

**RECLAMATION DISTRICT NO. 1000  
BOARD OF TRUSTEES  
REGULAR BOARD MEETING**

1633 GARDEN HIGHWAY  
SACRAMENTO, CA 95833

**FRIDAY, AUGUST 9, 2019  
8:00 A.M.**

**AGENDA**

**1. PRELIMINARY**

- 1.1. Call Meeting to Order
- 1.2. Approval of Agenda
- 1.3. Pledge of Allegiance
- 1.4. Conflict of Interest (*Any Agenda items that might be a conflict of interest to any Trustee should be identified at this time by the Trustee involved*)

**2. PRESENTATIONS**

No presentations scheduled for this meeting.

**3. PUBLIC COMMENT (NON-AGENDA ITEMS)**

*Any person desiring to speak on a matter which is not scheduled on this agenda may do so under the Public Comments section. Speaker times are limited to three (3) minutes per person on any matter within RD 1000's jurisdiction, not on the Agenda.*

*Public comments on agenda or non-agenda items during the Board of Trustees meeting are for the purpose of informing the Board to assist Trustees in making decisions. Please address your comments to the President of the Board. The Board President will request responses from staff, if appropriate. Please be aware the California Government Code prohibits the Board from taking any immediate action on an item which does not appear on the agenda unless the item meets stringent statutory requirements (see California Government Code Section 54954.2 (a)).*

*Public comments during Board meetings are not for question and answers. Should you have questions, please do not ask them as part of your public comments to the Board. Answers will not be provided during Board meetings. Please present your questions to any member of RD 1000 staff via e-mail, telephone, letter, or in-person at a time other than during a Board meeting.*

#### **4. INFORMATIONAL ITEMS**

- 4.1. GENERAL MANAGER'S REPORT: Update on activities since the July 2019 Board of Trustees Meeting.
- 4.2. SUPERINTENDENT'S REPORT: Update on activities since the July 2019 Board of Trustees Meeting.
- 4.3. DISTRICT COUNSEL'S REPORT: Update on activities since the July 2019 Board of Trustees Meeting.

#### **5. CONSENT CALENDAR**

*The Board considers all Consent Calendar items to be routine and will adopt them in one motion. There will be no discussion on these items before the Board votes on the motion, unless Trustees, staff or the public request specific items be discussed and/or removed from the Consent Calendar.*

- 5.1. APPROVAL OF MINUTES: Approval of Minutes from July 12, 2019 Regular Board Meeting.
- 5.2. TREASURER'S REPORT: Approve Treasurer's Report for July 2019.
- 5.3. EXPENDITURE REPORT: Review and Accept Report for July 2019.
- 5.4. BUDGET TO ACTUAL REPORT: Review and Accept Report for July 2019.
- 5.5. AUTHORIZATION TO GRANT EASEMENT: Review and Consider Adoption of Resolution No. 2019-8-1 Authorizing General Manager to Grant Easement Deed to Sacramento Municipal Utility District.
- 5.6. AUTHORIZATION TO ACCEPT EASEMENT: Review and Consider Adoption of Resolution No. 2019-8-2 Authorizing General Manager to Accept Grant of Facility Easement Deed from Greenbriar Project Owner, LLC.
- 5.7. AUTHORIZATION TO ACCEPT EASEMENT: Review and Consider Adoption of Resolution No. 2019-8-3 Authorizing General Manager to Accept Grant of Access Easement Deed from Greenbriar Project Owner, LLC.
- 5.8. AUTHORIZATION TO SUBMIT GRANT APPLICATION: Review and Consider Adoption of Resolution No. 2019-8-4 Authorizing General Manager to Submit Application for Grant Funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

5.9. AUTHORIZATION TO EXECUTE FUNDING AGREEMENT: Review and Consider Adoption of Resolution No. 2019-8-5 Authorizing General Manager to Execute Funding Agreement with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**6. SCHEDULED ITEMS**

6.1. SENATE BILL 415 (HUESO) – VOTER PARTICIPATION: Review and Discuss Impacts of Senate Bill 415 (Hueso).

**7. BOARD OF TRUSTEE’S COMMENTS**

7.1. BOARD ACTIVITY UPDATES:

7.1.1. RD 1000 Committee Meetings Since Last Board Meeting

- Executive Committee (Smith & Barandas) July 31, 2019

7.1.2. RD 1000 Committees No Meetings Since Last Board Meeting

- Finance Committee (Gilbert, Harris, & Smith)
- Legal Committee (Avis, Barandas, & Harris)
- Operations Committee (Barandas, Christophel, & Smith)
- Personnel Committee (Harris, Burns, Christophel)
- Urbanization Committee (Burns, Gilbert, & Avis)

7.1.3. Trustee’s Comments/Reports

**8. CLOSED SESSION**

8.1. No Closed Session Items

**9. RECONVENE TO OPEN SESSION**

9.1. No Closed Session Items

**10. ADJOURN**

**DATE: August 9, 2019**

**AGENDA ITEM NO. 4.1**

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**TITLE: General Manager's Report – August 2019**

**SUBJECT: Update on activities since the July 2019 Board of Trustees Meeting**

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**EXECUTIVE SUMMARY:**

Reclamation District 1000's (RD 1000; District) General Manager, Kevin King, to provide verbal report of work performed during the month of July 2019.

**ATTACHMENTS:**

1. Sacramento Area Flood Control Agency – July 2019 Board Meeting
2. LAFCO Nomination Form

**STAFF RESPONSIBLE FOR REPORT:**



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Kevin L. King, General Manager

Date: 08/05/2019



## Board of Directors Agenda of

**July 18, 2019 - 3:00 pm**

**Sacramento City Hall Historic Hearing Room 201**  
**915 I Street, Sacramento, CA 95814**

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**Directors/Alternates Present:** Barandas, Burns, Conant, Harris, Hedges, Holloway, Kennedy, Nava, Nottoli, and Schmidt

**Directors Absent:** Ashby, Jennings, and Shah

### **ROLL CALL**

**PUBLIC COMMENTS** - no public comments were received

### **PUBLIC HEARING**

1. [Resolution No. 2019-096 - Approving the Supplemental Assessment Roll and Setting the Fiscal Year 2019-20 Assessment Rate for the Sacramento Area Flood Control Agency Operations and Maintenance Assessment District No. 1 \(Campbell\)](#)

Motion by Director Conant and seconded by Director Holloway to approve Resolution No. 2019-096.

AYES: Barandas, Burns, Conant, Harris, Hedges, Holloway, Kennedy, Nava, Nottoli, and Schmidt

NOES: (None)

ABSTAIN: (None)

RECUSE: (None)

ABSENT: Ashby, Jennings, and Shah

### **CLOSED SESSION**

**Government Code Section 54956.8 - Conference with Real Property Negotiators**

**Property: A portion of Board of Equalization Lot Numbers 9 and 10 as shown on the State Board of Equalization Land Identification maps, entitled "Alignment, Sacramento & Woodland Railroad Company", June 30, 1913.**

**Agency Negotiators: Richard M. Johnson, Jason D. Campbell, M. Holly Gilchrist**

**Negotiating Party: Sierra Northern Railway**

**Under Negotiation: Price and terms of payment**

Motion by Director Conant and seconded by Director Barandas, authorizing the Executive Director or his designee, to execute an Easement Purchase and Sale Agreement and Option Agreement with Sierra Northern Railway for property in Yolo County to be dated April 18, 2019 for the American River Common Features 2016 Project. The terms and conditions will be made public following execution of the Agreement.

AYES: Barandas, Burns, Conant, Harris, Hedges, Holloway, Kennedy, Nava, Nottoli, and Schmidt  
 NOES: (None)  
 ABSTAIN: (None)  
 RECUSE: (None)  
 ABSENT: Ashby, Jennings, and Shah

## **EXECUTIVE DIRECTOR'S REPORT**

2. [Information - Executive Director's Report for July 18, 2019 \(Johnson\)](#) - no action

## **CONSENT MATTERS**

Motion by Director Holloway and seconded by Director Conant to approve the Action Summary of June 20, 2019 and Resolution Nos: 2019-097; 2019-098; 2019-099; 2019-100; 2019-101; 2019-102; 2019-103; and 2019-104 of the Consent Matters.

