

July 17, 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, July 17, 2009. In attendance were Trustee Simon, Trustee Holloway, Trustee Minnema, Trustee Redway, and Trustee Moose. Trustee Simon presided. Also present from the District were General Manager Tim Kerr, Relief General Manager Gary Prall, Field Operations Manager 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 Minnema seconded by Trustee Holloway, the Board unanimously approved item 2a) Minutes of Regular Meeting, June 12, 2009.

Item No. 3 Approval of Reports of Investment Transactions May 2009 (City Pool A, LAIF, WAMU/Chase) and Treasurer's Certification: On a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved the Reports of Investment Transactions for May 2009 and Treasurer's Certification.

Item No. 4 Approval of Accounts Payable June 2009, General Fund Expenses, and Expenditures: Trustee Simon requested clarification on the payment to Flail Master, GCR Tire, Teichert & Sons, Inc., Affordable Webworks (US Bank), Riverview International, and Verizon Wireless. Trustee Moose requested clarification on the payment to Robert Merritt. Following explanations by staff, on a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved payments on Schedule of Accounts Payable (June 2009) of \$63,117.93 and General Fund Expenses of \$174,988.27 (total aggregate sum of \$238,106.20). Expenditures to Date comparison with the budget were discussed.

Item No. 5 ACWA Region 4 Officer and Board Member Nominations: GM Kerr requested nominations from the Board to participate in the ACWA Region 4 election. No nominations were made. No reportable action was taken.

Item No. 6 CSDA Bylaws Amendments Ballot: GM Kerr presented a packet to the Board from the CSDA Elections and Bylaws Committee regarding amendments to the CSDA Bylaws. As a member of CSDA the District is being asked to vote to approve these amendments. On a motion by Trustee Holloway seconded by Trustee Moose, the Board unanimously agreed to vote yes to the proposed amendments. The ballot was filled out by President Simon and mailed by OM Wilder.

Item No. 7 Adopt Resolution No. 2009-02; Levying a Benefit Assessment, Establishing the Rates Thereof, and Requesting Collection of Benefit Assessment: On a motion by Trustee Redway seconded by Trustee Moose, the Board unanimously approved the adoption of Resolution 2009-02.

Item No. 8 Local Project Cooperation Agreement: Central Valley Flood Protection Board—Sacramento River Bank Protection Project: GM Kerr presented to the Board an agreement that he had received from the CA Central Valley Flood Protection Board (Flood Board) for erosion repair at the Lower American River Mile 10.0L and Mile 10.6L. The agreement is not negotiable and the District has the option to accept the work being offered with the proposed terms or turn down the proposed repairs. GM Kerr noted that the agreement clearly outlines what is required for environmental mitigation plantings. The District would be required to avoid causing damage to the plantings. The State of California and its contractor would be obligated to maintain the plantings and ensure sustainability before the maintenance of the site is turned over to the District. According to the agreement the State of California requires the District to hold them harmless for any liability arising out of the construction, operation, and maintenance. SAFCA staff recommended that the District meet with the Flood Board before signing the agreement to discuss any potential concerns the District may have regarding the sustainability of the plantings. GM Kerr briefed the Board on the designs and a potential flaw in the strength of the repair. GM Kerr pointed out that the design incorporates plywood retaining walls and boxes to hold back 5-feet of rock riprap. These plywood features will not have any longevity.

On a motion by Trustee Moose seconded by Trustee Minnema, the Board approved (4 ayes and Trustee Holloway voting no) authorizing the Board President to sign the agreement provided that is it accompanied by a letter outlining the Board's concerns regarding the agreement and design issues as well as the letter written by District Counsel Aladjem noting the questionable legality of the agreement since it is a contract of adhesion.

A subsequent motion made by Trustee Holloway seconded by Trustee Moose, the Board unanimously approved direction to the General Manager to meet with the Flood Board to determine if the designs can be revised. If the designs cannot be revised the agreement will be signed and delivered with the previously mentioned enclosures as well as a copy of the entire package including the letter indicating the District's concerns over the flaw in the design to be delivered to the Corps.

Item No. 9 Removal of Black Walnut on Levee Adjacent to 170 Sandburg: GM Kerr provided an update to the Board on the tree removal on the levee slope near 170 Sandburg. SMUD has trimmed off the canopy of the tree and hauled off the wood. It took the SMUD crews about 2-weeks to perform the work. There is a large stump remaining and some wood remnants left on the levee that need to be removed. GM Kerr noted that the District will need to hire a crane company to lift and remove the remaining stump. In order to accomplish this SMUD will need to de-energize the power line and install a temporary line to power the neighborhood while the work is being

done. It is important to de-energize the line for the safety of the crane crew as well as the residents of the neighborhood. GM Kerr requested authorization from the Board to hire a crane company to remove the remaining tree stump and have SMUD de-energize the line immediately as opposed to waiting until this winter. On a motion by Trustee Minnema seconded by Trustee Redway, the Board unanimously approved GM Kerr's proposal to remove the stump as soon as possible.

Item No. 10 Approval of Lower American River Erosion Monitoring Scope of Work for 2009: On a motion by Trustee Moose seconded by Trustee Redway, the Board unanimously approved the scope of work provided by MBK Engineers for erosion monitoring on the Lower American River.

Item No. 11 Staff Reports:

a) General Manager Tim Kerr reported on the following:

- General Manager's June Meeting Summary;
- City of Sacramento Proposed Plantings in Steelhead Creek: The City has decided to redesign their proposal with guidance from the Fish and Wildlife Service;
- City of Sacramento Fire Department Code Enforcement—Gate Access Request: The Fire Department has requested coordination of access through District gates. The District will be working with the Fire Department to ensure that all gates are accessible with the keys the Fire Department has been provided;
- Update on Buzz Oates Construction at 5801 Kelton Way: The first phase of construction has been completed and the second phase of construction to fix landside drainage will soon commence;
- Encroachments on Levee Adjacent to 3250 Del Mar Way: No change in status;
- Kleinfelder Contract for WRDA 96 Remaining Sites: Reviewing the Corps technical memorandum;
- Declining Condition of Hesston Mower: The clutch on the tractor has continued to deteriorate. GM Kerr is considering use of a CMAS contract to find a replacement tractor;
- Mayhew Closure Structure: Progress is ongoing;
- Central Valley Flood Protection Plan—Workgroup: GM Kerr is considering participation in the workgroup which will focus on the best way to manage the system as a whole;
- Hydrologic Conditions: Folsom Lake is at 74% of capacity; and I Street Bridge is at 6 feet;
- Next Board Meeting: August 14, 2009.

b) Legal Counsel David Aladjem had nothing further to report.

c) *Field Operations Manager Richard Marck reported on the following:*

- Photos of crew activities including rodent abatement, gate repairs, local fires, and crew mowing;
- Results of Work Completed by California Conservation Corps: The contracted work was completed before July 4th. The District intends to send a letter of thanks to each participant;
- New Ramp Installation at Bercut Drive;
- Corps Construction Site R4 at D05 Pump;
- Status of Water Wagon For Sale: The water wagon has been sold.

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

- Summer Function: The Summer Function will be held on September 20th;
- Newsletter Update: District staff has met with Robin Hardy to discuss the newsletter layout and design. District Staff has drafted articles which are currently under review.

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 Moose at 1:00 p.m.

Attest:

Secretary

President