#### RECLAMATION DISTRICT NO. 828 AGENDA FOR SPECIAL MEETING OF BOARD OF TRUSTEES 9:00 A.M. JULY 15, 2020

#### **Coronavirus COVID-19 Notice**

In accordance with the Governor's Executive Order N-33-20, and for the period in which the Order remains in effect, Reclamation District 828 Board Chambers will be closed to the public.

To accommodate the public 828 this period of time that the Board's Chambers are closed to the public, Reclamation District 828 Board of Trustees has arranged for members of the public to observe and comment at the meeting telephonically.

#### TO ATTEND BY TELECONFERENCE:

Toll-Free Dial-In Number: (877) 778-1806 CONFERENCE ID 891949 Once connected, we request you kindly mute your phone

#### **AGENDA**

- 1. Call to Order/Roll Call.
- 2. Public comment: Under Government Code section 54954.3, members of the public may address the Board on any issue in the District's jurisdiction. The public may address any item on the agenda at the time it is taken up.
- 3. Consider for approval minutes of the District's January 16, 2020, meeting.
- 4. Financial Report.
  - a. Adopt 2020-2021 Budget
  - Adopt Resolution 2020-01 Certifying Assessments to be Collected and Establishing a Procedure for Collection
- 5. Engineers' Report; request for direction.
- 6. CEQA Exemption. Adopt Resolution 2020-02 Authorizing and Directing Filing of Notice of Exemption for Routine Maintenance for Fiscal Year 2020-2021.
- 7. Correspondence and meeting attendance reports.
- 8. District Calendar
- 9. Approval of bills to be paid.
- 10. Adjournment.

This agenda shall be made available upon request in alternative formats to persons with a disability, as required by the Americans with Disabilities Act of 1990 (42 U.S.C. § 12132) and the Ralph M. Brown Act (California Government Code §54954.2). Persons requesting a disability related modification or accommodation in order to participate in the meeting should contact Daniel J. Schroeder at 209/948-8200 during regular business hours, at least twenty-four hours prior to the time of the meeting.

Materials related to an item on this Agenda submitted to the Trustees after distribution of the agenda packet are available for public inspection in the office of the District Secretary at Neumiller & Beardslee, 3121 West March Lane, Suite 100, Stockton, California during normal business hours.

#### AGENDA PACKET RECLAMATION DISTRICT 828 July 15, 2020

<u>ITEM</u>	COMMENTARY
1.	Self-explanatory.
2.	Self-explanatory.
3.	Please see attached.
4.	Please see attached.
4.a.	Please see attached.
5.b.	Please see attached.
5.	Self-explanatory.
6	Please see attached.
7	Please see attached.
8.	Please see attached.
9.	Please see attached.
10.	Self-explanatory.

## ITEM 3

#### Minutes of Meeting of Reclamation District 828 Held on January 16, 2020

The meeting of the Board of Trustees of Reclamation District 828 was held at 8:30 a.m. on January 16, 2020 at 3121 W. March Lane, Suite 100, Stockton, California 95219.

- <u>Item No. 1</u>: Call to Order. The meeting was called to order at 8:30 a.m. Present were President Bill Mendelson, Trustee Deby Provost, and Trustee Paul Marsh. Also present was Daniel J. Schroeder, District Secretary, and Chris Neudeck, District Engineer.
- <u>Item No. 2</u>: Name Board Officers. Mr. Schroeder reviewed the bylaws regarding the naming of officers. Trustee Mendelson was named Board President by unanimous vote of the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.
- <u>Item No. 3</u>: Public Comment. Mr. Gulli commented on the minutes, the problems under Highway 5, and the Smith Canal.
- <u>Item No. 4</u>: Approval of Minutes. Mr. Schroeder reviewed the draft minutes of the October 23, 2019, meeting with the Trustees. The minutes of the October 23, 2019, meeting, as amended in item 3, were approved unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Provost.
- <u>Item No. 5</u>: Financial Report. Mr. Schroeder reviewed the written financial report provided to the Trustees at the meeting. The financial report was accepted unanimously by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.
  - (a) Delegate Authority to Approve Insurance Policy for 2020/2021 Insurance Year. Mr. Schroeder reported that the insurance policy would become due before the next meeting and recommending either a special meeting in a few weeks or for the Trustees to delegate that decision to the President to avoid the necessity of a special meeting. The President was delegated authority to approve a new insurance policy unanimously by the Trustees present on a motion by Trustee Provost, seconded by Trustee Marsh.
  - (b) Approve Representation Letter from Schwartz, Giannini, Lantsberger & Adamson in connection with the audit of the District's financial statements. Mr. Schroeder reviewed the item with the Trustees. The representation letter from Schwartz, Giannini, Lantsberger & Adamson in connection with the audit of the District's financial statements was approved unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Marsh.
  - (c) Accept Draft Auditor's Financial Report for fiscal year ending June 30, 2019. Mr. Schroeder reviewed the report with the Trustees. The financial report was accepted unanimously by the Trustees present on a motion by President Mendelson, seconded by Trustee Provost.

Item No. 6: Engineers' Report; request for direction. Mr. Neudeck provided a written and oral report to the Trustees. He reported on the levee subventions program and conditions of the District's levee. He reported on the city's request for assistance from the District to address damage to the levee caused by people camping on the levee and levee slope. He also presented a map depicting a section of the levee on Smith Canal on the east and west side of Highway 5 that the District shares an ownership interest in with the city. He also reported on PG&E's replacement of several piles on the levee. He also reported on the progress with Caltrans repairs of the embankment under Highway 5.

<u>Item No. 7</u>: Correspondence. There was no discussion.

<u>Item No. 8</u>: Calendar. Mr. Schroeder reviewed the upcoming calendar events with the Trustees.

<u>Item No. 9</u>: Approval of Bills. Mr. Schroeder reported on the outstanding bills that had been received and the status of the District's accounts. The Trustees unanimously approved payment of the attached bills on a motion by President Mendelson, seconded by Trustee Provost.

<u>Item No. 10</u>: Adjournment. The meeting was unanimously adjourned at 9:55 a.m.

Respectfully submitted,

Daniel J. Schroeder, District Secretary

#### **BILLS TO BE PAID** January 16, 2020

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	'ARRANT#
		<del></del>			Ī	
The Record (Notice of No Election)	10/5/2019	159219	\$99.75			
				\$99.75		
Schwartz Giannini Lantsberger & Adamson	10/31/2019	54391	\$3,300.00			
				\$3,300.00		
Kjedlsen, Sinnock & Neudeck, Inc.	11/11/2019	26429	\$1,023.75		, i	
	11/11/2019	26430	\$1,151.25			
	11/11/2019	26431	\$43.75			
	11/11/2019	26432	\$243.75			
	12/9/2019	26613	\$465.00			
	12/9/2019	26614	\$337.50			
	12/9/2019	26615	\$81.00			
	1/7/2020	26813	\$410.00			
	1/7/2020	26814	\$1,358.25			
		·		\$5,114.25		
Neumiller & Beardslee	11/14/2020	303213	\$5,124.98			
	12/13/2020	303909	\$853.00			
	1/15/2020	304747	\$246.56			
				\$6,224.54		
Trustee Stipend - 01/16/2020 Regular Board Meeting	Deby Provost		\$50.00	\$50.00		.commence
Trustee Stipend - 01/16/2020 Regular Board Meeting	Bill Mendelson		\$50.00	\$50.00		
Trustee Stipend - 01/16/2020 Regular Board Meeting	Paul Marsh		\$50.00	\$50.00		
		TOTAL:		\$14,888.54		

NOTES:

Fund Balance as of 12/30/2019 \$512,632.85 Less Submitted Bills for Payment: \$14,888.54 Total: \$497,744.31

#### **BILLS TO BE PAID** October 23, 2019

	October 23, 20.		r			
NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	ARRANT #
		·				
Kjedlsen, Sinnock & Neudeck, Inc.	10/15/2019	26270	\$503.25			
	10/15/2019	26271	\$115.00			
	10/15/2019	26272	\$407.50			
	10/15/2019	26273	\$162.75			
				\$1,188.50		1354
Neumiller & Beardslee	10/16/2019	302596	\$7,902.75			
				\$7,902.75		1355
Trustee Stipend - 10/23/2019 Special Board Meeting	Deby Provost		\$50.00	\$50.00		1356
Trustee Stipend - 10/23/2019 Special Board Meeting	Bill Mendelson		\$50.00	\$50.00		1357
Trustee Stipend - 10/23/2019 Special Board Meeting	Paul Marsh		\$50.00	\$50.00		1358

TOTAL: \$9,241.25

Fund Balance as of 09/30/2019 \$498,497.56 Less Submitted Bills for Payment: \$9,241.25 Total: \$489,256.31