AYES: Barandas, Burns, Conant, Harris, Hedges, Holloway, Kennedy, Nava, Nottoli, and Schmidt  
 NOES: (None)  
 ABSTAIN: (None)  
 RECUSE: (None)  
 ABSENT: Ashby, Jennings, and Shah

3. [Adopting the Action Summary for June 20, 2019 \(Russell\)](#).
4. [Resolution No. 2019-097 - Authorizing Levy and Collection of Sacramento Area Flood Control Agency Consolidated Capital Assessment District No. 2](#)

[and Natomas Basin Local Assessment District Assessments for Fiscal Year 2019-20 \(Campbell\)](#)

5. [Resolution No. 2019-098 - Amending Resolution Nos. 2019-011 and 2019-012 Setting the Time and Locations for SAFCA Meetings for March 2019 Through February 2020 to Authorize the Executive Director to a Change a Meeting Location When Necessary \(Johnson\)](#)
6. [Resolution No. 2019-099 - Approving the 2019 Urban Level of Flood Protection Adequate Progress Annual Report for Distribution to the City of Sacramento, County of Sacramento, Sutter County and the Central Valley Flood Protection Board \(Bardini\)](#)
7. [Resolution No. 2019-100 - Authorizing the Executive Director to Execute Amendment No. 1 to Contract No. 1422 with Gualco Consulting for Local Government Relations, Community Outreach and Right of Way Support Activities Related to the American River Common Features 2016 Project \(Campbell\)](#)
8. [Resolution No. 2019-101 - Authorizing the Executive Director to Execute a Contract with Kleinfelder, Inc. for Geotechnical and General Engineering Consulting Services \(Ghelfi\)](#)
9. [Resolution No. 2019-102 - Approving Contract Documents And Authorizing The Executive Director to Advertise for Bids for the SAFCA Dry Creek Fence Rehabilitation and Replacement Project, Phase 2, Sacramento County, California, Contract No. 4454 \(Sorgen\)](#)
10. [Resolution No. 2019-103 - Approving Contract Documents and Authorizing the Executive Director to Advertise Contract No. 4471 for Bid - North Area Levee Improvement Project \(2019\), City of Sacramento, Sacramento County, California \(Ghelfi\)](#)
11. [Resolution No. 2019-104 - Authorizing the Executive Director to Cooperate with the Cosumnes Subbasin Working Group in Preparing a Proposition 68 Grant Application to Secure Supplemental State Funding for Completion of the Cosumnes Subbasin Groundwater Sustainability Plan and to Contribute up to \\$25,000 to the Cost of Preparing the Grant Application \(Bardini\)](#)

**RECEIVE & FILE** – no action

12. [Report of Construction Contract Change Orders Issued Under Delegated Authority for the Fourth Larsen Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)

13. [Report of Insurance Claims Settled Under Delegated Settlement Authority for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
14. [Report of Professional Services Agreements Issued Under Delegated Authority for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
15. [Status Reports of Environmental Consulting Master Services Agreements for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
16. [Report of Real Property Transaction Where Just Compensation is Less than \\$500,000 Executed Under Delegated Authority for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
17. [Status Reports of Right of Way Consulting Master Services Agreements for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
18. [Report of California Uniform Public Construction Cost Accounting Act \(CUPCCA\) Contracts Issued Under Delegated Authority for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)
19. [Status Reports of Flood Risk Management Planning Master Services Agreements for the Fourth Quarter, Fiscal Year 2018-19 \(Gilchrist\)](#)

## **ADJOURN**

Respectfully submitted,

Lyndee Russell





SACRAMENTO LOCAL AGENCY FORMATION COMMISSION  
1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939  
[www.saclafco.org](http://www.saclafco.org)

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DATE: July 18, 2019

TO: Board of Directors of Independent Special Districts

FROM: Donald Lockhart AICP, Executive Officer  
Sacramento Local Agency Formation Commission

RE: **Sacramento LAFCo Nominations for Special District Representation  
Election for: Special District Commissioner Office No. 6, and  
Alternate Special District Commissioner for Office No. 6 & 7**

Pursuant to the provisions of Cortese-Knox-Hertzberg (CKH), Section 56332 of the Government Code, the Executive Officer has determined that a meeting of the Special District Selection Committee is not feasible for the purpose of selecting a Special District Commissioner [Office No. 6] and Alternate Special District Commissioner [Office No. 6 & 7] to serve on the Sacramento Local Agency Formation Commission. Based on past experience, due to the size of the Special District Selection Committee, it has been difficult to establish a quorum. Therefore, the business of the Special District Selection Committee will be conducted in writing, as provided in the cited section code.

The Sacramento Local Agency Formation Commission meets on the **first Wednesday of the month at 5:30 P.M.**, Board Chambers, County Administration Center, 700 H Street, Sacramento, California. The Commission meeting is on recess January and July. The term of this office is four years beginning January 1, 2020 thru December 31, 2023.

**SPECIAL DISTRICT COMMISSIONER (Office No. 6)**

This office is currently held by Ron Greenwood (Carmichael Water District) and will expire on the 31st day of December, 2019.

**ALTERNATE SPECIAL DISTRICT COMMISSIONER (for Office No. 6 & 7)**

This office is currently VACANT and will expire on the 31st day of December, 2021 (two years).

Please be advised that nominations for the Offices listed above will be accepted starting July 18, 2019 until **September 19, 2019 at 4:00 P.M.** (64 days). You are invited to submit nominations **IN WRITING** to this office: **Sacramento LAFCo; 1112 "I" Street, Suite 100: Sacramento CA 95814.** Nominations not received by 4:00 P.M. on September 19, 2019, will be disregarded and returned to your district.

**To be valid, a nomination must be made by a majority vote of the governing board of an Independent Special District in an official meeting of that board and certified by the Secretary or Clerk of the Board. The nominee must be an elected or appointed Independent Special District Officer residing within the County of Sacramento but shall not be members of the legislative body of a city or county [(CKH Section 56332 (c)).**

At the end of the nominating period, the Executive Officer will prepare and send, to each Independent Special District, one ballot listing candidates and voting instructions. The ballot will include the names of all nominees submitted for Office No. 6 and Alternate for Office No. 6 & 7. The districts must return the ballots to the Executive Officer by the date specified in the voting instructions, which date will be at least 30 days from the date on which the Executive Officer mailed the ballots to the districts. Any ballot received by the Executive Officer after the specified date shall not be valid. The candidate who receives the most votes will be determined the winner outright. In the event of a tie, there will be a run-off election held in the same format as the initial election. The Executive Officer will announce the results of the election within seven days of the specified date.

If you have questions regarding the election procedure, please contact the LAFCo Clerk of the Commission, Diane Thorpe, at (916) 874-6458.

Very truly yours,

SACRAMENTO LOCAL AGENCY FORMATION COMMISSION



Donald Lockhart, AICP  
Executive Officer

cc: LAFCo Commissioners



SACRAMENTO LOCAL AGENCY FORMATION COMMISSION  
1112 I Street, Suite 100 • Sacramento, CA 95814 • (916) 874-6458 • Fax (916) 874-2939

## SACRAMENTO LOCAL AGENCY FORMATION COMMISSION Special District Representation

### Nomination Form

Due: September 19, 2019 at 4:00 P.M.

In accordance with the bylaws of the Special District Selection Committee,  
the Governing Board of the \_\_\_\_\_ District  
(Name of Special District)

Nominates \_\_\_\_\_ for: LAFCo Special District Representation  
(Board Member)

Commissioner Office No. 6 (Four Year term)

**AND/OR**

Alternate Commissioner Office No. 6 & 7 (Remaining Two Year term)

Signature: \_\_\_\_\_  
Board Chairperson

Meeting Date: \_\_\_\_\_

**ATTEST:**

\_\_\_\_\_  
District Secretary

**Please Print E-mail Address**

\_\_\_\_\_  
District Manager

**Please Print E-mail Address**

**INFORMATION BELOW TO REMAIN CONFIDENTIAL**

**Nominee's contact information below:**

\_\_\_\_\_  
Nominees Name

\_\_\_\_\_  
Nominees Address

\_\_\_\_\_  
Nominees Phone Number

\_\_\_\_\_  
Nominees E-mail

**This box must be complete  
for nomination to be accepted**

**Please attach Nominee's resume**

DATE: August 9, 2019

AGENDA ITEM NO. 4.2

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TITLE: Superintendent's Report – August 2019

SUBJECT: Update on activities since the July 2019 Board of Trustees Meeting

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**EXECUTIVE SUMMARY:**

This Staff Report is intended to inform the Board and serve as official record of the activities the District's field staff engaged in for the month of July 2019. As well as provide information regarding District facility use and local weather impacts on District facilities and river levels.

