvements to the District's interior drainage system to support the additional urban development proposed by the North Natomas Community Plan; and,

WHEREAS, one of the items included in the plan was a back-up generator at Plant 1B which could operate the pumps when power to the pump station was lost but was deferred by the City due to cost overruns on construction of the improvements to Plant 1B until such time as sufficient funds were available from the North Natomas Assessment District (Assessment District); and,

WHEREAS, the City has indicated that sufficient funds are now available in the Assessment District for the emergency generator; and,

WHEREAS, the District has reviewed the proposal to install a diesel emergency generator (the Plant 1B Emergency Generator Project or Project), and considered the environmental effects; and,

WHEREAS, the District prepared a Draft Mitigated Negative Declaration for the proposed Project which was filed with the State Clearinghouse and circulated for public review and comment for a 30-day period and held a noticed public meeting during the public review period. No comments were received during the hearing or in writing; and,

WHEREAS, the District prepared a Final Mitigated Negative Declaration and a Mitigation Monitoring and Reporting Program to ensure compliance with the mitigation measures relevant to the District's jurisdiction over the Project;

Now, therefore be it resolved that:

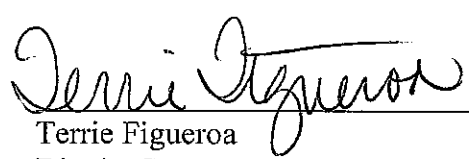
1. The Reclamation District No. 1000 Board of Trustees (Board) has considered the environmental effects of the Plant 1B Emergency Generator Project as set forth in the Draft and Final Mitigated Negative Declaration.
2. The Board hereby finds, based on the entire record, including the Initial Study, the Draft Mitigated Negative Declaration and the Final Mitigated Negative Declaration, that there is no substantial evidence that the Project will result in a significant impact on the environment.

- 3. The Board hereby finds that the Final Mitigated Negative Declaration reflects the Board's independent judgment and analysis.
- 4. The Board hereby adopts the attached Final Mitigated Negative Declaration and the Mitigation Monitoring and Reporting Program.
- 5. The Board hereby approves the Plant 1B Emergency Generator Project.
- 6. All documents constituting the record of proceedings upon which this Resolution is based are located in the District office at 1633 Garden Highway, Sacramento, California, 95833; (916)922-9173.
- 7. The Board hereby authorizes staff to file the Notice of Determination with the State Office of Planning and Research, pursuant to Title 14, California Code of Regulations, Section 15075.

- Attachment A: Proposed Mitigated Negative Declaration
- Attachment B: Final Mitigated Negative Declaration
- Attachment C: Mitigation Monitoring and Reporting Program

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2012-2 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 13, 2012 and made a part of the minutes thereof.



 Terrie Figueroa
 District Secretary

**Resolution No. 2012-1
Adopting A Policy on Public Access to District Facilities**

WHEREAS; Reclamation District No. 1000 (the District) operates and maintain a system of levees, canals and pump stations providing drainage and flood protection to the Natomas Basin (District Facilities); and,

WHEREAS, the District desires to adopt a policy on public access to its District Facilities to allow it to carry out those operation and maintenance responsibilities in a manner which protects the public, District employees and contractors and the District Facilities; and,

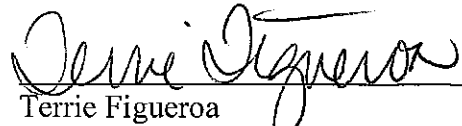
WHEREAS, State law further requires the District’s governing body adopt a formal policy on public access in order to enforce some provisions prohibiting access to the District Facilities; and,

WHEREAS, the District previously adopted a policy on public access by Resolution adopted at its regular meeting in May 1975 and intends this Resolution and policy shall supersede that previous policy adopted in 1975;

Now, therefore be it resolved the Reclamation District No. 1000 Board of Trustees hereby adopts the attached Policy on Public Access on District Facilities and directs the General Manager and District Superintendent to place appropriate signage at and along the District Facilities so that this adopted policy may be legally enforced by the District and local law enforcement agencies.

CERTIFICATION

I, Terrie Figueroa, Secretary of Reclamation District No, 1000, hereby certify that the foregoing Resolution 2012-1 was duly adopted by the Board of Trustees of Reclamation District No, 1000 at a regular meeting held January 13, 2012 and made a part of the minutes thereof.


Terrie Figueroa
District Secretary

Reclamation District No. 1000

Policy on Public Access on District Facilities

Reclamation District No. 1000 operates and maintains the perimeter levee system surrounding Natomas; the levees along the Pleasant Grove Creek, Curry Creek, Pierce-Roberts Canal (collectively called the Pleasant Grove Levees); seven stormwater drainage pumping stations and a significant number of drainage canals and ditches which collect the stormwater and agricultural runoff for delivery to one of the pumping stations for discharge into the adjacent creeks and rivers surrounding Natomas (“District Facilities”). **In order for the District to meet its operation, maintenance and public safety responsibilities in a safe manner, public access to District Facilities must be restricted and shall generally be prohibited.** As such, the District hereby adopts the following policy, on public access on or to District Facilities which shall supersede all prior such policies previously approved by the District..

