

Sacramento River West Side Levee District

Minutes of the Regular Meeting

Of the Board of Commissioners

June 20, 2013

President Ellis called the Regular Meeting of the Board of s to order at 1:00 p.m. on Thursday, June 20, 2013 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

Commissioners Present: Tom Ellis President, Fritz Durst, Dan Tibbitts and Paul Sankey

Commissioners Absent: Roger Cornwell

Others Present: Lewis Bair, General Manager
Chad Navarrot, Superintendent
Cathy Busch, Executive Secretary
Beverly Walls, Bookkeeper
Marilee Smith, Smith & Newell
George Tibbitts, Landowner

Agenda – On motion by Commissioner Durst, seconded by Commissioner Sankey and unanimously approved, the Agenda was approved as submitted.

Public Participation: There was not Public comment at this time.

ADMINISTRATION

Minutes, Financial Report and Accounts Payable – After discussion, it was moved by Commissioner Durst, seconded by Commissioner Sankey and unanimously approved to approve the minutes as presented. It was further moved by Commissioner Durst, seconded by Commissioner Sankey and unanimously approved to approve May/June Financial Reports and the June Accounts Payables in the amount of \$46,316.

2012 Financial Audit Report - Ms. Marilee Smith reviewed the 2012 Financial Audit Report. She said that the District received an unqualified opinion which is the highest opinion you can receive. The District is in good financial condition and there were no findings of internal control issues. When the Board reviewed the Legal and Professional costs they felt that it should be noted that the increase in costs over prior years was the cost of the Proposition 218 Election to increase the assessment rate. Ms. Smith said that she would amend and reissue the report.

After further discussion, it was moved by Commissioner Durst, seconded by Commissioner Tibbitts and unanimously approved to accept the 2012 Financial Audit Report with one amendment that notes the high Legal and Professional Fees during 2012 were due to a Proposition 218 Election.

BUSINESS ITEMS

- 1. Operations Report** – Superintendent Navarrot reported on current maintenance efforts. He reported that staff burned the levee adjacent to Landowners Driver and Perez' orchards on a cool day and there was little impact to their orchards. Manager Bair reported that in order for the District to comply with the Periodic Inspection Report a lot of trees and other encroachments will have to be removed from the District's maintenance right-a-way.
- 2. Letter of Intent for SWIF** – Manager Bair reported that since the District did not comply with the Periodical Inspection Report it lost eligibility for PL84-99 funding. The District can apply for a System Wide Improvement Framework (SWIF) that will give the District an additional two years to comply with the Periodical Inspection Report and two years additional eligibility for PL84-99 funding. After further discussion, it was moved by Commissioner Durst, seconded by Commissioner Sankey and unanimously approved to authorize Manager Bair to sign a letter of intent to the Central Valley Flood Protection Board asking them to submit an application for a SWIF to the Corps of Engineers, on behalf of the District.
- 3. Regional Planning and Emergency Response Grant Application** - Manager reported that work has stopped on this project due to not receiving a signed funding agreement. As soon as the agreement has been signed the first fund request will be submitted and work will resume by the contactor. The Emergency Response Grant has been awarded for \$1.2 million, about 50 percent of what was requested.
- 4. Flood System Repair Program** – Manager Bair reported that there is a cost-share opportunity for levee repairs with a local cost-share of 15 percent. Two sites within the District that could benefit from this program would be Missouri Bend and Cecil Lake.
- 5. Westervelt Mitigation Project** – President Ellis excused himself from the meeting during this discussion. Manager Bair reported that Landowner Tom Ellis is in the process of selling his lands that fall on the water side of the levee to Westervelt. Westervelt is proposing a shallow water fish and mitigation project with a grant of upto \$5 million. One issue Westervelt is having with the Grant is that it must go through a public agency. Therefore Westervelt is seeking to

partner with the District or RD108 and is offering incentives such as cash payments that could be used for flood control projects; a percentage of the mitigation credits that the District could use for maintenance work within the District; and/or the spoil taken from the project that could be used to build up River levees as needed for flood control within the District. After further discussion, it was moved by Commissioner Tibbitts, seconded by Commissioner Sankey and unanimously approved to authorize Manager Bair to spend up to \$1,500 in legal cost to see if the District could act as the contracting agency regarding the Westervelt Project. After further discussion, it was moved by Commissioner Tibbitts, seconded by Commissioner Sankey and unanimously approved to amend the above motion to give the Manager discretion to approve up to \$1,500 for legal fees once a project with Westervelt is confirmed.

They have offered a partnership with the District to participate as a pass through for the Project since the State cannot contract with a private entity.

President Ellis reentered the meeting at approximately 2:25 p.m.

6. **2013 Budget Amendment** – Manager Bair reviewed the 2013 and Five Year Budgets. It was discussed and approved to expend an additional \$70,000 on levee maintenance at the April Board meeting. After further discussion, it was moved by Commissioner Durst, seconded by Commissioner Tibbitts and unanimously approved to amend the 2013 and Five Year Budgets to include the additional \$70,000 for maintenance: an additional \$15,000 was added to Weed Spraying; \$30,000 for Levee Roads; and \$25,000 for Vegetation Management.

7. **Adopt Resolution No. 13-02 in the Matter of Calling Assessment No. 34** – After discussion, it was moved by Commissioner Durst, seconded by Commissioner Sankey and unanimously approved to adopt RESOLUTION NO. 13-02 in the matter of calling Assessment No. 34 collecting a total of \$410,000 at a rate of \$0.657 per \$100 of assessment valuation as shown on the roll, with a minimum \$25 for each separately assessed parcel. RESOLUTION NO. 13-02 is attached hereto and made a part hereof.

8. **Adopt Resolution No. 13-03 in the Matter of Calling an All-Mailed Election Ballot and Setting an Election Date** – Manager Bair reported that 2013 is an election year and the seats of Commissioners Durst and Sankey will expire December 31, 2013. After discussion, it was moved by Commissioner Durst, seconded by Commissioner Tibbitts and unanimously approved to call for an all-mail election for the two seats on the Board that will expire on December 31, 2013 and set an election date of November 8, 2013.

INFORMATION REPORTS

Manager's Report

Manager Bair reported on a tour of the flood control system with Mr. Jerry Meral from Gov. Brown's office and Clyde McDonald, Farm Bureau next week. A flood awareness meeting was held to discuss current flood issues. It was noted by Commissioner Tibbitts that 40,000 residents of Natomas do not realize they are in a flood area. Manager Bair reported that State agencies are saying that grouting the levees needs mitigation. This is an issue that he will continue to follow.

ADJOURNMENT

There being no comments from the public and no further business to come before the Board, the meeting was adjourned at approximately 3:00 p.m.

Respectfully Submitted



Lewis Bair
Secretary/Manager