The Superintendent report was created to provide monthly updates to the Board of Trustees on field activities within the District boundaries, as well as provide a historical record. This allows for the District and the public the opportunity to refer back to data trends over time regarding the weather impact on District facilities, crew activities and local river and canal conditions as well as general District activities from month to month.

**RECOMMENDATION:**

There are no staff recommendations, information provided is strictly informational.

**ATTACHMENTS:**

1. Superintendent's Report Data Sheet

**STAFF RESPONSIBLE FOR REPORT:**



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Donald Caldwell, Superintendent

Date: 08/01/2019



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Kevin L. King, General Manager

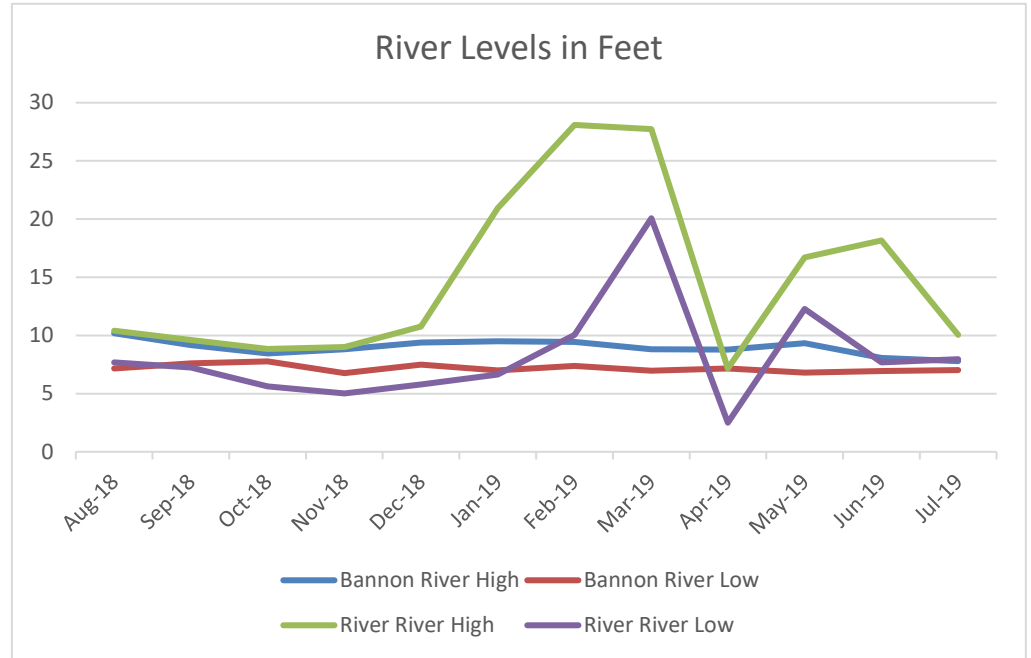
Date: 08/05/2019

Superintendent's Report – July 2019

River Levels:

**Bannon** H: 7.79'  
L: 7.03'

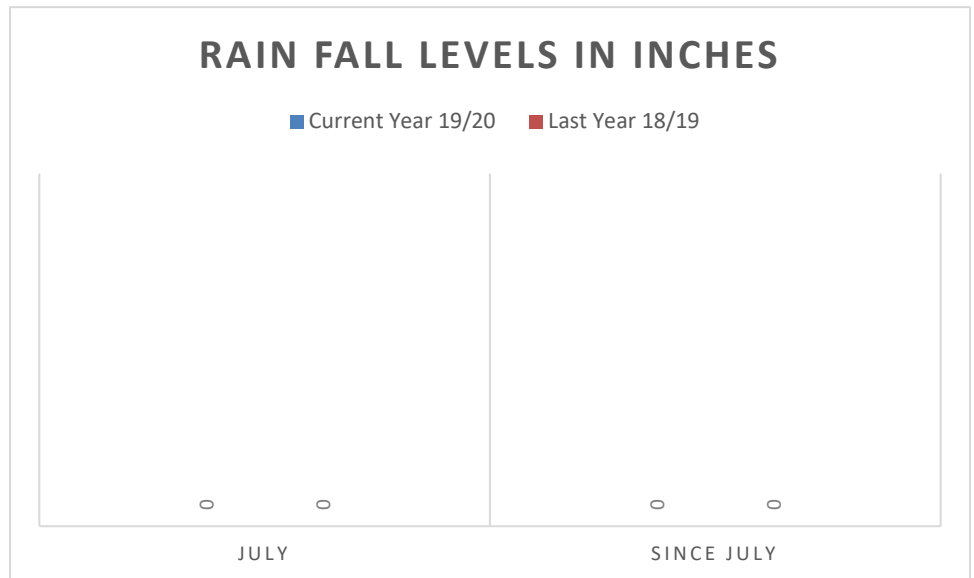
**River** H: 10.05'  
L: 7.98'



Rain Fall Totals:

Rain totals for the month of July were 0"

Rain totals since July 1st were 0"



The chart below represents the various activities our field crew spent their time working on during the month of July 2019.

RD 1000 Field Crew	*Field Hours Worked	Activity
	34	Ground Maintenance
	40	Pumping Plant Maintenance
	3.5	Pump Rounds
	8	Ditch Maintenance
	12	Levee Maintenance
	76	Garbage
	258	Weed Control
	361	Mowing
	18	Rodent Control
	144	Equipment Repairs

\*Hours worked do not include: sick, vacation, holiday or Superintendent's time

### Pumping

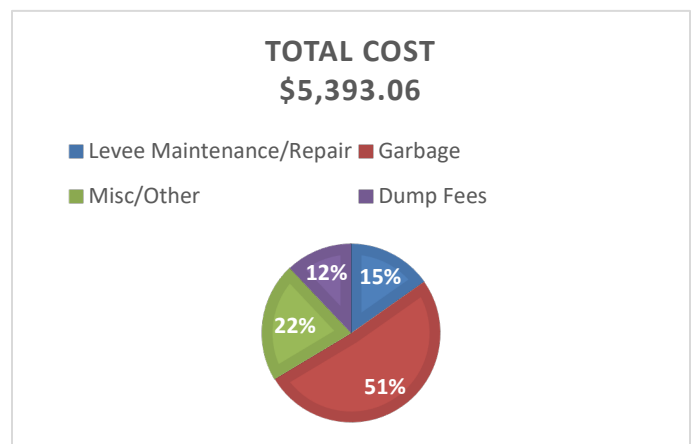
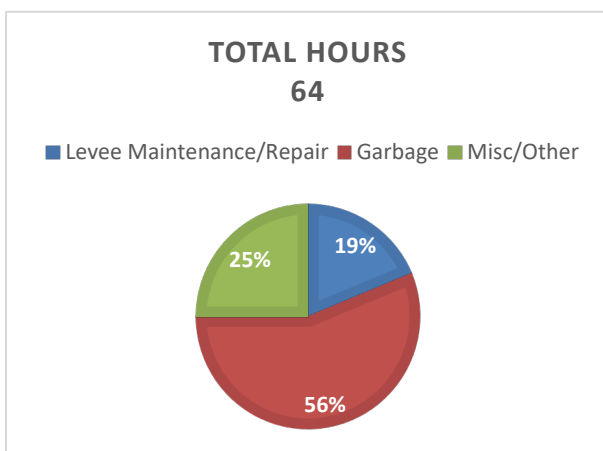
Plant 4 pumping for dewatering at Reach D for the Natomas Levee Project.

Pumping Plant	Pump	Hours and A/F
Plant 4	Pump # 1	5.5 hours and 31.35 AF

### Unauthorized Encampment Activity

The District spent a total of 64 crew hours on unauthorized encampments for a total cost to the district of \$5,393.06. This total includes labor\*, equipment costs and dump fees. Miscellaneous/Other time is supervisor time spent on site monitoring crew activities and safety concerns.

