

SACRAMENTO RIVER WEST SIDE LEVEE DISTRICT

Minutes of the Regular Meeting of the Board of Commissioners

February 27, 2019

President Tibbitts called the Regular Meeting of the Board of Commissioners to order at 1:05 p.m. without a quorum on Thursday, February 27, 2019 at Reclamation District No. 108 headquarters, Wilkins Slough, Colusa County, California.

Commissioners Present: Dan Tibbitts, Fritz Durst, Tom Ellis (@ 1:10 p.m. to create a quorum) and Roger Cornwell (@ 2:33 p.m.)

Commissioners Absent: Paul Sankey

Others Present:

Lewis Bair, General Manager	Anne Zwald, Office Administrator
Meegan Nagy, Deputy Manager	Cathy Busch, Executive Secretary
Gary Marler, Superintendent	Beverly Walls, Bookkeeper
Barry O'Regan, KSN, Inc.	Ben Carter, CVFCA Re[
At 3:00 p.m. - Herb Pollock, Landowner	& Jim Heidrick, Landowner
Nicole Ortega-Jewell, MBK	Satya Gala, GEI
Doug Brown, Douglas Environmental	

Agenda:

M/S/C: Ellis/Durst: to approve agenda as posted.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

Public Participation: There were no Public Comments at this time.

ADMINISTRATION

Minutes:

M/S/C: Durst/Ellis: to approve minutes from the Dec. 20, 2018 Board Meeting.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

Financial Report and Accounts Payable: Accounts Payable totaling \$54,439.86. Checks issued in January to be ratified totaling \$303,717.09 including ASTA Construction Co. payment #5 in the amount of \$270,867.71.

M/S/C: Ellis/Durst: to approve Maintenance Fund Report and Accounts Payable as stated above.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

BUSINESS ITEMS

1. **California Central Valley Flood Control Association Report:** Mr. Carter reported that the CCVFCA has asked for \$100 Million in the Governors Budgets to help with 2017 flood damage repairs. As well as \$25 Million to support the implementation of the CCVFPP. The Flood Forum Meeting is being held March 20th at the Donte Club at 10 a.m. The CCVFCA is in the final stage of revising the bylaws of the association and expect

to be adopted in March. The organization has hired Larry Mandelberg to do some strategic planning and help establish some clear priorities for the Executive Director to pursue.

2. **Operations Report:** Superintendent Marler reported, in addition to his report attached, that the Yolo County Sergeant informed him that because the homeless camps are on private property, the District has and landowner have broad authority to clean them up.
3. **Sutter Bypass Tour Overview:** Manager Bair, Deputy Manger Nagy, Barry O'Regan, Commissioner Tibbitts and Commissioner Ellis met with the State to give an overview of what is happening with the Tisdale and Sutter Bypass. Joel Farias, the Superintendent of Sutter Yard walked them through their maintenance practices and challenges. The Sutter Yard will be doing a sediment removal project for the Tisdale Bypass. While discussing the tour, the survey of high-water marks came up. Ric Reinhardt was getting together a High River Task Force with different groups to be responsible for identify the high-water marks throughout the system. Deputy Manager Nagy said she would reach out to Mr. Reinhardt to learn if there was a plan for high water staking.

M/S/C: Durst/Ellis: to authorize Deputy Manager Nagy to get high water mark surveyed at a cost not exceeding \$5,000.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

4. **Review and approve the 2019 rates for management staff with RD108:** Proposing to use actual hours worked rather than using a percent to bill for General Manager's and Deputy Manager's time. Have taken the total cost of employees for an entire year (including vehicles, housing and training) and split the cost over 85% of hours. Billing will vary from year to year depending on projects.

M/S/C: Ellis/ Durst: to adopt the hourly benefit figures for the General Manager and the Deputy Manager's time starting for calendar year Jan. 01, 2019.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

5. **Adopt and file a Notice of Exemption with Colusa County and Yolo County for District-wide Maintenance:** Deputy Manager Nagy discussed the District maintenance activities to be conducted and recommended that the District file a CEQA Notice of Exemption with Colusa and Yolo Counties for District-Wide maintenance. A motion was passed that operations and maintenance work included in the maintenance budget falls within the categorical exemptions to the California Environmental Quality Act. Deputy Manager Nagy was directed to prepare and file with the county clerks of Yolo and Colusa Counties a notice of exemption.

M/S/C: Durst/Ellis: to approve Deputy Manager Nagy to file a Notice of Exemption with Colusa and Yolo County for District wide maintenance.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

6. **Adopt the 2019 Final Financial Budget and Amend the 2018 Budget as needed:** Three changes in the 2019 budget are: 1). The FSRP Gravel income was budgeted in 2018, but came in 2019, 2). Missouri Bend line of credit payments are increased to not have such a high debt at the end of the year and 3). Office management and staff rates discussed above.

M/S/C: Durst/Ellis: to approve the 2019 Final Budget.

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

The changes in the 2018 final budget are: the FSR Gravel income, slightly over on commissioner fees, insurance and memberships.