Motorized Vehicle Access

Section 21116 of the California Vehicle Code prohibits the use of roadways located on District levees and canal banks by motor vehicles without the permission of the maintaining agency. The District hereby defines “motor vehicles” to include all motorized vehicles defined in the California Vehicle Code Section 100 *et seq.*, including, but not limited to, motor vehicles, electric vehicles, golf carts, motorcycles, motorized bicycles, mini bikes, all-terrain vehicles, quad runners, and go-carts.

Pursuant to California Vehicle Code section 21116, this Public Access Policy shall be made available for inspection at the District’s principal office.

In those areas of the District’s levee and canal systems not encumbered by a dedicated right-of-way for roadway use by the general public on the levee crown (Garden Highway and East Levee Road/Natomas Road) as the system exists today and as it is modified in the future as a result of on-going construction to the levee and canal systems the following policy shall apply.

1. No motor vehicle (as defined above) may be driven upon or be parked on the District Facilities except as follows:
 - (a) District vehicles;
 - (b) Federal, State, or Local Government vehicles performing duties related to flood control operations and maintenance or public safety;
 - (c) Organizations or entities who have a written agreement approved by the District’s Board of Trustees authorizing their use of the District’s facilities; and

(d) Persons owning land adjacent to District Facilities may use the District Facilities for access in conjunction with their farming operations with the prior written approval of the District Superintendent.

The District’s General Manager and/or Superintendent may grant permits for the temporary vehicular access to District Facilities provided such temporary vehicular access is in the interest of the District to allow such use or is deemed to be of a public benefit. Such temporary permission shall not apply and may not be granted for public gatherings, social events or other similar requests by private individuals or groups for their personal benefit.

2. Except where required for maintenance or repair of District Facilities, no motor vehicle (including those referred to in Paragraph 1(b) through 1(d) above), may be driven on any portion of the District Facilities other than upon the established access roads, approved ramps or public roads.

Persons found to be in violation of the above policy may be prosecuted and may be subject to civil liability. Motor vehicles parked on District facilities in violation of the above policy are subject to towing at the owner’s expense.

Pedestrian and Bicycle

Many of the District’s operations and maintenance tasks pose a potential safety hazard to the public if they are in the vicinity when the work is being done. In addition, during high water when District staff are doing levee patrols, or during emergencies the District requires unimpeded access along its roads to monitor the system and respond as necessary.

For these reasons, the District Facilities shall be posted as “No Trespassing”. This policy shall apply to pedestrians as well as bicyclists. The policy shall be enforced, as necessary, to allow the District to operate and maintain the system, patrol during high water and respond to emergencies in a manner that protects the public and protects the District Facilities from damage. Violators are subject to prosecution and/or civil liability.

This policy does not apply to areas where a bicycle or recreation trail has been approved by agreement or easement with the District. However, these areas are subject to conditions included in the agreement and/or easement which include the temporary closure of the trail for flood control operation and maintenance or repair purposes and extended closures during emergency events. See the District’s approved Recreation Trails Policy for more specific information.

Boating or Swimming Access

No boating or swimming access is allowed on District canals or ditches without the written permission of the District. Violators may be prosecuted and/or subject to civil liability.

Hunting Access

No hunting is allowed on or from District Facilities without the written approval by the District’s Board of Trustees. Violators may be prosecuted.

Fishing Access

As with pedestrians, District operations and maintenance activities pose a public safety risk to people fishing along the District’s interior canals, ditches and channels. As such, the District’s interior canals, ditches and channels shall be posted as No Fishing. The policy shall be enforced, as necessary, to allow the District to operate and maintain the system and respond to emergencies in a manner that protects the public and protects the District Facilities from damage. Violators are subject to prosecution.

Fishing is allowed in accordance with California Fish and Game Code requirements, policies, and guidelines and any other applicable laws on the perimeter rivers and creeks including the Sacramento River, American River, Natomas East Main Drain Canal, Pleasant Grove Creek Canal and Natomas Cross Canal. Persons fishing in accordance with these regulations may traverse District Facilities to access these waterways except during periods of high water or when District operation and maintenance activities make such access unsafe. Parking for purposes of fishing is not allowed on District facilities in accordance with the provisions outlined above under Motorized Vehicle Access

Equestrian and Livestock

Equestrian and livestock access on District Facilities is prohibited unless it is in connection with the operation and maintenance or vegetation control on District Facilities and has been approved by the District in writing.

Pumping Plants

No access to the District’s pumping plants and immediate vicinity is allowed by vehicles and/or pedestrians except District personnel or contractors performing operations and maintenance functions related to the pump station or with the written approval of the District General Manager or Superintendent.