\*labor costs only include hourly wages and does not include a weighted rate for each employee



**Safety topics for the month of July:** Personal Protection Equipment (PPE): safety glasses, hard hats, safety vests, gloves, earplugs. Crew must use these items for their protection.

**DATE:** August 9, 2019

**AGENDA ITEM NO. 4.3**

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**TITLE:** District Counsel's Report – August 2019

**SUBJECT:** Update on activities since the July 2019 Board of Trustees Meeting

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**EXECUTIVE SUMMARY:**

Reclamation District 1000's (RD 1000; District) General Counsel, Jim Day, to provide verbal report of work performed during the month of July 2019.

**ATTACHMENTS:**

None

**STAFF RESPONSIBLE FOR REPORT:**



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Kevin L. King, General Manager

Date: 08/05/2019

**DATE: August 9, 2019**

**AGENDA ITEM NO. 5.1**

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**TITLE: Approval of Minutes**

**SUBJECT: Approval of Minutes from July 12, 2019 Regular Board Meeting**

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**EXECUTIVE SUMMARY:**

This staff report is intended to serve as the official record of monthly meetings of the Board of Trustees. This document details meeting participants, proof of items discussed, summaries of board meeting discussion, and vote actions taken by the Board. Staff recommends Board approval of the July 12, 2019 Board Meeting Minutes.

**BACKGROUND:**

The Ralph M. Brown Act (Gov. Code Section 54950 et seq.) governs meetings by public commissions, boards and councils, and public agencies in California. The Act facilitates public transparency and public participation in local government decisions. The Act also contains specific exemptions from the open meeting requirements where governmental agencies have a demonstrated need for confidentiality.

To further comply with transparency, Reclamation District 1000 documents monthly meetings of its Board of Trustees through Board Minutes. Reclamation District 1000 also maintains a historical archive of Board meeting Minutes since 1912.

**RECOMMENDATION:**

Staff Recommends the Board approve the Minutes from the July 12, 2019 Board of Trustees Meeting.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. July 12, 2019, Board Meeting Minutes

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Joleen Gutierrez, Administrative Services Manager

Date: 08/01/2019

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019





**Reclamation District No. 1000  
Board of Trustees Meeting**

1633 Garden Highway  
Sacramento, CA 95833

**JULY 12, 2019  
MEETING MINUTES**

The Reclamation District No. 1000 Board of Trustees met in regular session on this date at the District Office. Present were: Board President Jeff Smith; Vice President Tom Barandas; Trustee David Christophel; Trustee Chris Burns; Trustee Thom Gilbert General Manager Kevin King; District Counsel Jim Day; Administrative Services Manager Joleen Gutierrez; District Superintendent Don Caldwell; and Administrative Assistant Christina Forehand.

Absent: Trustees Nick Avdis and Fred Harris

**1. Preliminary**

The meeting was called to order by Board President, Jeff Smith.

After the Pledge of Allegiance, led by Counsel Jim Day, the Board was given the opportunity to disclose any potential conflicts of interest for items listed on the agenda. There were no conflicts of interest to disclose.

**2. Presentations**

No presentations were scheduled for this meeting.

**3. Public Comment**

There were no public comments.

**4. Informational Items**

4.1 – General Manager’s Report: GM King provided a verbal report of work performed during the month of June 2019.

GM King reported a top priority of his has been working on AB 137 (Cooper) Facilities of the State Plan of Flood Control. This bill would allow flood protection agencies to

ensure protection of essential public infrastructure from catastrophic damage and would give local law enforcement agencies the ability to immediately remove threats to the infrastructure. AB 137 also would prevent the concealment of the infrastructure, which is a huge problem for RD 1000 to be able to monitor and inspect our facilities. GM King shared AB 137 recently passed the Senate Natural Resources Committee without opposition. The bill will be scheduled for hearing in Senate Appropriations in August. If passed, the bill would then go to the Senate Floor for a vote. This is a non-urgency bill that if passed, would take effect on January 2020. GM will reach out to ACWA and CSDA requesting AB 137 letters of support.

GM King reported progress is being made with repairing damage from unauthorized encampments (excavations, stairs, leveling). President Smith inquired whether District security patrols have been on the lookout for levee damage. Superintendent Caldwell stated patrols are the same because security officers do not have the expertise to assess sites. District staff assesses damage and schedules repairs once encroachments are removed.

GM King advised the Board of a Steelhead Creek clean-up this Fall and asked the Board to determine the District's level of support. The Board agreed to support the next clean-up at the same level of the previous clean-up. Any liability issues relating to clean up volunteers will be addressed prior to the event.

GM King advised the Board that Trustee Burns has requested advertisement for the Board of Trustees upcoming election/call for nominations. The purpose of this is inform property owners of this year's election and educate the public about RD 1000, its mission, etc.

4.2 – Superintendent's Report: A written informational summary was provided to the Board in the June board packet.

Trustee Burns requested to have a monthly update for unauthorized encampment issues. Superintendent Caldwell acknowledged this request.

4.3 – District Counsel's Report: District Counsel Jim Day provided a verbal report of his activities during June 2019.

## **5. Consent Calendar**

*All Consent Calendar items are acted upon by one Motion. No items were removed for separate consideration.*

**Moved/Seconded:** Trustee Burns / Trustee Christophel

**Ayes:** Trustees Christophel, Barandas, Smith, Burns, Gilbert

**Action:** A motion passed to adopt the Consent Calendar in one motion.

5.1 Approval of Minutes from June 7, 2019 Regular Board Meeting

**Action:** Approved Minutes from June 7, 2019 Board Meeting.

5.2 Treasurer's Report for June 2019.

**Action:** Approved Treasurer's Report for June 2019

5.3 Expenditure Report: Review and Accept Report for June 2019.

**Action:** Reviewed and Accepted Expenditure Report for June 2019.

5.4 Budget to Actual Report: Review and Accept Report for June 2019.

**Action:** Reviewed and Accepted Budget to Actual Report for June 2019.

5.5 Annual Banking Authorization (Sacramento County): Review and Consider Adoption of Resolution No. 2019-7-1 Authorizing Officers and Trustees as Signatories to the Operations and Maintenance Funds held by Sacramento County Treasurer.

**Action:** Approved Resolution No. 2019-7-1 authorizing officers and trustees as signatories to the O/M Funds held by Sacramento County Treasurer.

5.6 Authorization to Invest in Local Agency Investment Fund: Review and Consider Adoption of Resolution No. 2019-7-2 Authorizing Officers to Invest District Funds in the Local Agency Investment Fund (LAIF).

**Action:** Adopted Resolution No. 2019-7-2 authorizing officers to invest district funds in the Local Agency Investment Fund.

5.7 Letter of Support for Assembly Bill No. 137: Review and Consider Approval of Letter of Support for AB 137 (Cooper) – Facilities of the State Plan of Flood Control.

**Action:** Approved letter of support for AB 137 (Cooper).

## 6. Scheduled Items

6.1 – Public Hearing: Adoption of Fiscal Year 2019/2020 Operation and Maintenance Assessment: Review and Consider Adoption of Resolution No. 2019-7-3 Authorizing Levying of Operations and Maintenance Assessment for Fiscal Year 2019/2020.

Trustee Smith opened the public hearing. There were no comments from the public. GM King stated annually the Board adopts a resolution authorizing levying of the operations

and maintenance assessment on the Sacramento County tax roll for Fiscal Year 2019/2020. The assessed rate remains the same; however, the anticipated collected amount is expected to be at least \$2.3 million. Trustee Burns expressed a desire to add to the minutes that the Assessment Rate has remained unchanged since 1997 (22 years).

**Moved/Seconded:** Trustee Christophel/Trustee Barandas

**Ayes:** Trustees Christophel, Barandas, Smith, Burns, Gilbert

**Action:** Adopted Resolution No. 2019-7-3 Authorizing Levying of Operations and Maintenance Assessment for Fiscal Year 2019/2020.