## ITEM 4

		BUDGET FY 2019-20	Expended PTD	Expended YTD	% YTD
	EXPENSES				
GENE	RAL FUND	thIS			
	Administrative				
G1	Annual Audit	\$3,200.00	\$0.00	\$3,300.00	103%
G2	Public Communication and Noticing	200.00	\$0.00	\$99.75	50%
G3	Election Expense	0.00	\$0.00	\$5,518.69	0%
G4	Trustee Fees	600.00	\$200.00	\$950.00	158%
G5	County Assessment Administration	650.00	\$241.00	\$743.68	114%
	SUBTOTAL	\$4,650.00	\$441.00	\$10,612.12	228%
	Consultants				
G14	Engineering				
G14A	General Engineering	\$7,500.00	\$1,681.20	\$7,484.54	100%
G14B	Flood Contingency Map	\$0.00	\$0.00	\$0.00	0%
G14C	Levee Subventions	\$7,500.00	\$2,842.50	\$9,744.20	0%
G14D	Levee Maintenance (Engineering)	\$7,500.00	\$2,177.75	\$6,562.80	87.5%
G14E	DWR 5 Year Plan	\$40,000.00	\$14,882.50	\$20,012.98	50.0%
G15	General Legal	25,000.00	\$4,539.61	\$23,661.99	95%
	SUBTOTAL	\$87,500.00	\$26,123.56	\$67,466.51	77%
	Other				
G18	Insurance	\$4,300.00	\$4,443.00	\$4,443.00	103%
G19	Reserve Contingency	0.00	\$0.00	\$0.00	0%
	SUBTOTAL	\$4,300.00	\$4,443.00	\$4,443.00	103%
	TOTAL GENERAL FUND	\$96,450.00	\$31,007.56	\$82,521.63	86%
RECUI	RRING EXPENSES				
R1	Levee				
R1A	General Maintenance	\$10,000.00	\$0.00	\$2,585,00	26%
R1B	Riprap and Levee Repair	25,000.00	\$0.00	\$43.75	0%
R1C	Weed Control	25,000.00	\$0.00	\$1,800.00	7%
R1D	Animal Damage Control	0.00	\$0.00	\$0.00	0%
	SUBTOTAL	\$60,000.00	\$0.00	\$4,428.75	7%
	TOTAL RECURRING EXPENSES	\$60,000.00	\$0.00	\$4,428.75	7%
	TOTAL EXPENSES	\$156,450.00	\$31,007.56	\$86,950.38	56%
		, ·	,	+,	

INCOME	BUDGET FY 2019-2020	Income PTD	Income YTD	% YTD
Assessment - Existing	\$48,641.60	\$0.00	\$85,423.05	176%
Interest	4,000.00	\$0.00	\$10,038.00	251%
Property Tax	\$0.00	\$0.00	\$0.00	0%
DWR 5 Year Plan Reimbursement	\$40,000.00	\$5,464.12	\$9,170.87	23%
Subvention Reimbursement	\$17,500.00	\$0.00	\$0.00	0%
TOTAL, GROSS INCOME	\$110,141.60	\$5,464.12	\$104,631.92	95%
NET INCOME (LOSS)	(\$46.308.40)	(\$25.543.44)	\$17.681.54	

Fund Balance		
Fund Balance as of July 1, 2019	\$	556,592.18
Revenues (YTD), as of July 15, 2020	\$	104,631.92
Expenses (YTD), as of July 15, 2020	<b></b> \$	86,950.38
Total Cash as of July 15, 2020	\$	536,773,72

### ITEM 4.a.

### RECLAMATION DISTRICT 828 PROPOSED BUDGET FOR FISCAL YEAR 2020-2021

G2         Public Communication and Noticing         200.00         200.00           G3         Election Expense         0.00         0.00           G4         Trustee Fees         600.00         650.00           County Assessment Administration         500.00         650.00           Consultants         Consultants         Consultants           G14         Engineering         7,500.00         7,500.00           G14AD         Cerves Waventions Management         7,500.00         7,500.00           G14D         Levee Subventions Management         7,500.00         7,500.00           G14E         DWR 5 Year Plan         40,000.00         35,000.00           G15         General Legal         25,000.00         25,000.00           G16         Insurance         \$4,300.00         \$4,300.00           G19         Reserve Contingency         0.00         0.00           G20         Emergency Equipment & Supplies         SUBTOTAL         \$4,300.00         \$113,450.00           RECURRING EXPENSES           R1         Levee         10,000.00         \$110,000.00         \$110,000.00           R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C		<u>EXPENSES</u>		
G1         Annual Audit         \$3,200.00         \$3,200.00           G2         Public Communication and Noticing         200.00         200.00           G3         Election Expense         0.00         0.00           G4         Trustee Fees         600.00         650.00           G5         County Assessment Administration         650.00         \$4,650.00           Consultants           G14         Engineering         7,500.00         7,500.00           G14A         General Engineering         7,500.00         7,500.00           G14D         Levee Subventions Management         7,500.00         7,500.00           G14D         DWR 5 Year Plan         40,000.00         35,000.00           G15         General Legal         25,000.00         25,000.00           G15         General Legal         \$87,500.00         \$25,000.00           G19         Reserve Contingency         0.00         0.00           G20         Emergency Equipment & Supplies         \$4,300.00         \$41,300.00           R1D         Substitute Animal Damage Control         \$56,500.00         \$25,000.00           R1D         Animal Damage Control         25,000.00         \$60,000.00           R1D	GENER	AL FUND	2019-2020	PROPOSED 2020-2021
G2		Administrative		
G3	G1	Annual Audit	\$3,200.00	\$3,200.00
G4	G2	Public Communication and Noticing	200.00	200.00
County Assessment Administration	G3	Election Expense	0.00	0.00
SUBTOTAL   \$4,650.00   \$4,65	G4	Trustee Fees	600.00	600.00
Consultants   G14	G5	County Assessment Administration	650.00	650.00
G14		SUBTOTAL	\$4,650.00	\$4,650.00
G14A   General Engineering   7,500.00   7,500.00   G14C   Levee Subventions Management   7,500.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   35,000.00   36,300.00   3		Consultants		
G14C   Levee Subventions Management   7,500.00   7,500.00   G14D   Levee Maintenance (Engineering)   7,500.00   35,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   36,000.00	G14	Engineering		
G14D   Levee Maintenance (Engineering)   7,500.00   7,500.00   G14E   DWR 5 Year Plan   40,000.00   35,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   36,000.00	G14A	General Engineering	7,500.00	7,500.00
G14E   DWR 5 Year Plan   40,000.00   35,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   25,000.00   362,500.00   25,000.00   382,500.00   3	G14C	Levee Subventions Management	7,500.00	7,500.00
SUBTOTAL	G14D	Levee Maintenance (Engineering)	7,500.00	7,500.00
SUBTOTAL   \$87,500.00   \$82,500.00	G14E	DWR 5 Year Plan	40,000.00	35,000.00
Other         \$4,300.00         \$4,300.00         \$4,300.00         \$4,300.00         \$4,300.00         \$4,300.00         \$4,300.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$0.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,300.00         \$26,0	G15	General Legal	25,000.00	25,000.00
G18		SUBTOTAL	\$87,500.00	\$82,500.00
Reserve Contingency		Other	·	
Substitution	G18	Insurance	\$4,300.00	\$4,300.00
SUBTOTAL   \$4,300.00   \$26,300.00	G19	Reserve Contingency	0.00	0.00
TOTAL GENERAL FUND	G20	Emergency Equipment & Supplies		22,000.00
RECURRING EXPENSES           R1         Levee         \$10,000.00         \$10,000.00           R1A         General Maintenance         \$10,000.00         \$25,000.00           R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         \$60,000.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL EXPENSES         \$60,000.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00		SUBTOTAL	\$4,300.00	\$26,300.00
RECURRING EXPENSES           R1         Levee         \$10,000.00         \$10,000.00           R1A         General Maintenance         \$10,000.00         \$25,000.00           R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         \$60,000.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL EXPENSES         \$60,000.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00				
R1         Levee         \$10,000.00         \$10,000.00           R1A         General Maintenance         \$10,000.00         \$10,000.00           R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         0.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL RECURRING EXPENSES         \$60,000.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00				
R1A         General Maintenance         \$10,000.00         \$10,000.00           R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         0.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL RECURRING EXPENSES         \$60,000.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00		TOTAL GENERAL FUND	\$96,450.00-	<b>\$113,450.00</b>
R1B         Riprap and Levee Repair         25,000.00         25,000.00           R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         0.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL RECURRING EXPENSES         \$60,000.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	RECUR		\$96,450.00	<b>\$113,450.00</b>
R1C         Weed Control         25,000.00         25,000.00           R1D         Animal Damage Control         0.00         0.00           SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL RECURRING EXPENSES         \$60,000.00         \$60,000.00           TOTAL EXPENSES         \$156,450.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00		RING EXPENSES	\$96,450.00-	<del>\$113,450.00</del>
R1D   Animal Damage Control   0.00   0.00       SUBTOTAL   \$60,000.00   \$60,000.00     TOTAL RECURRING EXPENSES   \$60,000.00   \$60,000.00     TOTAL EXPENSES   \$156,450.00   \$173,450.00     INCOME	R1	RING EXPENSES  Levee		
SUBTOTAL         \$60,000.00         \$60,000.00           TOTAL RECURRING EXPENSES         \$60,000.00         \$60,000.00           TOTAL EXPENSES         \$156,450.00         \$173,450.00           INCOME           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	R1 R1A	RING EXPENSES  Levee  General Maintenance	\$10,000.00	\$10,000.00
TOTAL RECURRING EXPENSES \$60,000.00 \$60,000.00  TOTAL EXPENSES \$156,450.00 \$173,450.00  INCOME  Assessment - Existing \$48,641.60 \$48,641.60 Interest \$4,000.00 \$4,000.00 Property Tax \$0.00 \$0.00 \$0.00 DWR 5 Year Plan Reimbursement \$40,000.00 \$35,000.00 Subvention Reimbursement \$17,500.00 \$33,500.00	R1 R1A R1B	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair	\$10,000.00 25,000.00	\$10,000.00 25,000.00
INCOME         \$156,450.00         \$173,450.00           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control	\$10,000.00 25,000.00 25,000.00	\$10,000.00 25,000.00 25,000.00
INCOME         \$156,450.00         \$173,450.00           Assessment - Existing         \$48,641.60         \$48,641.60           Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control  Animal Damage Control	\$10,000.00 25,000.00 25,000.00 0.00	\$10,000.00 25,000.00 25,000.00 0.00
INCOME         Assessment - Existing       \$48,641.60       \$48,641.60         Interest       4,000.00       4,000.00         Property Tax       0.00       0.00         DWR 5 Year Plan Reimbursement       40,000.00       35,000.00         Subvention Reimbursement       17,500.00       33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control  Animal Damage Control	\$10,000.00 25,000.00 25,000.00 0.00	\$10,000.00 25,000.00 25,000.00 0.00
INCOME         Assessment - Existing       \$48,641.60       \$48,641.60         Interest       4,000.00       4,000.00         Property Tax       0.00       0.00         DWR 5 Year Plan Reimbursement       40,000.00       35,000.00         Subvention Reimbursement       17,500.00       33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control  Animal Damage Control  SUBTOTAL	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b>	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00
Assessment - Existing       \$48,641.60       \$48,641.60         Interest       4,000.00       4,000.00         Property Tax       0.00       0.00         DWR 5 Year Plan Reimbursement       40,000.00       35,000.00         Subvention Reimbursement       17,500.00       33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control  Animal Damage Control  SUBTOTAL	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b>	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00
Assessment - Existing       \$48,641.60       \$48,641.60         Interest       4,000.00       4,000.00         Property Tax       0.00       0.00         DWR 5 Year Plan Reimbursement       40,000.00       35,000.00         Subvention Reimbursement       17,500.00       33,500.00	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control SUBTOTAL TOTAL RECURRING EXPENSES	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00
Interest         4,000.00         4,000.00           Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00
Property Tax         0.00         0.00           DWR 5 Year Plan Reimbursement         40,000.00         35,000.00           Subvention Reimbursement         17,500.00         33,500.00	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  INCOME	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$60,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00
DWR 5 Year Plan Reimbursement       40,000.00       35,000.00         Subvention Reimbursement       17,500.00       33,500.00	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$156,450.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00
Subvention Reimbursement 17,500.00 33,500.00	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance  Riprap and Levee Repair  Weed Control  Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b> <b>\$156,450.00</b> \$48,641.60 4,000.00	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b> <b>\$173,450.00</b> \$48,641.60 4,000.00
	R1 R1A R1B R1C	RING EXPENSES  Levee  General Maintenance Riprap and Levee Repair  Weed Control  Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest Property Tax	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$156,450.00 \$48,641.60 4,000.00 0.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00 \$48,641.60 4,000.00 0.00
Delta Grant II Flood Fight Supplies I I 14 500 00	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest Property Tax DWR 5 Year Plan Reimbursement	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b> <b>\$156,450.00</b> \$48,641.60 4,000.00 0.00 40,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00 \$48,641.60 4,000.00 0.00 35,000.00
	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest Property Tax DWR 5 Year Plan Reimbursement Subvention Reimbursement	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b> <b>\$156,450.00</b> \$48,641.60 4,000.00 0.00 40,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00 \$48,641.60 4,000.00 0.00 35,000.00 33,500.00
TOTAL, GROSS INCOME \$110,141.60 \$135,641.60	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest Property Tax DWR 5 Year Plan Reimbursement Subvention Reimbursement Delta Grant II - Flood Fight Supplies	\$10,000.00 25,000.00 0.00 \$60,000.00 \$60,000.00 \$156,450.00 \$48,641.60 4,000.00 0.00 40,000.00 17,500.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00 \$48,641.60 4,000.00 0.00 35,000.00 33,500.00 14,500.00
NET INCOME (LOSS) (\$46,308.40) (\$37,808.40)	R1 R1A R1B R1C	Levee General Maintenance Riprap and Levee Repair Weed Control Animal Damage Control  SUBTOTAL  TOTAL RECURRING EXPENSES  TOTAL EXPENSES  INCOME  Assessment - Existing Interest Property Tax DWR 5 Year Plan Reimbursement Subvention Reimbursement Delta Grant II - Flood Fight Supplies	\$10,000.00 25,000.00 25,000.00 0.00 <b>\$60,000.00</b> <b>\$156,450.00</b> \$48,641.60 4,000.00 0.00 40,000.00	\$10,000.00 25,000.00 25,000.00 0.00 \$60,000.00 \$173,450.00 \$48,641.60 4,000.00 0.00 35,000.00 33,500.00