M/S/C: Durst/Ellis: to approve the 2018 Budget Amendments

AYES/NOES: Durst, Ellis, Tibbitts/ NONE

7. **Adopt RESOLUTION NO. 19-01 Authorizing the Deputy Manager to sign an OMRR&R agreement with CVFPB:** Deputy Manager Nagy presented to the board what was submitted for the Flood Maintenance Assistance Program (FMAP). The amount a district is eligible for is based on the average of the 2017/2018 budgets and what the expenses were per levee mile. For the first \$10,000 per levee mile a district can get 75% back. For any amount over \$10,000 per levee mile, a district can get 50% back. The amount SRWSLD is eligible for is \$417,000 in grant money from the state for routine O&M costs. In addition, because SRWSLD has a SWIF and an adequate assessment (pass state inspections), the District is eligible for another \$40,000. One of the conditions of accepting the money is to sign a new OMRR&R agreement with the Central Valley Flood Protection Board. Legal Counsel has reviewed it and recommends that it is a business decision, not a legal decision, to sign the agreement. Deputy Manager Nagy reviewed Counsel's input as follows:
- a. The OMRR&R agreement include explicit acknowledgment that the three Rs have been added; explicit authority for DWR to bill an LMA if the LMA doesn't do work that is necessary and DWR steps in; explicit obligation of the LMA to be the lead on hazardous waste issues, and as between the two to be liable; explicit indemnity of the State and Feds.
 - b. But each of these issues needs to be measured against other factors: Most LMA's have already agreed to maintain to Federal standards, and Federal standards include the three Rs; DWR/CVFPB can form a maintenance area and charge landowners for the cost of work that is necessary; a finding of hazardous materials on the levee as a result of O&M is extremely unlikely after so many years of maintaining the levee; we succeeded in better defining what the three Rs are, so as to reduce (although not eliminate) the risk of the State transferring obligations to LMAs; the State water code already obligates LMAs to maintain the levee and imposes an indemnity.

M/S/C: Durst/Ellis: to adopt RESOLUTION NO. 19-01 authorizing Deputy Manager Nagy to sign an OMRR&R agreement with the CVFPB.

AYES/NOES: Cornwell, Durst, Ellis, Tibbitts/ NONE

8. **PL 84-99 Rehabilitation Assistance Program Update:**
Approve Board President to sign Local Cooperation Agreement with CVFPB for site 0561-31: This agreement with the State is for Missouri Bend South setback levee under PL 84-99. The state attorney released an edited version an hour prior to board meeting so Deputy Manager Nagy has emailed it off for Legal Counsel to review for approval. The major edit that was most noticeable is under the Hold and Save the State Harmless.

M/S/C: Durst/Ellis: to authorize the General Manager Bair to enter into the agreement for PL 84-99 for the South Missouri Bend project subject to legal approval.

AYES/ABSTAINED: Durst, Ellis, Tibbitts/Cornwell

Cecil Lake: The US Army Corps of Engineers has determined that there is a deep underseepage problem due to the blanket layer only being 5 feet thick and below that is all sand and gravel until about 80-90 feet when you hit clay again. The Corps of Engineers is recommending an 80ft berm based on seepage analysis that is still being finalized.

9. **Small Communities Feasibility Study Update – Grimes & Colusa:**

GRIMES: A quick review of the study for Grimes is that there has been determined that there is shallow underseepage (no more than 20ft) and erosion on the water side. Hypothetical levee breaks were evaluated and it was determined that the levee will need to be reinforced/repared five thousand feet upstream and thirty five hundred feet downstream of Grimes to keep water from impacting the town. Barry O'Regan reported that since the community presentation, the study has advanced the alternatives for ways to keep the community from getting flooded. The preferred alternative right now is a seepage berm upstream of town; through town, construct a cut off wall and then once out of town, either continue the seepage berm or extend the cut off wall. The main issues are HWY 45 being at the toe of the levee and the couple of structures. A combination of some physical improvements to the levee and some nonstructural measures at the edges of town would be the most cost-effective (roughly 22 million dollars) way to get Grimes to a 100-level flood protection. Hoping to have a final draft report by summer to be able to start on the second phase of funding by fall.

COLUSA: The District has levee responsibility starting south of the bridge in Colusa. There is shallow seepage on the north end of town and much deeper underseepage on the south end of town. If the levee were to breach 10,000 feet downstream from the bridge it would bring water into the airport and the south part of town. The city and county are concerned for the airport and its continuous development so want to make sure it is protected as part of the Project. Two alternatives for the north end of town are: 1). build up the existing "tractor" levee and 2). close the gap between the end of the "tractor" levee and the Sacramento River. The south end of town is more complex than just two alternatives. The majority of alternatives include either fixing very deep seepage or building very large berms. The next step for Colusa would be to meet directly with the property owners whose property are impacted by the plans the most then go to the Board of Supervisors and City Council to show the findings and finally go to a public meeting.

10. **FEMA Hazard Mitigation Grant Program**: Submitted an application for Missouri Bend a year ago. Received eligibility of the grant but, because of the project has already been built the District is unable to use grant. The District was encouraged to put in a notice of intent (NOI) for the longer berm that we already have a permit for. March 15th is the deadline for submission of NOI.

