

June 12, 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 June 12, 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, District Legal Counsel David Aladjem, and District Legal Counsel Julia Jenness. Present from the public were Michelle Campbell and Matt Griggs from Dokken Engineering, Nate Ortiz, Justin Poutre, Carmelita Almaguer, Brandon Haynie, and Asael Loya from the California Conservation Corps.

*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:* Item 2b) Bookkeeper's Statement of Operations has been removed from the consent agenda. On a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved item 2a) Minutes of Regular Meeting May 15, 2009. Item 2b) Bookkeeper's Statement of Operations: Trustee Simon requested clarification regarding the Excess of Revenue Over Expenditures total. OM Wilder responded that the number reflects the difference between monies received and monies expended as of March 31, 2009. On a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved Item 2b) Bookkeeper's Statement of Operations.

*Item No. 3 Approval of Reports of Investment Transactions April 2009 (City Pool A, LAIF, WAMU/Chase) and Treasurer's Certification:* Trustee Moose expressed concern regarding the amount of interest earned on the Chase Money Market account. Trustee Simon requested clarification regarding the excess activity fees and wire transfer fees. Following explanations by District staff, on a motion by Trustee Moose seconded by Trustee Minnema, the Board unanimously approved the Reports of Investment Transactions for April 2009 and Treasurer's Certification.

*Item No. 4 Approval of Accounts Payable May 2009, General Fund Expenses, and Expenditures:* Trustee Simon requested clarification on the payment to Bill's Fence Company, J & J Locksmith, Sacramento Heating & Air, and US Bank (Ritz Camera). Trustee Moose requested clarification on the payment to Industrial Door Company. Trustee Minnema requested clarification on the payment to County of Sacramento. Following explanations by staff, on a motion by Trustee Moose seconded by Trustee Minnema, the Board unanimously approved payments on Schedule of Accounts Payable (May 2009) of \$35,417.59 and General Fund Expenses of \$54,830.72 (total aggregate sum of \$90,248.31). Expenditures to Date comparison with the budget were discussed.

*Item No. 5 Closed Session: Conference with Legal Counsel—Personnel: Government Code 54957—General Manager’s Performance Evaluation:* At 12:15 p.m. the Trustees met in closed session with District Counsel David Aladjem, District Counsel Julia Jenness and GM Kerr. No reportable action was taken.

*Item No. 6 Closed Session: Conference with Legal Counsel—Personnel: Government Code 54957—FY 2009-10 Salary and Benefit Adjustments for District Staff:* The Trustees met in closed session with District Counsel David Aladjem, District Counsel Julia Jenness and GM Kerr. The Board returned to open session at 1:10pm. Trustee Simon reviewed GM Kerr’s proposed salary and benefit adjustments for District staff for the 2009-10 fiscal year. She noted that in the past District staff have been allowed a cost of living allowance based on the consumer price index, however, this year the consumer price index showed a -1.4% for the previous 12 months. Therefore, District staff will not be receiving a cost of living allowance this year. GM Kerr’s recommendations outline a merit based increase for each staff member and renaming the Field Operations Manager position title to Superintendent. The proposal also includes renewing the employer-paid contribution to the 457 deferred compensation plan at the current rate of \$40/month for employees with at least five years of District service. The employer-paid contribution to the 457 plan will be reviewed annually allowing the Board to continue or discontinue the contribution based on meeting District performance objectives and availability of funds. On a motion by Trustee Moose seconded by Trustee Minnema, the Board unanimously approved the proposed salary and benefit adjustments as well as a 4% merit increase for GM Kerr effective July 1, 2009.

*Item No. 7 Approve Revised Employee Handbook:* District Counsel Jenness briefed the Board on the updates and changes to the employee handbook. These changes include policies for drug and alcohol testing for DOT drivers and non commercial drivers, a newly implemented petty cash policy, an expansion of the District travel policy to include any expense reimbursement, and the inclusion of the District’s longevity bonus policy. On a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved the revised employee handbook.

*Item No. 8 CA Flood Board Permit (City of Sacramento): Tree Plantings in Steelhead Creek:* GM Kerr introduced Michelle Campbell from Dokken Engineering as a Consultant to the City of Sacramento. 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 application proposes planting 133 trees (29 Valley Oaks and 104 Gooding’s Black Willow). GM Kerr expressed concern at the hydraulic modeling results showing the change in channel hydraulics resulting from a 10% success rate for the proposed plantings. These results show that the establishment of 15 mature trees in the channel would be likely to increase the water surface by 0.1-feet and decrease the velocity by 0.1 feet per second. Upon request, Dokken Engineering subsequently provided hydraulic modeling results for 60%