## ITEM 4.b

#### RECLAMATION DISTRICT NO. 828 RESOLUTION 2020-01

### RESOLUTION CERTIFYING ASSESSMENTS TO BE COLLECTED AND ESTABLISHING A PROCEDURE FOR COLLECTION

WHEREAS, Reclamation District No. 828 provides a benefit and service to the land located within the District by the repair, upgrading, maintenance and operation of the reclamation works of the District in that such works serve to prevent the flooding of the land within the District; and

WHEREAS, the revenues received by the District from the County of San Joaquin in accordance with the statutes enacted under Article XIII A of the California Constitution are insufficient to provide the benefits and services which the District is obligated by the California Water Code to provide, and specifically are insufficient to insure proper maintenance of the reclamation works and to provide for emergencies; and

WHEREAS, the District is empowered by sections 51200 et seq. and section 50904 of the California Water Code to fix and collect assessments for the provision of such benefits and services to supplement the revenues received from the County of San Joaquin, and to provide for the collection of such assessments by the San Joaquin County Auditor, and to provide for penalties and procedures in the event of delinquency of payment of such assessments; and

WHEREAS, this Resolution is in compliance with the California Water Code; and

WHEREAS, the District has complied with the procedures of California Constitution Articles XIIIC and XIIID; and

NOW, THEREFORE, BE IT RESOLVED, AND IT IS HEREBY RESOLVED, by the Board of Trustees of Reclamation District 828 that:

- 1. The foregoing recitals are true and correct and this Board so finds and declares.
- 2. It is the determination of the Board that the benefits and services provided by the District apply to each lot within the District except as specific adjustments have been approved by this Board after hearing.
- 3. The assessments for the fiscal year 2020-2021 are established in the amount of \$0.054 for each \$100.00 of assessed valuation on the Operation and Maintenance Assessment Roll for this District as adopted by the Board of Supervisors of San Joaquin County on July 30, 1991.
- 3. The San Joaquin County Auditor is requested to collect such assessments, as set forth on Exhibit "A" attached hereto.

- 4. Such assessments shall appear as a separate item on the San Joaquin County Property Tax Bill for fiscal year 2020-2021 and shall be collected at the same time and in the same manner as the San Joaquin County Ad Valorem Property Taxes, and shall be subject to the same penalties and the same procedure and sale in case of delinquency as are provided by law for such County taxes.
- 5. In the case of all parcels within the District which are owned in common by more than one owner, and which do not have a separate legal entity holding the title thereto, the assessments otherwise applicable thereto shall be paid equally by the common owners.
- 6. In the case of all Planned Unit Residential Development areas (exclusive of independent recreation facilities, independent common green parcels, and entrance features which shall be billed to the applicable owner's association), assessments established by this Resolution shall be apportioned equally to each residential unit in such areas.
- The revenue so collected which is necessary for the provisions of said benefits and services, is supplemental to the revenues received by the District from the County of San Joaquin in accordance with the statutes enacted under Article XIII A of the California Constitution and is not in lieu thereof.
- The President and Secretary of the District are hereby authorized and directed to execute such documents as are necessary to carry out this Resolution.
- The Engineer and Attorney for the District are hereby authorized and directed to assist the Auditor of San Joaquin County in preparing the rolls to comply with this Resolution, and to bill separately those parcels assessed which do not appear on the rolls.
- The Secretary of the District is hereby authorized and directed to certify a copy of this Resolution to the Auditor of San Joaquin County.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District N	Io. 828 at a
meeting thereof held on this 15 <sup>th</sup> day of July 2020, by the following vote, TO WIT:	

eetin	PASSED AND ADOPTED by the Board of Trustees of Reclamation District No. 828 at 12 thereof held on this 15 <sup>th</sup> day of July 2020, by the following vote, TO WIT:
	AYES:
	NOES:
	ABSTENTION:
	ABSENT:

RECLAMATION DISTRICT NO. 828 A Political Subdivision of the State of California

	Ву:
	BILL MENDELSON, President, Board of Trustees
ATTEST:	
DANIEL J. SCHROEDER, Secretary	
C	ERTIFICATION
certify that the foregoing is a full, true and	retary of Reclamation District No. 828, do hereby d correct copy of a resolution of Reclamation District ular meeting of the Board of Trustees thereof held on
Dated:, 2020.	
	DANIEL J. SCHROEDER, SECRETARY Reclamation District No. 828

#### SAN JOAQUIN COUNTY SPECIAL ASSESSMENT CHARGE AGREEMENT WITH

#### (AGENCY/DISTRICT)

DATE:		
PARTIES:	COUNTY:	COUNTY OF SAN JOAQUIN Auditor-Controller 44 North San Joaquin Street Suite 550 Stockton, CA 95202
	DISTRICT: Name: Address:	
AGREEMENT:		
The County and the	above-mentioned Dis	strict agree as follows:
County one percent per each assessment or special	(1%) of the assessment on a parcel, which ial assessment taxes	29304, the District agrees to pay the ent amount levied or three dollars (\$3.00) ever is less, for the collection of special.  e executed this agreement the year and
COUNTY OF SAN JO	AQUIN	
Ву		By
Jerome C. Wi Auditor-Cor	0	Title
"COUNT	Y"	"DISTRICT"

#### **CERTIFICATION OF ASSESSMENT**

The (AGENCY/DISTRICT) hereby certifies that the special assessment(s), fee(s) or charge(s) listed below to be placed on the 2020-2021 Secured Property Tax bill by the (AGENCY/DISTRICT) meets the requirements of Proposition 218 that added Articles XIIIC and XIIID to the California State Constitution.