Reclamation District No. 1000
Sacramento, CA
Warrants 7361 & 7362 were issued in the amount of \$200,000.00


Approval of payments in December 2011

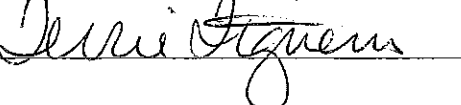
Various	Payroll	\$ 47,679.28
EFT	Payroll Taxes	\$ 20,436.29
28942	Hoblit-Haynes Dodge Chrysler	\$ 2,800.00
28943	Alhambra & Sierra Springs	\$ 66.15
28944	Bearing Belt & Chain	\$ 1,797.16
28945	Capitol Clutch & Brake, Inc.	\$ 786.54
28946	Napa Auto Parts	\$ 2,779.27
28947	Nordic Industries, Inc.	\$ 19,981.28
28948	AT&T	\$ 137.83
28949	Valley Hydraulics & Machine, Inc.	\$ 352.81
28950	Waste Management of Sacramento	\$ 166.95
28951	Wilkinson International	\$ 20.98
28952	Yolo County Public Works	\$ 462.65
28953	Platt	\$ 281.29
28954	Sacramento Fire Extinguisher Co., Inc.	\$ 477.83
28955	D&K Trucking	\$ 9,481.75
28956	Comcast	\$ 95.00
28957	Jan-Pro	\$ 190.00
28958	Void	\$ -
28959	Creation Lawn Care	\$ 285.00
28960	Interstate Oil	\$ 2,274.29
28961	Stacy Brookman	\$ 4,500.00
28962	A-Z Emissions Solutions	\$ 330.00
28963	Airgas NCN	\$ 225.72
28964	Clarke & Rush Mechanical	\$ 170.00
28965	Nextel Communications	\$ 560.22
28966	The Sacramento Bee	\$ 61.75
28967	Public Employees Retirement System	\$ 12,471.90
28968	Alhambra & Sierra Springs	\$ 10.00
28969	HireRight Solutions, Inc.	\$ 84.00
28970	c:Spot Interworks	\$ 47.50
28971	Daily Journal Corporation	\$ 64.60
28972	CalPERS 457 Program	\$ 380.00
28973	Stacy Brookman	\$ 4,500.00
28974	Aero Speed	\$ 211.12
28975	Municipal Maintenance Equipment	\$ 768.40
28976	Nordic Industries, Inc.	\$ 3,467.66
28977	Norstar Industries, Inc.	\$ 31.06
28978	PG&E	\$ 1,610.05

Certified to be a true and just claim against Sacramento County Treasurer

Filed: January 13, 2012

Approved: January 13, 2012

President: 

Secretary: 

Reclamation District No. 1000
Sacramento, CA

Warrants 7361 & 7362 were issued in the amount of \$200,000.00

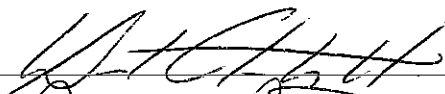
28979	*	\$	-
28980	SMUD	\$	15,444.16
28981	Sierra Valley Tree Svc.	\$	6,000.00
28982	Wave Engineers, Inc.	\$	300.00
28983	Smile Business Products	\$	26.57
28984	ACWA - HBA	\$	1,408.66
28985	FastPoint Networking	\$	95.00
28986	PIP Printing	\$	919.68
28987	Sonitrol	\$	1,482.50
28988	De Lage Landen Financial Services	\$	562.24
28989	Paul Devereux	\$	134.94
28990	Day Carter & Murphy LLP	\$	5,122.75
28991	ASFPM	\$	110.00
28992	Interstate Oil	\$	3,772.24
28993	Lake Web Works	\$	2,325.00
	Total		\$177,750.07

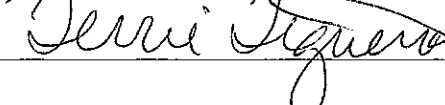
Operation and Maintenance Fund: \$177,750.07

Certified to be a true and just claim against Sacramento County Treasurer

Filed: January 13, 2012

Approved: January 13, 2012

President: 

Secretary: 

January 13, 2012

To the Trustees of Reclamation District No. 1000

The following is a report of activities within the District during the month of December 2011.

We Spent:

- Man-Days
- 2 – Plant Maintenance
- 4 – Pump Maintenance
- 14 – Ditch Maintenance
- 24 – Levee Maintenance
- 42 – Trim Trees
- 20 – Garbage
- 10 – Grounds
- 8 – Weed Control
- 15 – Mower
- 6 – Equipment Repairs

		2 ND Bannon	
	Sump	Precipitation	River
	High 8.2'	Current .13"	High 7.0'
	Low 6.9'	Total: 2.12"	Low 4.0'

We pumped at:

Plant #8 – Pump #3 – 523.6 Hours or 1989.7 Acre Feet.

Pump #4 – 42.7 Hours or 123.8 Acre Feet.

Total Hours pumped for December 2011: 566.3
 Total acre-feet pumped for December 2011: 2113.5
 Total acre-feet pumped for December 2010: 14558.0
 Payroll for Camp #8: \$36,852.36


 Michael Blicke, Superintendent

*On December 20th the Natomas Mutual Water Company shut down for the Christmas break at which time they dumped their canals. Additionally, they test pumped Prichard Pump Plant due to repairs that were made after copper theft. They again test pumped Prichard Pump Plan on January 4th and 5th for two hours and four hours respectively.