M/S/C: Durst/Ellis: for Deputy Manager Nagy to file NOI for Middle Missouri Bend.

AYES/NOES: Cornwell, Durst, Ellis, Tibbitts/NONE

There was also encouragement to apply for a NOI for Grimes with the Small Communities Feasibility Study. Applying for Grimes would help with the local cost share and possibly paying for 75% of the project.

M/S/C: Durst/Cornwell: for Deputy Manager Nagy to file NOI for Grimes Small Community.

AYES/NOES: Cornwell, Durst, Ellis, Tibbitts/NONE

INFORMATION REPORTS

1. **Manager's Report**: Manager Bair had nothing further to report at this time.

2. Deputy Manager's Report:

- **Missouri Bend Project** – Contractor will be back after wet weather to fix the surface erosion from the rain. There are no boils showing and that is a successful outcome for the project. The only outstanding payment is for the real-estate and that is moving forward.
- **Mid-Upper Sacramento River Regional Flood Management Plan – Phase 3** should be coming this summer, but will have more information at the April board meeting.
- **Emergency Response Grant** – Will hopefully have the grant by April so will talk more about this at the April board meeting.
- **Deferred Maintenance Program** – Will hopefully be able to start pipe inspections in spring/summer after the water starts to go down.
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ADJOURNMENT

The meeting adjourned at 3:09 p.m.

Respectfully Submitted

A handwritten signature in black ink, appearing to read 'Meegan Nagy', with a long, sweeping flourish extending to the right.

Meegan Nagy, Deputy Manager



**RESOLUTION NO. 19-01
OF THE
BOARD OF COMMISSIONERS OF
SACRAMENTO RIVER WEST SIDE LEVEE DISTRICT**

**IN THE MATTER OF: Authorizing Deputy Manager to Execute an OMRR&R
Agreement with the Central Valley Flood Protection Board**

WHEREAS, the Sacramento River West Side Levee District submitted a proposal solicitation package for the California Department of Water Resources Flood Maintenance Assistance Program.

WHEREAS, a condition of accepting these funds the Funding Recipient committed to signing an additional agreement with the Central Valley Flood Protection Board, or successor thereto, which requires Sacramento River West Side Levee District to assume responsibility for operation and maintenance of the Sacramento River Levee from Colusa to Knights Landing within the Sacramento River West Side Levee District jurisdiction;

NOW, THEREFORE, BE IT RESOLVED by the Board of Commissioners of Sacramento River West Side Levee District as follows:

1. That pursuant and subject to all of the terms and provisions of Budget Act of 2018 (Stats. 2018, ch. 29), that funds awarded to Sacramento River West Side Levee District by the Department of Water Resources for a Flood Maintenance Assistance Program project titled: 2019-FMAR-SRWSLD-02 have been accepted, and
2. Sacramento River West Side Levee District Deputy Manager is hereby authorized and directed to sign, following review by Counsel, an operation, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board, or successor thereto.

Passed and Adopted by the Board of Commissioners of Sacramento River West Side Levee District on the 27th day of February 2019.

AYES: 4
NOES: 0
ABSTAIN: 0
ABSENT: 1


Lewis Bair, Secretary

CERTIFICATION OF DISTRICT SECRETARY

I, Lewis Bair, hereby certify that I am, and at all times mentioned herein was, the duly-elected, qualified and acting Secretary of Sacramento River West Side Levee District, organized and existing under and by virtue of the laws of the State of California; the foregoing is a full, true and correct copy of a Resolution duly adopted at a Regular Meeting of the District's Board of Commissioners held on February 27, 2019, a quorum of the members of the Board of Commissioners being present and voting in favor of the Resolution as specified above; and the Resolution has not been modified, altered, or amended.


Lewis Bair, Secretary

**Sacramento River West Side Levee District
January/February O & M Report
February 27, 2019**

General Maintenance

Replaced one side of the bullet guards on gates with solid metal on both sides to expanded metal on one side for improved visual access when opening gates. Burned Russian Thistle (Tumbleweeds) on the landside levee toe between Grimes and the Boat Landing.

Holes that developed in the old seepage berm along Moon Bend Rd. were filled in on two different occasions. These are formed from runoff which washes the cover material away from the geotextile fabric.

Several more, dead Cottonwood trees have fallen across the levee crown, the roadway has been cleared, complete removal will occur in the spring.

Fire breaks have been sprayed around all gates, posts, electrical poles, signs and other amenities subject to damage from the upcoming burn season.

Rodent control continues, however, there is not much activity this time of year. We excavated a berm that was left from a levee ramp at one time along the Davis Ranch. This area continues to be heavily infested with squirrels and requires substantial baiting and bombing (smoke). We are hopeful that excavating the area might help reduce the population.

Levee patrols were conducted on January 11,18,19,22 and February 4,5,6, 15(24 hr.), 16, 17 and 18. No major issues were reported, minor seepage and one small boil behind Tom Gross' walnut orchard.

The two homeless encampments remain vacant and a small amount of the debris left behind has been washed away by the high-water levels.