6.2 – Certification of Legal Process for Special Assessment: Review and Consider Adoption of Resolution No. 2019-7-4 Certifying to the County of Sutter the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll for Fiscal Year 2019/2020

Trustee Smith asked if there were public comments. There were no public comments. The hearing was closed. GM King stated a resolution is required annually by the County of Sutter spelling out the legal process to place Direct Charges (Special Assessment) on the Secured Tax Roll for Fiscal Year 2019/2020.

**Moved/Seconded:** Trustee Barandas/Trustee Smith

**Ayes:** Trustees Christophel, Barandas, Smith, Burns, Gilbert

**Action:** Adopted Resolution No. 2019-7-4 Certifying to the County of Sutter the Validity of the Legal Process Used to Place Direct Charges (Special Assessment) on the Secured Tax Roll for Fiscal Year 2019/2020.

## 7. Board of Trustee's Comments

7.1 – Board Activity Updates:

7.1.1. RD 1000 Committee Meetings Since Last Board Meeting

- Executive Committee (Smith & Barandas) July 3, 2019

A summary of the July 3, 2019 Executive Committee Meeting Minutes was included for review in the July 12, 2019 board packet.

### 7.1.2 RD 1000 Committees No Meetings Since Last Board Meeting

- Finance Committee (Gilbert, Harris, & Smith)
- Legal Committee (Avdis, Barandas, & Harris)
- Operations Committee (Barandas, Christophel, & Smith)
- Personnel Committee (Harris, Burns, Christophel)
- Urbanization Committee (Burns, Gilbert, & Avdis)

### 7.1.3 Trustee's Comments/Reports

Trustee Barandas made known that SAFCA Executive Committee did not meet in July due to the July 4 holiday.

The Board briefly discussed the upcoming Board Election in November 2019. Three parcel seats will be available. Seats are currently held by Trustees Jeff Smith, Fred Harris and Tom Barandas. ASM Gutierrez made known Call for Nomination forms are now available for pick up.

Trustee Burns shared concern about community impacts from the Corps projects and would like to see better outreach efforts. GM King may engage the new Corps Colonel for additional construction project updates and collaborative efforts to keep the community updated.

## **8. Closed Session**

8.1 – There were no Closed Session items

## **9. Reconvene to Open Session**

9.1. No Closed Session Items

## **10. ADJOURN**

**DATE: August 9 , 2019**

**AGENDA ITEM NO. 5.2**

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**TITLE: Treasurer's Report**

**SUBJECT: Approve Treasurer's Report for July 2019**

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**EXECUTIVE SUMMARY:**

This Staff Report is intended to inform the Board of the current total funds in the District's checking and money market accounts, Sacramento County Treasurer Fund, State Treasurer Local Agency Investment Fund (LAIF), and the City of Sacramento Pooled Investment Fund.

The Staff Report attachment provides the monthly beginning and ending balances of its Operations and Maintenance cash flow. The report considers the current month's receipts, fund to fund transfers, accounts payable, and payroll.

The District began Fiscal Year 19/20 on July 1. Fiscal transactions were standard for the month. Received at the end of June was \$94, 843.50 into the County Treasury. This information is being reported in July because the amounts have only recently become available.

**BACKGROUND:**

Income and Cash

The District has funds in the California State Controller Local Agency Investment Fund (LAIF), the Sacramento County Treasurer and Bank of the West.

The District's primary source of income is property assessments. Assessments are collected through respective Sacramento and Sutter County tax bills.

The District is required by law to have a minimum of 6 months operation and maintenance reserves. Additionally, the District needs six months of Operations and Maintenance (O/M) reserves to pay expenses from July through December when the 1<sup>st</sup> installments are collected on property assessments. The annual O/M budget is approximately \$2 million per year.

**RECOMMENDATION:**

Staff recommends the Board approve the information in the July 2019 Treasurer's Report.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Treasurer's Report

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Joleen Gutierrez, Administrative Services Manager

Date: 08/01/2019

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

Reclamation District 1000  
Treasurer's Report  
July 2019

Treasurer's Report for July 2019

<b>July 2019</b>		
Total Funds		9,718,242.97
Bank of the West - Checking		189,466.59
Bank of the West - Money Market		217,837.30
Sacramento County Treasurer		3,385,197.81
State Treasurer - Local Agency Investment Fund		3,865,959.63
City of Sacramento - Pool A		2,059,781.64

<b>July 2019 - Operations and Maintenance Cash Flow</b>			
<b>Beginning Balance</b>			3,537,221.17
	Income	Expense	
Current months receipts	44,093.77		44,093.77
Transfer from money market account	300,000.00		300,000.00
Accounts Payable*		(217,101.91)	(217,101.91)
Payroll		(89,548.63)	(89,548.63)
<b>Ending Balance</b>			3,574,664.40

\*See Attached Check Register

Current months receipts are made up of the following:

Reimbursement of SMUD deposit from SAFCA	5,000.00
Collection of Q2 2019 security patrolling from Natomas Basin	4,500.00
Deposit from Beazer Homes	15,000.00
Collection from Greenbriar for fronted project costs	19,593.77

The district received \$94,843.52 into the County Treasury during June 2019. Because of the timing of receipt of the County Treasury statements, these amounts were not previously reported.



DATE: August 9, 2019

AGENDA ITEM NO. 5.3

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TITLE: Expenditure Report

SUBJECT: Review and Accept Report for July 2019

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**EXECUTIVE SUMMARY:**

This Staff Report is intended to advise the Board of monthly expenditures and provide an explanation of any expenses outside of the usual course of business. Staff recommends the Board review and accept the Expenditure Report for July 2019.

**BACKGROUND:**

Expenses

The Administrative Services Manager reviews and the General Manager approves expenditures. This activity is disclosed monthly as an attachment to this staff report. The attached Expenditure Report (Attachment 1) reveals normal District spending with the exception of a large annual payment (\$69,998.00) toward the Districts CalPERS Annual Unfunded Liability. This is a one-time payment and budgeted item for the FY 19/20.

**RECOMMENDATION:**

Staff recommends the Board review and accept the Expenditure Report for July 2019.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. July 2019 Expenditure Report

**STAFF RESPONSIBLE FOR REPORT:**



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Joleen Gutierrez, Administrative Services Manager

Date: 08/01/2019



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Kevin L. King, General Manager

Date: 08/05/2019

Type	Date	Num	Name	Memo	Debit	Credit	Balance
<b>Cash and Investments</b>							<b>152,023.36</b>
<b>1010.00 - Bank of the West Checking Acct</b>							<b>152,023.36</b>
General Journal	07/02/2019			Settlement of 6/30/19 accrued payroll		26,803.29	125,220.07
General Journal	07/02/2019			Settlement of 6/30/19 accrued payroll		11,593.14	113,626.93
General Journal	07/02/2019			Settlement of 6/30/19 accrued payroll		95.85	113,531.08
General Journal	07/02/2019			Settlement of 6/30/19 accrued payroll, ck # 10044		207.79	113,323.29
General Journal	07/02/2019			Settlement of 6/30/19 accrued payroll, ck # 10045		207.79	113,115.50
Check Bill Pmt	07/02/2019	EFT	Cal Pers Bare Bones			817.23	112,298.27
-Check Bill Pmt	07/03/2019	40580	Workwear			1,123.69	111,174.58
-Check Bill Pmt	07/03/2019	40581	Brookman Protection Services, Inc. Franchise Tax Board			7,800.00	103,374.58
Check Bill Pmt	07/03/2019	40582				314.68	103,059.90
-Check Bill Pmt	07/03/2019	40583	H.T. Harvey & Associates			1,625.44	101,434.46
-Check Bill Pmt	07/03/2019	40584	Mead & Hunt N Communicatio			1,528.25	99,906.21
-Check Bill Pmt	07/03/2019	40585	ns, Inc.			1,600.00	98,306.21
-Check Bill Pmt	07/03/2019	40586	Napa Auto Parts			46.26	98,259.95
-Check Bill Pmt	07/03/2019	40587	Smile Business Products			244.36	98,015.59
-Check	07/09/2019	EFT	PG&E			10.45	98,005.14
Check	07/09/2019	EFT	Cal Pers			250.00	97,755.14
Check	07/09/2019	EFT	Cal Pers			4,814.93	92,940.21
Check	07/09/2019	EFT	Cal Pers			3,914.16	89,026.05
Check Bill Pmt	07/09/2019	EFT	Cal Pers			2,189.63	86,836.42
-Check Bill Pmt	07/10/2019	40588	ACWA JPIA			1,758.76	85,077.66
-Check Bill Pmt	07/10/2019	40589	Airgas NCN			360.55	84,717.11
-Check Bill Pmt	07/10/2019	40590	AT&T			271.94	84,445.17
-Check Bill Pmt	07/10/2019	40591	Carson Landscape Industries			695.00	83,750.17
-Check Bill Pmt	07/10/2019	40593	CRHS Sacramento Work Study, Inc.			14,000.00	69,750.17
-Check Bill Pmt	07/10/2019	40594	Great America Financial Services			304.85	69,445.32
-Check Bill Pmt	07/10/2019	40595	Grow West Interstate Oil			811.46	68,633.86
-Check Bill Pmt	07/10/2019	40596	Company Nordic			3,574.18	65,059.68
-Check Bill Pmt	07/10/2019	40597	Industries, Inc.			1,554.22	63,505.46
-Check Bill Pmt	07/10/2019	40598	Steve Yaeger Consulting			3,390.00	60,115.46
-Check Bill Pmt	07/10/2019	40599	Tesco Controls, Inc.			22,040.00	38,075.46
-Check Bill Pmt	07/10/2019	40600	Tractor Supply Credit Plan			58.80	38,016.66
-Check Bill Pmt	07/10/2019	40601	US Bank Corp			8,632.42	29,384.24
-Check Bill Pmt	07/10/2019	40602	Valley Hydraulics & Machine, Inc. Valley Tire			870.71	28,513.53
-Check Bill Pmt	07/10/2019	40603	Center, Inc.			20.00	28,493.53
-Check	07/10/2019	40605	Yolo County Public Works			362.88	28,130.65

