

May 15, 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 May 15, 2009. In attendance were Trustee Holloway, Trustee Minnema, Trustee Redway, and Trustee Moose. Trustee Holloway 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.

*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 Moose seconded by Trustee Minnema, the Board unanimously approved items 2a) Minutes of Special Meeting March 23, 2009, 2b) Minutes of Regular Meeting April 10, 2009, and 2c) Treasurer's Certification.

*Item No. 3 Approval of Reports of Investment Transactions March 2009 (City Pool A, LAIF, WAMU/Chase):* On a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved the Reports of Investment Transactions for March 2009.

*Item No. 4 Approval of Accounts Payable April 2009, General Fund Expenses, and Expenditures:* Trustee Minnema requested clarification on the payment to Pape Machinery. Trustee Moose requested clarification on the payment to US Bank. Following explanations by staff, on a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved payments on Schedule of Accounts Payable (April 2009) of \$37,208.98 and General Fund Expenses of \$57,853.87 (total aggregate sum of \$95,062.85). Expenditures to Date comparison with the budget were discussed.

*Item No. 5 District 5-year Budget Projection:* GM Kerr provided a 5-year budget projection to the Board. He noted that a new line item was included for an additional employee and that the amount would be the gross estimated cost to the District. He noted a decrease in the budget for Equipment Purchases because District staff does not anticipate any major purchases in the near future necessitating a budget over \$100,000. He also noted an increase for Emergency Preparedness Budget in order for the District to keep an acceptable amount of money accessible throughout flood season. Trustee Moose requested clarification regarding the \$80,000 budgeted for Retiree Health Benefit Reserve. GM Kerr responded that this amount will be used to bolster the reserve account due to the upcoming actuary evaluation in 2010. GM Kerr noted that Engineering Studies is a new category to account for studies, real estate services, or a major environmental study such as an EIR. GM Kerr also noted that some budget items were moved from the O&M category to the Administration category to create a more

realistic budget. On a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved the 5-year budget projection.

*Item No. 6 District Budget FY 2009-10:* Trustee Moose reported that the Finance Committee met to review the budget and recommends that the Board approve the FY 2009-10 Budget. GM Kerr noted that new categories were created to track technology expenses and engineering studies. He also noted that budgeted amount for Equipment Rental was increased while Small Capital Improvement Projects and Conference/Workshop/Seminars were decreased. On a motion by Trustee Minnema seconded by Trustee Moose, the Board unanimously approved the FY 2009-10 Budget.

*Item No. 7 Removal of Black Walnut Tree on Levee Adjacent to 170 Sandburg:* At the Board meeting in April District staff was directed to split the cost of a Root Crown Inspection and Resistograph Test by Fallen Leaf Tree Service with the homeowner to determine the health and lifespan of the tree. GM Kerr reported to the Board that the arborist from Fallen Leaf Tree Service found a substantial amount of white rot and pathogenic fungus which has compromised the tree's internal structure at the base. It is the arborist's opinion that the tree has a high potential for failure and he recommends it be removed. GM Kerr requested that the Board approve removing the tree in coordination with SMUD. GM Kerr also noted that the homeowner has requested a portion of the wood from the tree for its historical value. On a motion by Trustee Moose seconded by Trustee Redway, the Board unanimously approved removal of the tree with the homeowner stockpiling a portion of the wood from the tree.

*Item No. 8 Damage to Elderberry Plants Adjacent to Maintenance Right of Way:* GM Kerr reported to the Board that he has been in discussion with Jana Milliken from the Fish and Wildlife Service (FWS) regarding the District's return to using herbicides that the District used without incident for over 20-years. Her response was that the District should determine if there would be a take of the Valley Elderberry Tilehorn Beetle and if not then the District could continue past practices. GM Kerr asked the Board if they would like to have samples of the damaged plants tested to prove that it was in fact the District's use of Milestone which had damaged the plants. On a motion by Trustee Moose seconded by Trustee Redway, the Board unanimously approved GM Kerr's recommendation for the District to stop using Milestone near elderberries but not to have samples tested.

*Item No. 9 Acquisition of Landside Levee Easement near Diamond Estates—Arcade Creek:* GM Kerr reported to the Board that he has been in contact with Mr. Sidiqqi from JTS Engineering regarding the proposed Diamond Estates high density housing development on one parcel near the south levee of Arcade Creek. GM Kerr recommends that the District consider purchasing a 15-foot wide easement along the toe of the levee. On a motion by Trustee Redway seconded by Trustee Minnema, the Board unanimously approved not purchasing an easement. Trustee Redway noted that in the instance where development is proposed adjacent to District levees, the City of Sacramento should require a dedicated easement as a condition of approval for the development.

*Item No. 10 Local Project Cooperation Agreement: Central Valley Flood Protection Board Sacramento River Bank Project:* The Local Project Cooperation Agreement (LPCA) is a draft agreement for Operation and Maintenance (O&M) assurances to be executed for projects constructed by either the State of California or the US Army Corps of Engineers under the Sacramento River Bank Protection Project authority. GM Kerr reported to the Board that the State has formatted the O&M Agreement to better define the O&M responsibilities expected of the District. GM Kerr recommended that the Board request the State and the Flood Board incorporate their newly developed policy on O&M assurances and liability into the draft LPCA. On a motion by Trustee Moose seconded by Trustee Moose, the Board unanimously approved GM Kerr's recommendations.

*Item No. 11 Staff Reports:*

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

- General Manager's April Meeting Summary;
- City of Sacramento Proposed Plantings in Steelhead Creek: The hydraulic model for the plantings shows a 10% success rate of trees in the channel when the standard requirement is 60% success rate.
- Encroachment Permits on Levees Owned in Fee by County Parks
- Encroachments on Levee Adjacent to 3250 Del Mar Way: The wall has been removed and the City is requiring the homeowner to sign an assurance agreement to hold the City harmless for any damage to the driveway should the underlying pipe require maintenance.
- Updates to Employee Handbook
- Upcoming Corps Construction Projects: FOM Marck identified five projects that are slated for construction this summer including pump station outfall channel at site R4, Howe Avenue levee raise, DWR bank protection, Mayhew closure structure, and Jacob Lane reach B.
- Declining Condition of Hesston Mower: The Hesston Mower is 20 years old and leaking fluid into the cab. The District is considering an arm mower with a smaller setup to replace the Hesston.
- Contracting with California Conservation Corps for Various Projects
- Hydrologic Conditions: Folsom Lake is at 94% capacity with an outflow of 4000 cfs.;
- The next regular Board meeting is June 12, 2009.

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

- Update on Central Valley Flood Protection Board JPA Indemnity Policy: The Corps' regulations indicate no vegetation within 15 feet of the levee toe. Environmental mitigation would likely be the responsibility of the District.

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

- Photos of crew activities including mowing, Creek Week, wall removal at 3250 Del Mar Way, and safety awards.
- SMUD Fencing Near Bell Marine: The SMUD fences are up and the ramp to the lower road has been installed. The Railroad has placed their fence to allow District staff to access the road.
- Surplus Equipment Disposal: The Water Wagon is still for sale and the price has been lowered to \$2000.

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

- Summer Function: Trustee Redway requested that OM Wilder schedule the Summer Function for September.
- Newsletter Update: District staff will be meeting with Robin Hardy to discuss the Newsletter layout and design in early June.

*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 12:45 p.m.

Attest:

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Secretary

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President