X\_\_\_\_\_CITY COUNCIL/BOARD OF DIRECTORS/SCHOOL BOARD

2020-2021 Special Assessments and/or Fixed Charges

## ITEM 6

#### **RECLAMATION DISTRICT 828**

### RESOLUTION 2020-02 RESOLUTION AUTHORIZING AND DIRECTING FILING OF NOTICE OF EXEMPTION FOR ROUTINE MAINTENANCE, FOR FISCAL YEAR 2020-2021

WHEREAS, the Board of Trustees ("Board") of Reclamation District 828 ("District"), in conjunction with, but not limited to, that certain Delta Levee Maintenance Subventions Program Work Agreement Fiscal Year 2020-2021 ("Agreement"), between the District and the Central Valley Flood Protection Board of the State of California ("Protection Board") has determined that the work described therein consists of routine maintenance to existing levee improvements;

#### NOW, THEREFORE, BE IT RESOLVED AS FOLLOWS:

- 1. All repair of wave wash and erosion protection, all levee crown restoration which is not in excess of the 100 year flood elevation plus (2) two feet and all levee section restoration including adding material to back slopes, construction of toe berms and construction of seepage berms, drains and other measures to control seepage exit gradients to less than 0.5 and including the work described in the Fiscal Years 2020-2021 Delta Levee Subventions Program Applications consists of routine maintenance to existing levee improvements and falls within the categorical exemptions to the California Environmental Quality Act pursuant to Section 15301 (Class I) of the Guidelines for the California Environmental Quality Act, California Administrative Code of Regulations, Title 14, Chapter 3, Article 19.
- 2. The District finds the proposed work will not have a material adverse effect upon the environment.
- 3. That said work does not constitute an exception to the exemptions of the California Environmental Quality Act.
- 4. That the District Engineer is hereby directed to prepare and file with the County Clerk of San Joaquin County for posting, a "Notice of Exemption" pursuant to California Administrative Code, Title 14, Chapter 3, Section 15062.

PASSED AND ADOPTED by the Board of Trustees of Reclamation District 828, at a meeting thereof, held on July 15, 2020, by the following vote:

AYES:
NOES:
ABSENT:
ABSTENTION:

RECLAMATION DISTRICT 828 A Political Subdivision of the State of California

		By:PRESIDENT
	*	
ATTEST:	9.	
SECRETAR	Y	
		CERTIFICATION
certify that th	e foregoing is a full, true	, Secretary of Reclamation District 828, do hereby e and correct copy of a resolution of Reclamation District eting of the Board of Trustees thereof held on the 15 <sup>th</sup> day of
	, 2020	
		SECRETARY, Reclamation District 828

## ITEM 7

#### **DEPARTMENT OF WATER RESOURCES**

DIVISION OF FLOOD MANAGEMENT P.O. BOX 219000 SACRAMENTO, CA 95821-9000



MAY 0 1 2020.

Mr. Dan Schroeder, Secretary Reclamation District 828 Post Office Box 20 Stockton, California 95201

Dear Mr. Schroeder:

The Delta Levees Subventions Program would like to inform you that for Fiscal Year 2020-21, Reclamation District 828 is considered an urban area according to the California Water Code.

#### California Water Code Section 12986 states:

No costs incurred shall be reimbursed if the entire cost incurred per mile of project or nonproject levee is either:

- A. Two thousand five hundred dollars (\$2,500) or less for a project or nonproject levee in an urban area.
- B. One thousand dollars (\$1,000) or less for a project or nonproject levee in a rural area.

According to California Water Code Section 12986, urban area is defined as an area in which 10 percent or more of the land area within the project area is used for residential use.

Based on this definition, Reclamation District 828 is considered an urban area and will be responsible for the first \$2,500 per levee mile.

If you have any questions, please contact me at (916) 480-5367 or Sandra Maxwell of my staff at (916) 480-5378.

Sincerely,

Andrea L. Lobato, P.E., Manager

Andrelle

Delta Levees Program



# JEROME C. WILVERDING AUDITOR-CONTROLLER SAN JOAQUIN COUNTY



ASSISTANT AUDITOR-CONTROLLER Jeffery M. Woltkamp, CPA

CHIEF DEPUTIES
Tod Hill – Accounting
Janice McCurcheon, CPA – Internal Audit
Stanley Lawrence – Property Tax

PAYROLL ADMINISTRATOR Lori Rolleri

#### **MEMORANDUM**

DATE:

March 10, 2020

TO:

Special and Local Districts

FROM:

Jay Wilverding, Auditor-Controller

SUBJECT:

Special Districts Processing Costs Increase

As a result of an audit and revisions to our Cost Allocation Plan, we determined that the previous processing costs for Special Districts were heavily discounted.

There are three main components in the calculation of the processing costs: Accounts Payable, Payroll, and Reports. The component that was most affected by changes to the Cost Allocation Plan was Accounts Payable processing costs. Please note that these costs fluctuate from year to year based on the ACO's actual costs. The Accounts Payable cost per transaction charged to Special Districts for FY 2018-19 was previously \$2.09 under our prior discounted methodology. Using the non-discounted cost calculation will result in a FY 2019-20 Accounts Payable cost of \$7.48.

We understand this is a significant increase. In an effort to mitigate this, we are implementing a step increase in processing cost charges over the next three years. Therefore, the Accounts Payable cost per transaction will increase as follows:

FY 19-20 Charge 50% of actual costs FY 20-21 Charge 75% of actual costs FY 21-22 Charge 100% of actual cots

If you have questions, please contact Adriana Martinez (209)953-1187 <a href="mailto:amartinez@sjgov.org">amartinez@sjgov.org</a> or Amanda Lepiten (209)953-1185 <a href="mailto:alepiten@sjgov.org">alepiten@sjgov.org</a>.

JCW/al



GILBERT COSIO, JR., P.E.
MARC VAN CAMP, P.E.
WALTER BOUREZ, III, P.E.
RIC REINHARDT, P.E.
DON TRIEU, P.E.
DARREN CORDOVA, P.E.
NATHAN HERSHEY, P.E., P.L.S.
LEE G. BERGFELD, P.E.
BEN TUSTISON, P.E.
THOMAS ENGLER, P.E., CFM
MICHAEL MONCRIEF, P.E.

Angus Norman Murray 1913-1985

CONSULTANTS: JOSEPH I. BURNS, P.E. DONALD E. KIENLEN, P.E.

#### MEMORANDUM

DATE:

June 15, 2020

TO:

California Central Valley Flood Control Association

FROM:

Ric Reinhardt, P.E., Tony Deus, P.E., Michael Kynett, P.E. MBK Engineers

SUBJECT:

Overview and Comments on the USACE's, Draft EC 1165-2-218

#### INTRODUCTION

The Draft Engineering Circular 1165-2-218 (Draft EC) describes the framework of the U.S. Army Corps of Engineers (USACE) Levee Safety Program. The USACE Levee Safety Program originated from the USACE's response to Hurricane Katrina, and was formally established in 2006 to "better understand, prioritize, and manage the flood risks associated with levees". The EC formalizes the USACE development of the Levee Safety Program that has incrementally progressed since 2006, and to a large degree the Draft EC does not present new information or technical details.

The USACE issued the Draft EC on February 25, 2020, for stakeholder review. Comments on the Draft EC are due July 27, 2020. The purpose of this memorandum is to summarize the significant aspects of the document and to provide comments on behalf of the California Central Valley Flood Control Association.

The Draft EC is divided into four volumes: overview, Local Sponsor activities, policy and procedures, and a summary of shared information. Within the Draft EC the Levee Safety Program consists of the following activities: developing and maintaining a National Levee Database; defining tolerable risk guidelines; performing levee inspections and site visits; performing levee risk assessments; tracking levee risk; communicating levee risk; and integrating with other programs, such as Section 408 Permission and the National Flood Insurance Program. The Draft EC defines these activities and identifies who performs them within a USACE, Local Sponsor, and Levee Maintaining Agency (LMA) relationship. It is important to note that while the LMA may be most involved in the day to day operations and maintenance of a levee system, the USACE formally recognizes a direct relationship only with the Local Sponsor, which in the California Central Valley is normally the Central Valley Flood Protection Board (CVFPB).

