

December 11, 2009  
Sacramento, California

The Board of Trustees of the American River Flood Control District met in regular session in its office at 165 Commerce Circle, Suite D, Sacramento, CA at 11:00 a.m. on Friday, December 11, 2009. In attendance were Trustee Simon, Trustee Holloway, Trustee Redway, and Trustee Moose. Trustee Simon presided. Trustee Minnema was absent. Also present from the District were General Manager Tim Kerr, Relief General Manager Gary Prall, Superintendent Richard Marck, Field Supervisor Ronald Sundberg, Office Manager Michelle Wilder, and District Legal Counsel David Aladjem. No members of the public were present.

*Item No. 1 Public Comments on Non-Agenda Items:* There were no comments on non-agenda items from members of the public.

*Item No. 2 Approval of Consent Agenda Items:* On a motion by Trustee Holloway seconded by Trustee Moose, the Board unanimously approved items 2a) Minutes of Regular Meeting, November 13, 2009 and 2b) Minutes of Special Meeting, November 24, 2009.

*Item No. 3 Approval of Reports of Investment Transactions October 2009 (City Pool A, LAIF, WAMU/Chase) and Treasurer's Certification:* Trustee Moose requested clarification regarding the \$300,000.00 transfer from LAIF to the Money Market Account. Trustee Simon requested clarification regarding interest rates. Following explanations by staff, on a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved the Reports of Investment Transactions for October 2009 and Treasurer's Certification.

*Item No. 4 Approval of Accounts Payable November 2009, General Fund Expenses, and Expenditures:* Trustee Simon requested clarification on the payments to Fed Ex Office, Fire Code, Globalstar, Home Depot, RGS, Target Specialty Products, and Valley Truck & Tractor. Following explanations by staff, on a motion by Trustee Holloway seconded by Trustee Moose, the Board unanimously approved payments on Schedule of Accounts Payable (November 2009) of \$52,955.11 and General Fund Expenses of \$57,856.71 (total aggregate sum of \$110,811.82). Statement of Expenditures was discussed.

*Item No. 5 CA Central Valley Flood Protection Board Encroachment Permit Application (City of Sacramento: Tree Plantings in Steelhead Creek):* The City of Sacramento Department of Transportation has applied for a permit to plant trees in the channel of Steelhead Creek. The tree plantings in the floodway are proposed as mitigation for impacts incurred during the construction of the new El Camino Bridge. The City had previously proposed planting 133 trees (29 Valley Oaks and 104 Gooding's Black Willow). The original permit application was denied by the Board in June 2009. The current application is for a diverse array of habitat totaling 20 trees and

20 shrubs. GM Kerr noted that his concern with the previous application was an increase in water-surface and a decreased velocity in the channel. The current application does not cause an impact to the water surface. GM Kerr recommended that the Board approve the permit application. On a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved the permit application.

*Item No. 6 Draft MBK Engineers LAR Erosion Inspection:* GM Kerr summarized the draft report noting that there was no flood event or massive failures in the last year. The sustained 5000 cfs flow caused cuts at sites on the American River above the typical summer water level. Last year an undercut bank on the Sacramento River was observed. During the past year, the compromised bank collapsed. Trustee Simon asked for a summary of the report's recommendation. GM Kerr responded that MBK recommends an in-depth study of the erosion and continued data collection at three sites to determine when repairs are needed. It is necessary to study the mechanics to determine what is causing the erosion. District Counsel Aladjem noted that the study has an estimated cost of \$40,000 to \$70,000 and recommended that a representative from MBK be present at the January meeting to provide further information. GM Kerr suggested that MBK could also discuss the threat any of the sites currently poses in regard to the 2009-10 flood season. This item was for informational purposes only and no action was taken.

*Item No. 7 Resolution 2009-03: Delegation of Authority to Act in an Emergency:* GM Kerr asked the Board to approve a resolution to delegate its authority to the General Manager to respond to flood and non-flood emergencies. The delegation includes authority to take any immediate action required and to procure the necessary equipment, services, and supplies required during an emergency. The delegation passes the authority granted to the General Manager to an acting Relief Manager or other individual so designated by the Board. On a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved the delegation.

*Item No. 8 Sacramento LAFCo Election of Special District Commissioner (Office No. 6) and Alternate Special District Commissioner (Office No. 6 & 7):* On a motion by Trustee Holloway seconded by Trustee Moose, the Board unanimously agreed to vote for the incumbents.