and 100% success rates for the proposed plantings. The resulting impacts are: 60% tree survival (80 trees): 0.21-foot increase in the water surface and 100% tree survival rate (133 trees): 0.55-foot increase in the water surface. GM Kerr recommended that the Board deny the permit application. Trustee Redway requested clarification regarding whether GM Kerr would change his recommendation if the city replaced only the seven trees which were removed during construction. GM Kerr responded that if the trees were replaced in kind there would be no impact to the water surface. Trustee Moose requested clarification regarding whether there was an offsite mitigation the City could use as an alternative. GM Kerr responded that the Fish and Wildlife Service, who is requiring the mitigation, would like the mitigation to take place as close as possible to the impact site. Ms. Campbell noted that the City is willing to develop a mitigation plan that works for all parties involved. It would be ideal for the plantings to take place at the location of impact. The trees were shading Steelhead Creek and maintaining water temperatures. She recommended a maintenance plan with an agreement for a maximum number of trees in the channel at five and ten year intervals. District Counsel Aladjem noted that the District is concerned with an increase in water surface elevation of more than 0.10-foot. GM Kerr recommended a compromise of planting seven trees to replace the seven trees lost during construction and aim for 100% survival rate. On a motion by Trustee Minnema seconded by Trustee Moose, the Board voted unanimously to deny the permit application, express to the City of Sacramento a willingness to consider the planting of seven trees in the channel, and express reluctance to agree to a long term maintenance plan of a greater number of trees. This item was heard out of order.

*Item No. 9 Contract with California Conservation Corps for Vegetation Removal:* GM Kerr introduced Nate Ortiz from the California Conservation Corps (CCC). Mr. Ortiz introduced his team to the Board and explained that he has been working with his crew and teaching them how to put together bids, schedules, and teams. He expressed that this method provides job skills which are immediately useable. Asael Loya is the Assistant Crew leader for Crew 2. Mr. Loya explained that they walked the project and he discussed with his team why they were doing the project. Carmelita Almaguer is the leader for Crew 1. Ms. Almaguer explained that they will be doing line-trimming, using hedgers for thicker weeds, and clear the levee slope to the property line or 15 feet from the levee toe whichever comes first. Brandon Haynie is a crew member. He explained that the team discussed how to set up the project and determined they will need 12 crew members daily to complete the project. Justin Poutre is a crew member and a recent graduate. The CCC contract would be for 12 crew members to provide line-trimming and vegetation removal along the south side of the American River for 10 days and along the north side of the levee behind Cal Expo for 5 days. On a motion by Trustee Moose seconded by Trustee Holloway, the Board unanimously approved the contract for vegetation removal with the CCC. This item was heard out of order.

*Item No. 10 Staff Reports:*

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

- General Manager's May Meeting Summary;
- Removal of Black Walnut on Levee Adjacent to 170 Sandburg: SMUD has been onsite for a full week working to remove the tree. They are unable to get their crane on the levee to remove the trunk. It may be necessary for the District to contract with a crane company to remove the trunk of the tree from the levee toe;
- Encroachments on Levee Adjacent to 3250 Del Mar Way: GM Kerr reported that he has not heard from the homeowner in 5-6 weeks. The homeowner has been given a hold harmless agreement by the City of Sacramento and it has not yet been signed and returned;
- Declining Condition of Hesston Mower: The Hesston Mower is 20 years old and leaking fluid into the cab. The District is ready to surplus this equipment and replace it with a smaller arm mower;
- Howe Avenue Levee Raise: The Corps wants to raise the levee at Howe Ave which will also widen it. There is a section of levee pinned between two transmission towers. The Corps may include a water side retaining wall in the design to reduce the width of the levee footprint. At the moment the Corps is set on a timetable to begin construction in December;
- Mayhew Closure Structure: The closure structure is being constructed at the mouth of the canal. It has a concrete foundation and will include three culverts with both sluice gates and flap gates, and a roadway on top;
- River District Specific Plan: The City of Sacramento is proposing a development project along the American River Levee between Highway 160 and Interstate 5. GM Kerr reported that this project greatly concerns him and he will be submitting comments to the City recommending the project does not occur on District property;
- Hydrologic Conditions: Folsom Lake is at 94% capacity with an outflow of 2000 cfs, I Street Bridge is at 5.5 feet;
- On a motion by Trustee Holloway seconded by Trustee Moose, the Board unanimously approved scheduling the next regular Board meeting on July 17, 2009.

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

- Corps Levee Vegetation Guidelines: District Counsel Aladjem provided the Board with a memo summarizing the Corps guidelines for vegetation on levees.

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

- Photos of crew activities including mowing, herbicide spraying, the annual hazardous materials inspection, and vegetation removal;
- 3-axel Dump Truck: The dump truck has been received and is already in use by District staff;
- Surplus Equipment Disposal: The water wagon is still for sale for \$2000;
- Elderberry Mapping Effort: FOM Marck showed the Board the GPS locations of all elderberry plants within 100-feet of District levees.

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

- Summer Function: Trustee Holloway has volunteered to hold the District Summer Function at his house again this year.
- Newsletter Update: District staff has met with Robin Hardy to discuss the newsletter layout and design. Draft articles are being developed and will be available for the Newsletter Committee to review in July.
- Website Update: Trustee Minnema requested an update on the status of the District website redesign. OM Wilder responded that she will be sending a survey to the committee later in the month.

*Item No. 11 Correspondence:* There was no correspondence.

*Item No. 12 Questions and Comments by Trustees:* There were no questions or comments by Trustees.

*Item No. 13 Adjourn:* There being no further business requiring action by the Board, the meeting was adjourned by Trustee Moose at 1:40 p.m.

Attest:

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Secretary

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President