#### SUMMARY OF DRAFT EC

The following is a summary of major concepts and perspectives provided by the USACE in the Draft EC. The Draft EC was developed by USACE with the intention of providing guidance for the USACE Levee Safety Program activities internal to the USACE, the Local Sponsor, and LMAs. From the USACE perspective the Draft EC seeks to consolidate and formalize processes, principles, and policies used to monitor, manage, and understand flood risk, specifically for levees. Additionally, it intends to provide a framework to sustain long term benefits and implement adaptive management activities based on varied and dynamic flood risks. The Draft EC provides a framework for USACE, Local Sponsor, and LMA to partner in managing flood risk to levees. Risk-informed decision making is central to the USACE Levee Safety Program. Risk, as defined by the Draft EC, is "a tool that is used to understand and communicate the probability and consequences of uncertain future events". The risk-based approach accounts for the flood event occurring (hazard), system performance (levees, dams, weirs, and bypasses), and the consequence of the system performance or failure.

In 2006, USACE established the Levee Safety Program to work with Local Sponsors and LMAs to understand, prioritize, and manage flood risk to levees. At that time, formal documentation regarding the program was not developed. The overarching intent in development of the Draft EC is to document and clarify policy guidance of the USACE Levee Safety Program. Most of the processes and policies contained within the Draft EC have been in practice with the USACE for several years. More specifically, the Draft EC details the USACE Levee Safety Program and provides:

- The benefits of understanding, monitoring, and managing flood risks associated with levees over time
- A framework to sustain long-term flood risk reduction
- Adapts activities and actions based on dynamic nature of flooding, including:
  - Scalable decision-making process based on circumstance
  - Allows consideration of historic levee performance
  - Acknowledges and addresses how to account for uncertainty in the decision-making process
  - Supports a risk-informed "fix-the-worst-first" approach
  - o Informs design and construction decisions to maintain and improve levees

#### **Tolerable Risk Guidelines**

To accomplish the USACE Levee Safety Program goals, the Draft EC details use of risk guidelines to adapt management actions based on associated risks. As flood risk changes over time, no levee is considered risk free regardless of condition. Risk guidelines are categorized by three classifications:

- Broadly Acceptable Risk: the probability of occurrence is so small, the consequences are so slight, or the benefits are so great that the risk is considered insignificant or negligible
- Tolerable Risk: defined by levee risk that society is willing to live with the associated levee system to secure the benefits of living and working in the leveed area. There exists continuation of recognizing and communicating levee risk because the risk is not broadly acceptable and

- cannot be ignored. LMAs are properly monitoring and managing levee risks. Continuing management of risk and actions to review, reduce, and manage further risk as practicable, occurs while considering cost effectiveness, and social and environmental acceptability
- Unacceptable Risk: defined as risks that are not broadly acceptable or tolerable except in exception circumstances

The USACE Levee Safety Program provides the following actions and activities for Local Sponsors and LMAs:

- Tolerable Risk Guideline No. 1 Understanding Risk (Risk Assessment): includes evaluation of life safety risk, societal risk, individual life risk, and economic risk. This is commonly completed by USACE in coordination with the LMA and Local Stakeholders to allow for discussions and input to inform the assessment
- Tolerable Risk Guideline No. 2 Building Risk Awareness (Risk Communication): The assessment
  can be reviewed qualitatively and notes if the LMA has access to the best available levee risk
  information. It also notes if the LMA has participated in the USACE levee screening and higherlevel risk assessments; if the LMA and community within the leveed area has been provided risk
  information within regarding the levee system; and if changes in flood risk and potential
  changes have been communicated to the community through public engagement, media, or
  electronically
- Tolerable Risk Guideline No. 3 Fulfilling Daily Responsibilities (Risk Management): Determines
  if the risks associated with the levee system are being monitored and managed properly by the
  LMA, and if the LMA is fulfilling daily responsibilities such as active operation and maintenance,
  monitoring, and using an updated testing emergency action plan and risk communication
  strategy
- Tolerable Risk Guideline No. 4 Actions to Reduce Risk (Risk Management): Determinations being made by the LMA in coordination with USACE are used to identify and consider if there are cost effective, socially acceptable, or environmentally acceptable ways to reduce risk from an individual or societal risk perspective. Considerations will be given to what types of actions have been taken to reduce risk; are further actions identified to reduce risk that could be reasonably implemented; what are the associated costs with risk reduction measures; should actions be further evaluated; and has progress been demonstrated by the risk reduction measures.

#### Inspections in Relation to National Flood Insurance Program

It should be noted that each time a USACE District conducts a levee inspection, a determination will be made if the levee segment meets or exceeds a subset of requirements of 44 CFR 65.10. Findings meeting these requirements, which are substantiated by information provided to the Federal Emergency Management Agency (FEMA), allow for FEMA to accredit the levee system on a National Flood Insurance Program (NFIP) Map. All information gathered during inspections is considered on a levee system basis such that a singular segment may exceed standards, but others may not within the levee system.

#### How Risk is Assessed

The USACE Levee Safety Program will use risk assessments to provide the basis for making risk-informed decisions. Following a screening level risk assessment (qualitative), to a quantitative risk assessment

increases the level of detail to reduce uncertainties in results. Three factors are associated with levee flood risk:

- Hazards: what are the hazards, and how likely is it for one or more to occur (flood/high water events)
- Performance: how does the levee perform in response to these hazards
- Consequence: what is to be at risk (population, infrastructure, critical facilities etc.,) and what level of damage may be caused

Completing a risk assessment is a collaborative effort between the USACE Risk Management Center (RMC) Team Lead, USACE District team staff (with knowledge of the specific levee system), the Local Sponsor, the LMA, and FEMA. Each entity will provide input in identifying and developing the following:

- Primary risk drivers
- Comparison to Tolerable Risk Guidelines
- Sources of uncertainty
- Developing recommended risk management actions
- Determining if the levee system meets requirements for NFIP Accreditation

This collaborative effort will include a baseline assessment of risk through completion of a levee screening of each levee segment within a levee system. The assessment will rely on existing data, historical performance, engineering judgement, and consequence estimation to characterize relative risks to levees based on annual exceedance probability (AEP), or the likelihood of an occurrence in any single year. This effort will be completed for 2 scenarios: breach prior to overtopping of the levee and overtopping. Following completion of this effort, each levee system is ranked considering each segment's performance and the resulting risk for the levee system is based on the highest risk levee segment.

At the completion of the risk assessment, a life safety risk matrix is developed detailing an estimated loss of life versus a given AEP. All risk assessments completed for each levee segment, including supporting information such as screenings, comment log, economic analyses, social impacts, consequence assessment, and fact sheets are compiled within in 30 days of completion and provided to all parties, including FEMA, as part of the final deliverable of the risk assessment.

#### **USACE Levee Portfolio & Assessment**

USACE will use all completed assessments to inform, on a collaborative level with local LMAs and stakeholders, a Levee Safety Action Classification (LSAC) rating for the levee system assessed. An LSAC rating is used by USACE to analyze and categorize risk throughout the USACE levee portfolio on a national basis. LSACs prioritize levee systems within the Levee Safety Program and inform activities on a programmatic level. LSACs are classified on a 1-5 basis with 1 signifying very high risk, and 5 being very low risk. Additionally, if sufficient information is not available to assign an LSAC, a *No Verdict* classification is assigned.

#### How Risk is Tracked & Risk Management Measures

On a continuous basis, risk management actions are implemented in coordination with USACE, which will allow LMAs to collaboratively develop measures as part of the USACE Levee Safety Program. More broadly, this will be completed on a levee system basis and activities implemented by LMAs and/or USACE will contribute to successful risk management. USACE has provided example measures which may be implemented to reduce risk as follows:

- Structure Elevation
- Structure Relocation
- Acquisition of Structures
- Flood Proofing
- Implementation of a Flood Warning System
- Flood Insurance Requirements
- Emergency
   Preparedness Plans

- Land Use Regulation
- Evacuation Plans/Drills
- Zoning
- Communication & Outreach
- Improvements to O&M
- Monitoring Levee Performance
- Erosion Protection

- Overtopping Resilience
- Coordinated
   Reservoir Operations
- Channel Conveyance Modification
- Enlargement of Bridges
- Improvements or Construction of Interior Drainage Features

#### ROLE OF THE LOCAL SPONSOR AND LMAS

Inspections, levee screenings, and risk assessments are completed in a collaborative effort between the USACE, the Local Sponsor, and the LMA. The screenings and risk assessments develop a LSAC, which is used by USACE to categorize risk on a "fix the worst first" basis. LSAC ratings are used to inform funding priorities for levees within the USACE levee portfolio. Additionally, information compiled from these efforts will be shared and used by the FEMA to inform mapping efforts under the NFIP.

The role of the LMA is paramount in the risk assessment process. The LMA should be closely involved in this process in both participation and review of assessments. Collaboration ensures information in developing, categorizing, and quantifying levee risk factors is the best available and is valid. Additionally, this collaboration process will provide an avenue for the LMA to comment and note concerns related to USACE generated findings and potential long-term project implications. Assistance in this process may be provided through district engineering services, in addition to LMA staff, stakeholders, and public input.

The USACE levee portfolio has varied characteristics related to operations and maintenance (O&M) responsibilities. The decision-making principles, inspection and reporting processes, risk assessment procedures, and application of mitigation/management measures detailed in Draft EC intend to manage and adapt to changing flood risk scenarios.