Bill Pmt							
-Check	07/10/2019	40604	Valley Truck & Tractor Company			1,423.20	26,707.45
Bill Pmt			City of				
-Check	07/10/2019	EFT	Sacramento			49.26	26,658.19
Bill Pmt			City of				
-Check	07/10/2019	EFT	Sacramento			163.88	26,494.31
Bill Pmt			City of				
-Check	07/10/2019	EFT	Sacramento			4.38	26,489.93
Transfer	07/12/2019			Funds Transfer		100,000.00	126,489.93
General Journal	07/12/2019		SAFCA	Reimbursement from SAFCA for SMUD security deposit in April 2019		5,000.00	131,489.93
General Journal	07/12/2019		The Notomas Basin Conservancy	Collection of Q2 2019 security patrolling		4,500.00	135,989.93
General Journal	07/12/2019		Beazer Homes California	Beazer Homes Deposit		15,000.00	150,989.93
Bill Pmt							
-Check	07/15/2019	EFT	Comcast			158.38	150,831.55
General Journal	07/15/2019			7/15/19 payroll		34,454.27	116,377.28
General Journal	07/15/2019			7/15/19 payroll		16,101.75	100,275.53
General Journal	07/15/2019			7/15/19 payroll		84.75	100,190.78
Check	07/16/2019	EFT	Cal Pers	2020 unfunded accrued liability		69,998.00	30,192.78
Check	07/16/2019	EFT	Cal Pers	2020 unfunded accrued liability		1,332.00	28,860.78
Check	07/16/2019	EFT	Cal Pers	2020 unfunded accrued liability		89.00	28,771.78
Bill Pmt							
-Check	07/17/2019	40606	Angel Electric			1,045.90	27,725.88
Bill Pmt							
-Check	07/17/2019	40607	Day Carter & Murphy LLP			2,645.00	25,080.88
Bill Pmt							
-Check	07/17/2019	40608	Larsen Wurzel & Associates			112.00	24,968.88
Bill Pmt							
-Check	07/17/2019	40609	Occupational Health Centers of CA			325.50	24,643.38
Bill Pmt							
-Check	07/17/2019	40610	Terrapin Technology Group			3,687.43	20,955.95
Bill Pmt							
-Check	07/17/2019	EFT	Consolidated Utilities Billing & Service			227.40	20,728.55
Bill Pmt							
-Check	07/17/2019	EFT	Streamline			200.00	20,528.55
Bill Pmt							
-Check	07/18/2019	EFT	Waste Management of Sacramento			473.56	20,054.99
Check	07/18/2019	EFT	Cal Pers			16,590.31	3,464.68
Check	07/22/2019	EFT	Cal Pers			300.00	3,164.68
General Journal	07/22/2019		Greenbriar	Collection from Greenbriar for April and May 2019 legal and engineering costs		19,593.77	22,758.45
Transfer	07/23/2019			Funds Transfer		200,000.00	222,758.45
Bill Pmt							
-Check	07/24/2019	40611	Chavez, Silva & Company			722.50	222,035.95
Bill Pmt							
-Check	07/24/2019	40612	Costco Wholesale			120.00	221,915.95
Bill Pmt							
-Check	07/24/2019	40613	County of Sacramento			236.67	221,679.28
Bill Pmt							
-Check	07/24/2019	40614	H.T. Harvey & Associates			461.50	221,217.78
Bill Pmt							
-Check	07/24/2019	40615	Signature Graphics			1,512.00	219,705.78
Bill Pmt							
-Check	07/24/2019	40616	SMUD			28,826.98	190,878.80
Bill Pmt							
-Check	07/25/2019	EFT	PG&E			196.82	190,681.98
Bill Pmt							
-Check	07/25/2019	EFT	The Home Depot			198.12	190,483.86
Bill Pmt							
-Check	07/26/2019	40617	Pinnacle Pressure Washing			375.00	190,108.86
Bill Pmt							
-Check	07/26/2019	EFT	Alhambra & Sierra Springs			55.82	190,053.04
Bill Pmt							
-Check	07/26/2019	EFT	Verizon			586.45	189,466.59

Total 1010.00 · Bank of the West Checking Acct  
Total Cash and Investments

<u>344,093.77</u>	<u>306,650.54</u>	<u>189,466.59</u>
344,093.77	306,650.54	189,466.59
<b><u>344,093.77</u></b>	<b><u>306,650.54</u></b>	<b><u>189,466.59</u></b>

**TITLE: Budget to Actual Report**

**SUBJECT: Review and Accept Report for July 2019**

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**EXECUTIVE SUMMARY:**

This Staff Report is intended to provide a monthly budgetary snapshot of how well the District is meeting its set budget goals for the fiscal year. The monthly Budget to Actual Report contains a three-column presentation of actual expenditures, budgeted expenditures, and percentage of the budget. Each line item compares budgeted amounts against actual to date expenses. Significant budgeted line item variances (if any) will be explained in the Executive Summary of this report.

This month there are two reports to review. Attachment 1 reflects the District's year to date budget for the month ending June 30, 2019; which is also the end of the 2018-19 Fiscal Year. Unfavorable budget line item variances as of June 30 are still consistent with previously established reasons (staffing, permits, assessments, association memberships, power, field consultants, office upgrades, etc.); the District ended Fiscal Year 18/19 under the total approved FY 18/19 budget.

Attachment 2 provides a year to date report for the month ending July 31, 2019. Our largest expenditure during the month of July is for the District's CalPERS Annual Unfunded Liability. This is a budgeted item and one-time payment during Fiscal Year 19/20.

**BACKGROUND:**

The Board of Trustees adopts a budget annually in June. District staff prepares the Budget, which shows current year budget versus expenditures and a proposed budget for the next fiscal year.

Three committees review the draft budget before being presented to the Board for adoption in June. The Personnel Committee reviews the wage and benefits portion of the Budget. The Operations Committee reviews the Capital expenditures Budget. After the two committees review and make recommendations to the budget, the final draft is prepared for the Finance Committee to consider. After review by the Finance Committee, the final Budget is presented to the Board for adoption at a regular Board meeting.