*Item No. 9 Formation of Community Contact Committee:* GM Kerr suggested that the Board form either a standing committee or ad-hoc committee to discuss issues and develop responses to public and media inquiries. Trustee Holloway noted the need to respond to rate holders with clear, complete, and concise responses. Trustee Redway noted that not enough information is available at the moment and she finds it unnecessary to develop a committee. She would also like to see a timeline related to the needs. GM Kerr responded that the Central Valley Flood Control Association is developing a unified approach to public outreach. No action was taken.

*Item No. 10 Staff Reports:*

*a) General Manager Tim Kerr reported on the following:*

- General Manager's November Meeting Summary: Trustee Holloway noted that it would be beneficial for GM Kerr to attend the SAFCA Board Meetings. Trustee Moose noted that it would be beneficial for GM Kerr to attend the SAFCA Executive Committee Meetings;
- Update on 3250 Del Mar Way: The encroached portion of the driveway has been removed and the homeowner is constructing a fence on the property line;
- Update on 5611 Seward: No change;
- 2010 River Park Slope Improvements: GM Kerr noted that the slope improvements in River Park allow for easier maintenance, mowing, and inspection. There are sites which have features that shouldn't be on a levee. District staff will be sending letters to the homeowners regarding their encroachments and requesting consideration of relinquishing permits. District Counsel Aladjem noted that a letter from DWR to the Local Maintaining Agencies noting policy and enforcement action would be helpful;
- CVFPB Decision Regarding JPA Indemnity Policy: The Flood Board passed a resolution to not seek indemnity from Local Maintaining Agencies for design and construction of levee improvements;
- US Army Corps Periodic Inspection: The inspection is underway, Superintendent Marck attended the first day. The inspectors have completed the Arcade to Robla levee section. They are expected to complete the entire District inspection by the end of January. A report should be received from the Corps in Spring/Summer 2010;
- Possible Need for Media Public Relations Consultant: This topic was discussed during item number nine;
- Future District Survey: GM Kerr and Superintendent Marck will be meeting with Kindle Surveying next week to discuss dividing River Park into several contracts for more surveying and eventually plan to survey the entire District. The surveyors will also put markers on the levee that District staff can use to measure from in the future. Recording of the survey is vital in order for District annotations to show up at change of ownership;
- City and County MOU's: The District has an agreement with the City from 2004 and the County from 2002 for personnel during a flood fight. The agreements outline yearly deliverables such as staff costs, updates of the list of signatures, etc. Contacts at the agencies were unaware of the agreements so it is helpful to have this approved annually;
- Renewal of Emergency Operations Contracts: Contracts are being updated with Granite, Teichert, and Nordic for rock and deliverables in an emergency. Trustee Holloway asked if the flood fight protocol and scenarios are up to date. GM Kerr responded that they are updated regularly during the preseason preparations;

- Hydrologic Conditions: Folsom Lake is at 28% of capacity with an outflow of 1800 cfs. I Street Bridge is at 2.68 feet. Long term forecasts indicate this to be a strong El Nino year;
- Next Board Meeting: January 15, 2009.

b) *Legal Counsel David Aladjem reported on the following:*

- The Flood Board is adopting new regulations. The bill allows the Flood Board to issue cease and desist letters for levee encroachments. Local Maintaining Agencies (LMA) currently have to work with homeowners to remove encroachments. In a recent Flood Board workshop LMA representatives recommended that the State come in with the Attorney General to provide enforcement. GM Kerr noted that the Central Valley Flood Control Association is drafting a letter to send to homeowners about encroachments.

c) *Superintendent Richard Marck showed photos and discussed the following:*

- Crew activities including fabrication of a tow device, rodent abatement, lower road installation, and fire extinguisher training;
- CMA Purchase of John Deere 6430 Tractor: The tractor has been ordered and delivery is expected in April 2010;
- Contract with California Conservation Corps: The two contracts are for 560 man hours each. The contracts are ready to be signed;
- Department of Water Resources Fall Inspection: Superintendent Marck noted a trend of increased minimally acceptable (rated M) sites in the inspection. Fall 2008 had 2 locations rated M, spring 2009 had 8 locations rated M, and fall 2009 had 39 locations rated M. It appears that field conditions have remained static but the inspections are becoming more stringent. Superintendent Marck is investigating all M rated sites and forming a plan of action to correct them.

d) *Office Manager Michelle Wilder reported on the following:*

- Website Statistics: The District's website had 187 visits during the month of November.

*Item No. 12 Correspondence: There was no correspondence.*

*Item No. 13 Questions and Comments by Trustees: There were no questions or comments by Trustees.*

*Item No. 14 Adjourn: There being no further business requiring action by the Board, the meeting was adjourned by Trustee Simon at 12:50 p.m.*

Attest:

---

Secretary

---

President