Additionally, there will be increased scrutiny of LMAs in confirming they are fulfilling their operations, maintenance, rehabilitation, repair, and replacement (OMRR&R) responsibilities. This also includes communication of risk factors and concerns between USACE, LMAs, stakeholders, and the public.

Risk assessment data compiled within the National Levee Database (NLD) through the USACE Levee Safety Program will be integrated and made accessible to other programs and processes throughout the USACE Flood Risk Management System. This will include the Dam Safety Program, Emergency Management Community of Practice, Critical Infrastructure and Resiliency Program, and the Section 408 Program. This will also be used to inform USACE planning design and construction projects, as well as allow for FEMA and USACE levee districts to align activities, information sharing, and messaging regarding levee systems to improve public awareness. Again, this effort allows for engagement between the USACE Levee Safety Program and FEMA in relation to policies and evaluations of the NFIP.

#### **KEY POINTS AND CHANGES**

Key points and changes to the Levee Safety Program from the Draft EC include:

- The USACE Levee Safety Program incorporates risk-informed decision making through a combination of inspections and engineering assessments.
- Develops a path for USACE, Local Sponsors, and LMAs to partner in managing changes in risks to levee systems and specific segments on an adaptive basis and using a risk-informed decisionmaking process
- USACE Districts are responsible for developing and maintaining a ten-year outlook on anticipated activities including inspections and risk assessments in conjunction with the Local Sponsor.
- The USACE Districts are responsible for developing procedures and coordinating permit requests (Section 408).
- Levee Sponsors are responsible for "ensuring that the levee is maintained and properly inspected routinely; performing response and recovery efforts".
- Every 5-years the USACE will work with the Local Sponsor to perform levee inspections. Levee
  inspections will no longer provide an overall rating of levee systems or segments.
- Every 10-years the USACE will perform a risk assessment on each levee system.
- Inspections and risk assessments may be performed out of cycle if requested or if conditions warrant. The results of all inspections and risk assessments will be shared by the USACE with FEMA for NFIP purposes.
- The Draft EC outlines Local Sponsor activities related to flood response activities including preflood inspection, flood operations and maintenance, levee patrol, emergency response, and recovery.
- Describes Local Sponsor and LMA activities specific to flood risk management including preparedness, response, recovery, and mitigation. Also notes how USACE activities can support Local Sponsors and LMAs
- Every 5-years the USACE Headquarters will in perform an independent review of the Levee Safety Program.

- There are multiple types of levee risk assessments all of which are led by the USACE and include input from the Local Sponsor and LMA.
- NFIP findings per 44 CFR 65.10 are required as part of USACE risk assessments.
- Establishes a process for tracking, monitoring, and adapting levee activities based on risk
- Describes how USACE can support risk communication

#### COMMENTS ON DRAFT EC

- 1. The Draft EC fundamentally alters the relationship between FEMA, the floodplain administrator (City or County) and the certifying engineer. It is outside the USACE's authority to alter this relationship and there are serious implications. The Draft EC should be revised to clarify that the USACE's role is to provide information to FEMA, the Floodplain Manager, and the Certifying Engineer, so they can be considered in the certification and accreditation of levee systems.
- 2. The Draft EC should be revised to specifically include language that includes LMAs and certifying engineer in inspections, assessments, review ratings, and generated data. Currently the Draft EC only recognizes the Local Sponsor.
- 3. The Draft EC is written in a way that is very hard for someone outside the USACE and not an expert in their terminology and processes to understand. This will likely create problems for LMAs attempting to participate in a meaningful manner, unless they hire experts to assist them, which may not be practical for LMAs that lack the financial resources to bring in outside experts for this work. Consideration should be given to revise the language in the Draft EC to be clearer to LMAs and non-Federal sponsors.
- 4. Volume III Ch. 7 Tracking Levee Risk, for each levee system monitoring and manage risk over time should be emphasized as a collaborative effort between LMAs, the Local Sponsor and USACE.
- 5. A sample checklist should be provided for LMA reference during inspections. While this has been referenced in the Draft EC, one has not been provided. In a broader context, the Draft EC does not provide supporting technical information, such as levee inspection criteria or the analytical aspects of levee risk assessments such as the Levee Screening Tool. The Draft EC only provides context, procedures, and policy which the Local Sponsor and LMAs are being required to participate in.
- 6. The Draft EC states that non-project levee segments will be inspected and included in the risk analysis, but there is no specific guidance given in the Draft EC on how this will differ from project levees. This should be added to the final EC.
- 7. Volume II pg. 28 Section F There should be more detail on what constitutes the validity of data and how it is allowed to be entered into the NLD. This needs to be a collaborative process with the LMA and certifying engineer to confirm the data is accurate.
- 8. Volume II Performance assessments It should be stated that the Local Sponsor, LMA, and certifying engineer should be included in the process. There is no language specifying this, which creates the potential for missing historical data/context to not be provided during an assessment, which could occur.
- 9. In general, there should be specific language in sections related to performing levee inspections, risk assessments, and review of any resulting/proposed LSAC ratings to note interaction with

LMAs to draw upon their expertise and knowledge. While this may be implied, specific language would be beneficial.

10. There should be a discussion added as to whether design considerations can be made for low risk areas or areas with low consequences. These areas should be able to do a risk-based design to reflect the lower consequences. This has been a weakness of EM 1110-2-1913. The cost for a levee repair can be exorbitant and is not affordable for some rural areas. As a result, no action is taken, which is not an effective way to manage flood risk. The Draft EC should acknowledge the benefit of risk-based levee design for lower risk areas.



GILBERT COSIO, JR., P.E. MARC VAN CAMP, P.E. WALTER BOUREZ, III, P.E. RIC REINHARDT, P.E. DON TRIEU, P.E. DARREN CORDOVA, P.E. NATHAN HERSHEY, P.E., P.L.S. LEE G. BERGFELD, P.E. BEN TUSTISON, P.E. THOMAS ENGLER, P.E., CFM MICHAEL MONCRIEF, P.E.

ANGUS NORMAN MURRAY 1913-1985

CONSULTANTS: JOSEPH I. BURNS, P.E. DONALD E. KIENLEN, P.E.

#### MEMORANDUM

DATE:

June 15, 2020

TO:

California Central Valley Flood Control Association

FROM:

Ric Reinhardt, P.E., Tony Deus, P.E., Michael Kynett, P.E. MBK Engineers

**SUBJECT:** Overview and Comments on the USACE's, Draft EC 1165-2-218

#### INTRODUCTION

The Draft Engineering Circular 1165-2-218 (Draft EC) describes the framework of the U.S. Army Corps of Engineers (USACE) Levee Safety Program. The USACE Levee Safety Program originated from the USACE's response to Hurricane Katrina, and was formally established in 2006 to "better understand, prioritize, and manage the flood risks associated with levees". The EC formalizes the USACE development of the Levee Safety Program that has incrementally progressed since 2006, and to a large degree the Draft EC does not present new information or technical details.

The USACE issued the Draft EC on February 25, 2020, for stakeholder review. Comments on the Draft EC are due July 27, 2020. The purpose of this memorandum is to summarize the significant aspects of the document and to provide comments on behalf of the California Central Valley Flood Control Association.

The Draft EC is divided into four volumes: overview, Local Sponsor activities, policy and procedures, and a summary of shared information. Within the Draft EC the Levee Safety Program consists of the following activities: developing and maintaining a National Levee Database; defining tolerable risk guidelines; performing levee inspections and site visits; performing levee risk assessments; tracking levee risk; communicating levee risk; and integrating with other programs, such as Section 408 Permission and the National Flood Insurance Program. The Draft EC defines these activities and identifies who performs them within a USACE, Local Sponsor, and Levee Maintaining Agency (LMA) relationship. It is important to note that while the LMA may be most involved in the day to day operations and maintenance of a levee system, the USACE formally recognizes a direct relationship only with the Local Sponsor, which in the California Central Valley is normally the Central Valley Flood Protection Board (CVFPB).

#### SUMMARY OF DRAFT EC

The following is a summary of major concepts and perspectives provided by the USACE in the Draft EC. The Draft EC was developed by USACE with the intention of providing guidance for the USACE Levee Safety Program activities internal to the USACE, the Local Sponsor, and LMAs. From the USACE perspective the Draft EC seeks to consolidate and formalize processes, principles, and policies used to monitor, manage, and understand flood risk, specifically for levees. Additionally, it intends to provide a framework to sustain long term benefits and implement adaptive management activities based on varied and dynamic flood risks. The Draft EC provides a framework for USACE, Local Sponsor, and LMA to partner in managing flood risk to levees. Risk-informed decision making is central to the USACE Levee Safety Program. Risk, as defined by the Draft EC, is "a tool that is used to understand and communicate the probability and consequences of uncertain future events". The risk-based approach accounts for the flood event occurring (hazard), system performance (levees, dams, weirs, and bypasses), and the consequence of the system performance or failure.