**RECOMMENDATION:**

Staff recommends the Board review and accept the Budget to Actual Report for June & July 2019.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Budget to Actual Report June 2019 FINAL for Fiscal Year 2018/2019
2. Budget to Actual Report July 2019

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Joleen Gutierrez, Administrative Services Manager

Date: 08/01/2019

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

**Reclamation District No. 1000  
Budget to Actual Comparison  
July 1, 2018 to June 30, 2019 (Twelve Months Ending of Fiscal 2019)**

	<b>Year to Date July 1, 2018 to June 30, 2019</b>	<b>Budget</b>	<b>Percent of Budget</b>
<b>Operation &amp; Maintenance Income</b>			
Property Assessments	2,253,320	2,250,000	100.15%
Rents	19,871	20,000	99.36%
Interest Income	156,090	50,000	312.18%
SAFCA - O/M Assessment	1,400,000	1,400,000	100.00%
Misc Income	12,757	-	Not Budgeted
FEMA/OES Disaster Reimbursement	1,041,811	-	Not Budgeted
Gain on Capital Asset Disposal	6,400	-	Not Budgeted
<b>Total</b>	<b>4,890,249</b>	<b>3,720,000</b>	<b>131.46%</b>
<b>Restricted Fund</b>			
Metro Airpark Groundwater Pumping	17,488	22,000	79.49%
<b>Total Combined Income</b>	<b>4,907,737</b>	<b>3,742,000</b>	<b>131.15%</b>
<b>Operations and Maintenance - Expense</b>			
<b>Administration</b>			
Government Fees/Permits	12,537	12,000	104.48%
Legal	87,173	100,000	87.17%
Liability/Auto Insurance	107,637	110,000	97.85%
Office Supplies	4,849	5,500	88.16%
Computer Costs	18,881	17,000	111.06%
Accounting/Audit	40,759	45,000	90.58%
Admin. Services	11,482	17,000	67.54%
Utilities (Phone/Water/Sewer)	24,896	22,000	113.16%
Mit. Land Expenses	2,592	3,000	86.40%
Administrative Consultants	41,767	52,000	80.32%
Assessment/Property Taxes (SAFCA - CAD)	6,864	6,350	108.09%
Admin - Misc./Other Expenses	9,048	5,000	180.96%
Memberships	31,014	30,000	103.38%
Office Maintenance & Repair	17,037	24,000	70.99%
Payroll Service	2,415	3,000	80.50%
Public Relations	18,676	40,000	46.69%
Small Office & Computer Equipment	4,088	5,000	81.76%
Homeless Expenses	523	-	Not Budgeted
<b>Sub Total</b>	<b>442,238</b>	<b>496,850</b>	<b>89.01%</b>
<b>Personnel/Labor</b>			
Wages	1,106,391	1,000,000	110.64%
Group Insurance (employee health insurance)	89,953	130,000	69.19%
Worker's Compensation Insurance	32,231	40,000	80.58%
OPEB - CERBT ADC	-	28,000	0.00%
Annuitant Health Care	65,512	-	Not Budgeted
Dental/Vision/Life	20,591	26,000	79.20%
Payroll Taxes	84,982	77,500	109.65%
Pension	193,688	165,000	117.39%
Continuing Education	8,189	15,000	54.59%
Trustee Fees	36,000	39,000	92.31%
<b>Sub Total</b>	<b>1,637,537</b>	<b>1,520,500</b>	<b>107.70%</b>

<b>Operations</b>			
Power	598,923	500,000	119.78%
Supplies/Materials	22,520	22,000	102.36%
Herbicide	79,287	115,000	68.95%
Fuel	47,123	65,000	72.50%
Field Services	45,490	142,000	32.04%
Field Operations Consultants	21,211	20,000	106.06%
Equipment Rental	100	10,000	1.00%
Refuse Collection	11,387	25,000	45.55%
Equipment Repair/Service	2,917	22,000	13.26%
Equipment Parts/Supplies	42,312	60,000	70.52%
Facility Repairs	68,141	273,000	24.96%
Shop Equipment (not vehicles)	11,594	9,000	128.82%
Field Equipment	377	8,000	4.71%
Misc/Other 2	126	-	Not Budgeted
FEMA Fees	1,800	-	Not Budgeted
<b>Sub Total</b>	<b>953,308</b>	<b>1,271,000</b>	<b>75.00%</b>
<b>Equipment</b>			
Equipment	146,908	150,000	97.94%
<b>Sub Total</b>	<b>146,908</b>	<b>150,000</b>	<b>97.94%</b>
<b>Consulting/Contracts/Memberships</b>			
Engineering/Technical Consultants	175,347	250,000	70.14%
Security Patrol	55,650	80,000	69.56%
<b>Sub Total</b>	<b>230,997</b>	<b>330,000</b>	<b>70.00%</b>
<b>Total O &amp; M Expenses</b>	<b>3,410,988</b>	<b>3,768,350</b>	<b>90.52%</b>
<b>Capital Expenses</b>			
Capital Office Upgrades	26,187	15,000	174.58%
Capital RE Acquisition	5,500	120,000	4.58%
Capital Office Facility Repair	20,912	30,000	69.71%
Document Management	8,875	8,800	100.85%
Capital Facilities	371,952	715,000	52.02%
<b>Sub Total</b>	<b>433,426</b>	<b>888,800</b>	<b>48.77%</b>
<b>Total All Expenditures</b>	<b>3,844,414</b>	<b>4,657,150</b>	<b>82.55%</b>



Reclamation District No. 1000  
Budget to Actual Comparison  
July 1, 2019 to July 31, 2019 (One Month Ending of Fiscal 2020)

	Year to Date July 1, 2019 to July 31, 2019	Budget	Percent of Budget
<b>Operation &amp; Maintenance Income</b>			
Property Assessments	-	2,250,000	0.00%
Rents	-	20,000	0.00%
Interest Income	-	65,000	0.00%
SAFCA - O/M Assessment	-	1,400,000	0.00%
Misc Income	-	-	Not Budgeted
FMAP Grant	-	574,000	0.00%
Annuitant Trust Reimbursement	-	70,000	0.00%
Security Patrol Reimbursement	-	31,000	0.00%
<b>Total</b>	<b>-</b>	<b>4,410,000</b>	<b>0.00%</b>
<b>Restricted Fund</b>			
Metro Airpark Groundwater Pumping	-	22,000	0.00%
<b>Total Combined Income</b>	<b>-</b>	<b>4,432,000</b>	<b>0.00%</b>
<b>Administration, Operations and Maintenance - Expenses</b>			
<b>Administration</b>			
Government Fees/Permits	-	12,500	0.00%
Legal	-	97,000	0.00%
Liability/Auto Insurance	27,476	150,000	18.32%
Office Supplies	-	5,500	0.00%
Computer Costs	200	24,000	0.83%
Accounting/Audit	1,350	46,050	2.93%
Admin. Services	3,026	17,000	17.80%
Utilities (Phone/Water/Sewer)	1,164	23,700	4.91%
Mit. Land Expenses	-	3,000	0.00%
Administrative Consultants	-	130,000	0.00%
Assessment/Property Taxes (SAFCA - CAD)	-	8,000	0.00%
Admin - Misc./Other Expenses	-	8,250	0.00%
Memberships	9,265	40,500	22.88%
Office Maintenance & Repair	1,070	27,000	3.96%
Payroll Service	85	3,500	2.43%
Public Relations	1,300	45,000	2.89%
Small Office & Computer Equipment	-	12,000	0.00%
Election	1,600	55,000	2.91%
Conference/Travel/Professional Development	-	20,500	0.00%
<b>Sub Total</b>	<b>46,536</b>	<b>728,500</b>	<b>6.39%</b>
<b>Personnel/Labor</b>			
Wages	51,056	1,058,262	4.82%
Group Insurance	18,705	97,440	19.20%
Worker's Compensation Insurance	3,452	39,544	8.73%
OPEB - ARC	-	30,000	0.00%
Dental/Vision/Life	3,305	22,328	14.80%
Payroll Taxes	3,811	71,000	5.37%
Pension	71,419	178,264	40.06%
Continuing Education	-	5,000	0.00%
Trustee Fees	-	40,000	0.00%
Annuitant Health Care	13,225	70,000	18.89%
<b>Sub Total</b>	<b>164,973</b>	<b>1,611,838</b>	<b>10.24%</b>