In 2006, USACE established the Levee Safety Program to work with Local Sponsors and LMAs to understand, prioritize, and manage flood risk to levees. At that time, formal documentation regarding the program was not developed. The overarching intent in development of the Draft EC is to document and clarify policy guidance of the USACE Levee Safety Program. Most of the processes and policies contained within the Draft EC have been in practice with the USACE for several years. More specifically, the Draft EC details the USACE Levee Safety Program and provides:

- The benefits of understanding, monitoring, and managing flood risks associated with levees over time
- A framework to sustain long-term flood risk reduction
- Adapts activities and actions based on dynamic nature of flooding, including:
  - Scalable decision-making process based on circumstance
  - o Allows consideration of historic levee performance
  - Acknowledges and addresses how to account for uncertainty in the decision-making process
  - Supports a risk-informed "fix-the-worst-first" approach
  - o Informs design and construction decisions to maintain and improve levees

#### Tolerable Risk Guidelines

To accomplish the USACE Levee Safety Program goals, the Draft EC details use of risk guidelines to adapt management actions based on associated risks. As flood risk changes over time, no levee is considered risk free regardless of condition. Risk guidelines are categorized by three classifications:

- Broadly Acceptable Risk: the probability of occurrence is so small, the consequences are so slight, or the benefits are so great that the risk is considered insignificant or negligible
- Tolerable Risk: defined by levee risk that society is willing to live with the associated levee system to secure the benefits of living and working in the leveed area. There exists continuation of recognizing and communicating levee risk because the risk is not broadly acceptable and

cannot be ignored. LMAs are properly monitoring and managing levee risks. Continuing management of risk and actions to review, reduce, and manage further risk as practicable, occurs while considering cost effectiveness, and social and environmental acceptability

 Unacceptable Risk: defined as risks that are not broadly acceptable or tolerable except in exception circumstances

The USACE Levee Safety Program provides the following actions and activities for Local Sponsors and LMAs:

- Tolerable Risk Guideline No. 1 Understanding Risk (Risk Assessment): includes evaluation of life safety risk, societal risk, individual life risk, and economic risk. This is commonly completed by USACE in coordination with the LMA and Local Stakeholders to allow for discussions and input to inform the assessment
- Tolerable Risk Guideline No. 2 Building Risk Awareness (Risk Communication): The assessment
  can be reviewed qualitatively and notes if the LMA has access to the best available levee risk
  information. It also notes if the LMA has participated in the USACE levee screening and higherlevel risk assessments; if the LMA and community within the leveed area has been provided risk
  information within regarding the levee system; and if changes in flood risk and potential
  changes have been communicated to the community through public engagement, media, or
  electronically
- Tolerable Risk Guideline No. 3 Fulfilling Daily Responsibilities (Risk Management): Determines
  if the risks associated with the levee system are being monitored and managed properly by the
  LMA, and if the LMA is fulfilling daily responsibilities such as active operation and maintenance,
  monitoring, and using an updated testing emergency action plan and risk communication
  strategy
- Tolerable Risk Guideline No. 4 Actions to Reduce Risk (Risk Management): Determinations being made by the LMA in coordination with USACE are used to identify and consider if there are cost effective, socially acceptable, or environmentally acceptable ways to reduce risk from an individual or societal risk perspective. Considerations will be given to what types of actions have been taken to reduce risk; are further actions identified to reduce risk that could be reasonably implemented; what are the associated costs with risk reduction measures; should actions be further evaluated; and has progress been demonstrated by the risk reduction measures.

#### Inspections in Relation to National Flood Insurance Program

It should be noted that each time a USACE District conducts a levee inspection, a determination will be made if the levee segment meets or exceeds a subset of requirements of 44 CFR 65.10. Findings meeting these requirements, which are substantiated by information provided to the Federal Emergency Management Agency (FEMA), allow for FEMA to accredit the levee system on a National Flood Insurance Program (NFIP) Map. All information gathered during inspections is considered on a levee system basis such that a singular segment may exceed standards, but others may not within the levee system.

#### How Risk is Assessed

The USACE Levee Safety Program will use risk assessments to provide the basis for making risk-informed decisions. Following a screening level risk assessment (qualitative), to a quantitative risk assessment

increases the level of detail to reduce uncertainties in results. Three factors are associated with levee flood risk:

- Hazards: what are the hazards, and how likely is it for one or more to occur (flood/high water events)
- Performance: how does the levee perform in response to these hazards
- Consequence: what is to be at risk (population, infrastructure, critical facilities etc.,) and what level of damage may be caused

Completing a risk assessment is a collaborative effort between the USACE Risk Management Center (RMC) Team Lead, USACE District team staff (with knowledge of the specific levee system), the Local Sponsor, the LMA, and FEMA. Each entity will provide input in identifying and developing the following:

- Primary risk drivers
- Comparison to Tolerable Risk Guidelines
- Sources of uncertainty
- Developing recommended risk management actions
- Determining if the levee system meets requirements for NFIP Accreditation

This collaborative effort will include a baseline assessment of risk through completion of a levee screening of each levee segment within a levee system. The assessment will rely on existing data, historical performance, engineering judgement, and consequence estimation to characterize relative risks to levees based on annual exceedance probability (AEP), or the likelihood of an occurrence in any single year. This effort will be completed for 2 scenarios: breach prior to overtopping of the levee and overtopping. Following completion of this effort, each levee system is ranked considering each segment's performance and the resulting risk for the levee system is based on the highest risk levee segment.

At the completion of the risk assessment, a life safety risk matrix is developed detailing an estimated loss of life versus a given AEP. All risk assessments completed for each levee segment, including supporting information such as screenings, comment log, economic analyses, social impacts, consequence assessment, and fact sheets are compiled within in 30 days of completion and provided to all parties, including FEMA, as part of the final deliverable of the risk assessment.

#### **USACE** Levee Portfolio & Assessment

USACE will use all completed assessments to inform, on a collaborative level with local LMAs and stakeholders, a Levee Safety Action Classification (LSAC) rating for the levee system assessed. An LSAC rating is used by USACE to analyze and categorize risk throughout the USACE levee portfolio on a national basis. LSACs prioritize levee systems within the Levee Safety Program and inform activities on a programmatic level. LSACs are classified on a 1-5 basis with 1 signifying very high risk, and 5 being very low risk. Additionally, if sufficient information is not available to assign an LSAC, a *No Verdict* classification is assigned.

#### How Risk is Tracked & Risk Management Measures

On a continuous basis, risk management actions are implemented in coordination with USACE, which will allow LMAs to collaboratively develop measures as part of the USACE Levee Safety Program. More broadly, this will be completed on a levee system basis and activities implemented by LMAs and/or USACE will contribute to successful risk management. USACE has provided example measures which may be implemented to reduce risk as follows:

- Structure Elevation
- Structure Relocation
- Acquisition of Structures
- Flood Proofing
- Implementation of a Flood Warning System
- Flood Insurance Requirements
- Emergency
   Preparedness Plans

- Land Use Regulation
- Evacuation Plans/Drills
- Zoning
- Communication & Outreach
- Improvements to O&M
- Monitoring Levee
   Performance
- Erosion Protection

- Overtopping Resilience
- Coordinated
   Reservoir Operations
- Channel Conveyance Modification
- Enlargement of Bridges
- Improvements or Construction of Interior Drainage Features

#### ROLE OF THE LOCAL SPONSOR AND LMAS

Inspections, levee screenings, and risk assessments are completed in a collaborative effort between the USACE, the Local Sponsor, and the LMA. The screenings and risk assessments develop a LSAC, which is used by USACE to categorize risk on a "fix the worst first" basis. LSAC ratings are used to inform funding priorities for levees within the USACE levee portfolio. Additionally, information compiled from these efforts will be shared and used by the FEMA to inform mapping efforts under the NFIP.

The role of the LMA is paramount in the risk assessment process. The LMA should be closely involved in this process in both participation and review of assessments. Collaboration ensures information in developing, categorizing, and quantifying levee risk factors is the best available and is valid. Additionally, this collaboration process will provide an avenue for the LMA to comment and note concerns related to USACE generated findings and potential long-term project implications. Assistance in this process may be provided through district engineering services, in addition to LMA staff, stakeholders, and public input.

The USACE levee portfolio has varied characteristics related to operations and maintenance (O&M) responsibilities. The decision-making principles, inspection and reporting processes, risk assessment procedures, and application of mitigation/management measures detailed in Draft EC intend to manage and adapt to changing flood risk scenarios.

Additionally, there will be increased scrutiny of LMAs in confirming they are fulfilling their operations, maintenance, rehabilitation, repair, and replacement (OMRR&R) responsibilities. This also includes communication of risk factors and concerns between USACE, LMAs, stakeholders, and the public.

Risk assessment data compiled within the National Levee Database (NLD) through the USACE Levee Safety Program will be integrated and made accessible to other programs and processes throughout the USACE Flood Risk Management System. This will include the Dam Safety Program, Emergency Management Community of Practice, Critical Infrastructure and Resiliency Program, and the Section 408 Program. This will also be used to inform USACE planning design and construction projects, as well as allow for FEMA and USACE levee districts to align activities, information sharing, and messaging regarding levee systems to improve public awareness. Again, this effort allows for engagement between the USACE Levee Safety Program and FEMA in relation to policies and evaluations of the NFIP.

#### KEY POINTS AND CHANGES

Key points and changes to the Levee Safety Program from the Draft EC include:

- The USACE Levee Safety Program incorporates risk-informed decision making through a combination of inspections and engineering assessments.
- Develops a path for USACE, Local Sponsors, and LMAs to partner in managing changes in risks to levee systems and specific segments on an adaptive basis and using a risk-informed decisionmaking process
- USACE Districts are responsible for developing and maintaining a ten-year outlook on anticipated activities including inspections and risk assessments in conjunction with the Local Sponsor.
- The USACE Districts are responsible for developing procedures and coordinating permit requests (Section 408).
- Levee Sponsors are responsible for "ensuring that the levee is maintained and properly inspected routinely; performing response and recovery efforts".
- Every 5-years the USACE will work with the Local Sponsor to perform levee inspections. Levee inspections will no longer provide an overall rating of levee systems or segments.
- Every 10-years the USACE will perform a risk assessment on each levee system.
- Inspections and risk assessments may be performed out of cycle if requested or if conditions warrant. The results of all inspections and risk assessments will be shared by the USACE with FEMA for NFIP purposes.
- The Draft EC outlines Local Sponsor activities related to flood response activities including preflood inspection, flood operations and maintenance, levee patrol, emergency response, and recovery.
- Describes Local Sponsor and LMA activities specific to flood risk management including preparedness, response, recovery, and mitigation. Also notes how USACE activities can support Local Sponsors and LMAs
- Every 5-years the USACE Headquarters will in perform an independent review of the Levee Safety Program.

- There are multiple types of levee risk assessments all of which are led by the USACE and include input from the Local Sponsor and LMA.
- NFIP findings per 44 CFR 65.10 are required as part of USACE risk assessments.
- Establishes a process for tracking, monitoring, and adapting levee activities based on risk
- Describes how USACE can support risk communication

#### COMMENTS ON DRAFT EC

- 1. The Draft EC fundamentally alters the relationship between FEMA, the floodplain administrator (City or County) and the certifying engineer. It is outside the USACE's authority to alter this relationship and there are serious implications. The Draft EC should be revised to clarify that the USACE's role is to provide information to FEMA, the Floodplain Manager, and the Certifying Engineer, so they can be considered in the certification and accreditation of levee systems.
- 2. The Draft EC should be revised to specifically include language that includes LMAs and certifying engineer in inspections, assessments, review ratings, and generated data. Currently the Draft EC only recognizes the Local Sponsor.
- 3. The Draft EC is written in a way that is very hard for someone outside the USACE and not an expert in their terminology and processes to understand. This will likely create problems for LMAs attempting to participate in a meaningful manner, unless they hire experts to assist them, which may not be practical for LMAs that lack the financial resources to bring in outside experts for this work. Consideration should be given to revise the language in the Draft EC to be clearer to LMAs and non-Federal sponsors.
- 4. Volume III Ch. 7 Tracking Levee Risk, for each levee system monitoring and manage risk over time should be emphasized as a collaborative effort between LMAs, the Local Sponsor and USACE.
- 5. A sample checklist should be provided for LMA reference during inspections. While this has been referenced in the Draft EC, one has not been provided. In a broader context, the Draft EC does not provide supporting technical information, such as levee inspection criteria or the analytical aspects of levee risk assessments such as the Levee Screening Tool. The Draft EC only provides context, procedures, and policy which the Local Sponsor and LMAs are being required to participate in.
- 6. The Draft EC states that non-project levee segments will be inspected and included in the risk analysis, but there is no specific guidance given in the Draft EC on how this will differ from project levees. This should be added to the final EC.
- 7. Volume II pg. 28 Section F There should be more detail on what constitutes the validity of data and how it is allowed to be entered into the NLD. This needs to be a collaborative process with the LMA and certifying engineer to confirm the data is accurate.
- 8. Volume II Performance assessments It should be stated that the Local Sponsor, LMA, and certifying engineer should be included in the process. There is no language specifying this, which creates the potential for missing historical data/context to not be provided during an assessment, which could occur.
- 9. In general, there should be specific language in sections related to performing levee inspections, risk assessments, and review of any resulting/proposed LSAC ratings to note interaction with

- LMAs to draw upon their expertise and knowledge. While this may be implied, specific language would be beneficial.
- 10. There should be a discussion added as to whether design considerations can be made for low risk areas or areas with low consequences. These areas should be able to do a risk-based design to reflect the lower consequences. This has been a weakness of EM 1110-2-1913. The cost for a levee repair can be exorbitant and is not affordable for some rural areas. As a result, no action is taken, which is not an effective way to manage flood risk. The Draft EC should acknowledge the benefit of risk-based levee design for lower risk areas.

### ITEM 8

#### **RD 828: MASTER CALENDAR**

#### **JANUARY**

- Board Meeting 3<sup>rd</sup> Thursday at 8:30 a.m.
- Adopt Subventions Agreement Resolution
- Election of Officers (After an election)
- Obtain Insurance to be Approved. Insurance year is April to March

#### **FEBRUARY**

- Send out Form 700s, remind Trustees of April 1 filing date
- Update Document Retention Policy

#### MARCH

#### APRIL

- April 1: Form 700s due
- Board Meeting 3rd Thursday at 8:30 a.m.
- Renew District Insurance

#### MAY

#### JUNE

#### JULY

- Board Meeting 3rd Thursday at 8:30 a.m.
- Approve Audit Contract for expiring fiscal year
- Adopted Annual Budget
- Adopt Resolution for setting Assessments and submit to County Assessor's Office
- Adopt Notice of Exemptions Resolution

#### **AUGUST**

- August 1: Deadline to certify assessments for tax-roll and deliver to County (duration of current assessment: Indefinite).
- August 1: Insurance renewal
- Send handbills for collection of assessments for public entity-owned properties
- In election years, opening of period for secretary to receive petitions for nomination of Trustees (75 days from date of election.) (*Cal. Wat. Code* §50731.5)

#### **SEPTEMBER**

• In election years, last legal deadline to post notice that petitions for nomination of Trustees may be received (7 days prior to close of closure.) (*Cal. Wat. Code* §50731.5).

• In election years, closing of acceptance of petitions for nomination of Trustees (54 days from date of election.) (*Cal. Wat. Code* §50731.5).

#### **OCTOBER**

- Publish Notice of Election, odd numbered years (once per week, 4 times, commencing at least 1 month prior to election).
- Board Meeting 3rd Thursday at 8:30 a.m.

#### **NOVEMBER**

• Election.

#### **DECEMBER**

• New Trustee(s) take office, outgoing Trustee(s) term(s) end on first Friday of each odd-numbered year.

#### **Term of Current Board Members:**

Name	Term Commenced	Term Ends
Bill Mendelson	First Friday 12/2017	First Friday of 12/2021
Debbie Provost	First Friday 12/2019	First Friday of 12/2023
Paul Marsh	First Friday 12/2019	First Friday of 12/2023

No Expiration on Assessment

Refund of Smith Canal Closure Election Contribution – when there is adequate surplus funding available, the disbursement of which will not generate Project delays.

### ITEM 9

#### RD 828 BILLS TO BE PAID

July 15, 2020

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL \$	RATIFY	WARRANT#
Kjedlsen, Sinnock & Neudeck, Inc.	6/5/2020	27927	\$315.00			
	6/5/2020	27928	\$2,357.50			
	6/5/2020	27929	\$22.50			
				\$2,695.00		
Neumiller & Beardslee	5/15/2020	308328	\$594.00			
	6/17/2020	309385	\$673.00			
				\$1,267.00		
Trustee Stipend - 07/15/2020 Regular Board Meeting	Deby Provost		\$50.00	\$50.00		
Trustee Stipend - 07/15/2020 Regular Board Meeting	Bill Mendelson		\$50.00	\$50.00		
Trustee Stipend - 01/24/2020 Meeting to Sign County Permits			\$50.00	\$50.00		
Trustee Stipend - 07/15/2020 Regular Board Meeting	Paul Marsh		\$50.00	\$50.00		

NOTES:

 Fund Balance as of May 31, 2020
 \$541,338.40

 Less Submitted Bills for Payment:
 \$4,162.00

 Total:
 \$537,176.40

#### RD 828 BILLS TO BE PAID

TOTAL:

\$4,162.00

May 15, 2020

NAME	INVOICE DATE	INVOICE #	AMOUNT	TOTAL\$	RATIFY	WARRANT #
Dohrmann Insurance Co.	4/6/2020	10794	\$3,776.00			
	4/6/2020	10795	\$567.00			
				\$4,343.00	х	1366
California Association of Mutual Water Agencies	1/15/2020	1226	\$100.00			
(membership dues)				\$100.00	х	1367
Kjedlsen, Sinnock & Neudeck, Inc.	2/6/2020	27031	\$1,658.70			
	2/6/2020	27032	\$663.75			
	2/6/2020	27033	\$1,425.00			
	2/6/2020	27034	\$1,060.50			
	3/16/2020	27345	\$22.50			
	3/16/2020	27346	\$603.75			
	3/16/2020	27347	\$4,646.25			
	3/16/2020	27348	\$1,094.75			
	4/17/2020	27579	\$810.00			
	4/17/2020	27580	\$2,501.25			
	5/12/2020	27750	\$450.00			
	5/12/2020	27751	\$3,952.50			
				\$18,888.95	Х	1368
Neumiller & Beardslee	2/18/2020	305443	\$2,368.50			
	3/20/2020	306227	\$352.11			
	4/16/2020	307346	\$552.00			
				\$3,272.61	Х	1369
		TOTAL		ARC 504 F5		

TOTAL: \$26,604.56

NOTES:

 Fund Balance as of April 30, 2020
 \$562,478.84

 Less Submitted Bills for Payment:
 \$26,604.56

 Total:
 \$535,874.28