**Operations**

Power	197	500,000	0.04%
Supplies/Materials	1,568	22,000	7.13%
Herbicide	-	105,000	0.00%
Fuel	3,574	55,000	6.50%
Field Services	1,317	100,000	1.32%
Field Operations Consultants	-	20,000	0.00%
Equipment Rental	-	5,000	0.00%
Refuse Collection	474	25,000	1.90%
Equipment Repair/Service	-	16,000	0.00%
Equipment Parts/Supplies	-	60,000	0.00%
Facility Repairs	1,046	366,000	0.29%
Shop Equipment (not vehicles)	-	3,000	0.00%
Field Equipment	-	10,100	0.00%
Misc/Other 2	-	500	0.00%
Utilities - Field	89	8,000	1.11%
Government Fees/Permits - Field	-	12,000	0.00%
FEMA Permits	-	4,000	0.00%

<b>Sub Total</b>	<b>8,265</b>	<b>1,311,600</b>	<b>0.63%</b>
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**Equipment**

Equipment	-	132,000	0.00%
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<b>Sub Total</b>	<b>-</b>	<b>132,000</b>	<b>0.00%</b>
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**Consulting/Contracts/Memberships**

Engineering/Technical Consultants	-	180,000	0.00%
Security Patrol	-	65,000	0.00%
Temporary Admin	14,000	15,000	93.33%

<b>Sub Total</b>	<b>14,000</b>	<b>260,000</b>	<b>5.38%</b>
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**FMAP Expenditures**

LOI/SWIF	-	20,000	0.00%
Equipment	-	305,100	0.00%
Operations & Maintenance	-	236,500	0.00%
Administrative	-	12,400	0.00%

<b>Sub Total</b>	<b>-</b>	<b>574,000</b>	<b>0.00%</b>
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**Total A, O & M Expenses**

<b>233,774</b>	<b>4,617,938</b>	<b>5.06%</b>
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**Capital Expenses**

Capital Office Upgrades	-	30,000	0.00%
Capital RE Acquisition	-	50,000	0.00%
Capital Office Facility Repair	-	30,000	0.00%
Document Management	-	-	Not Budgeted
Capital - District Server	2,033	10,000	20.33%
Capital Facilities	-	180,000	0.00%

<b>Sub Total</b>	<b>2,033</b>	<b>300,000</b>	<b>0.68%</b>
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**Total All Expenditures**

<b>235,807</b>	<b>4,917,938</b>	<b>4.79%</b>
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DATE: August 9, 2019

AGENDA ITEM NO. 5.5

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**TITLE:** Authorization to Grant Easement

**SUBJECT:** Review and Consider Adoption of Resolution No. 2019-8-1 Authorizing General Manager to Grant Easement Deed to Sacramento Municipal Utility District.

---

**EXECUTIVE SUMMARY:**

Reclamation District 1000 (District; RD 1000) has been working with the Sacramento Municipal Utility District (SMUD) since 2017 on a SMUD project along Elkhorn Blvd where SMUD needs an easement for a 69kV overhead power line. This section of the line is a part of a larger project which brings power from SMUD's bulk substation at National and Striker up and along Elkhorn Blvd and across to Metro Air Park. This project is needed to serve the incoming demand of future developments and the new Amazon building

For the project to move forward, Staff recommends the Board review and consider adoption of Resolution No. 2019-8-1 authorizing the General Manager to Grant Easement Deed as provided in Attachment 1 of this staff report.

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-1 authorizing the General Manager to Grant Easement Deed, as provided in Attachment 1 of this staff report.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Resolution No. 2019-8-1: Authorizing the General Manager to Grant Easement Deed to Sacramento Municipal Utility District.

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
AUTHORIZING THE GENERAL MANAGER TO GRANT EASEMENT DEED TO  
SACRAMENTO MUNICIPAL UTILITY DISTRICT**

At a regular meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 9<sup>th</sup> day of August 2019, the following resolution was approved and adopted:

**WHEREAS**, the Board of Trustees (“Board”) of Reclamation District No. 1000 (“District”) is a reclamation district created by act of the legislature of the State of California, approved April 8, 1911; and,

**WHEREAS**, the Sacramento Municipal Utility District (“SMUD”), a municipal utility district formed pursuant to the laws of the State of California; and,

**WHEREAS**, District has the need to convey easement deed to SMUD, to allow SMUD to relocate SMUD facilities; and,

**WHEREAS**, District has provided to SMUD an easement deed as provided in Attachment No. 1 to this resolution; and,

**WHEREAS**, the Board desires to authorize the District General Manager to grant the easement on behalf of the District.

**NOW THEREFORE BE IT RESOLVED THAT:** The Board of Trustees of Reclamation District No. 1000 hereby grants easement deed to SMUD as provided in Attachment No. 1 of this resolution and authorizes the General Manager to grant said easement.

**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 9<sup>th</sup> day of August 2019, by the following vote, to wit:

AYES: Trustees:

NOES: Trustees:

ABSTAIN: Trustees:

RECUSE: Trustees:

ABSENT: Trustees:

---

Jeff Smith

President, Board of Trustees

Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2019-8-1 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held on the 9<sup>th</sup> of August 2019 and made a part of the minutes thereof.

---

Joleen Gutierrez, District Secretary

SMUD0072  
RECORD AT REQUEST OF AND RETURN TO:  
Sacramento Municipal Utility District  
Attention: Real Estate Services – K222  
P.O. Box 15830  
Sacramento, CA 95852-1830

No Fee Document – Per Govt. Code Sec. 6103  
No County Transfer Tax Per R & T Code 11922

SMUD BY: \_\_\_\_\_

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

A.P.N. Ptn. 201-0100-010

R/W 2017/009-S  
SO 30145757

### GRANT OF EASEMENT

RECLAMATION DISTRICT NO. 1000, a public entity of the State of California, Grantor, hereby grants to SACRAMENTO MUNICIPAL UTILITY DISTRICT, a municipal utility district, Grantee, its successors and assigns, an easement for the placement and maintenance of electrical and communication facilities, inclusive of the right to suspend, construct, reconstruct, place, inspect, remove, replace, repair, upgrade, use, and forever maintain facilities consisting of aerial wires and cables with associated crossarms, braces, transformers, capacitors, switches, and all necessary fixtures and appurtenances, and no further facilities without the prior written approval of Grantor, within the following described route, but at a location approved by Grantor as shown on the plat attached hereto as Exhibit "B".

The easement being granted herein is contained and located on that certain real property situated in the County of Sacramento, State of California, described as:

Lot 175 as shown on that certain "Map of Natomas Central Subdivision" recorded in the office of Recorder of Sacramento County on September 18, 1920 in Book 16 of Maps at Page 3; and

In that certain Quitclaim Deed from City of Sacramento, a municipal corporation, to Reclamation District No. 1000, a public entity of the State of California, dated and recorded in the office of the Recorder of Sacramento County on May 22, 2002 in Book 20020522 of Official Records at Page 1160.

The grant of this easement includes the right to trim and/or remove any trees or foliage by Grantee along said easement whenever considered necessary for the complete enjoyment thereof and the right of ingress to and egress from said easement for the purpose of exercising and performing all of the rights and privileges granted herein. It is understood and agreed that use of the property on which this easement is granted by Grantor for public safety flood control and drainage purposes takes precedence over use of such property by Grantee, and Grantee shall relocate its facilities, at Grantee's expense, promptly at the request of Grantor should such become necessary in the reasonable opinion of Grantor for flood control or drainage use of the property by Grantor.

The route of said easement is described in Exhibits "A" and "B" attached hereto and made a part hereof.

Dated: \_\_\_\_\_

RECLAMATION DISTRICT NO. 1000  
a public entity of the State of California

By: \_\_\_\_\_  
Kevin L. King, General Manager



**EXHIBIT "A"**  
**Legal Description**

All that real property situated in the City of Sacramento, County of Sacramento, State of California, located within the northeast One-Quarter of Section 35, Township 10 North, Range 4 East, Mount Diablo Meridian, being a portion of Lot 175 as shown on that certain "Map of Natomas Central Subdivision", filed for record on September 18, 1920 in Book 16 of Maps, at Page 3, Sacramento County Records, a portion of Parcel 2 as described in that certain Quitclaim Deed recorded on May 22, 2002 in Book 20050522, at Page 1160, Official Records of Sacramento County, and more particularly described as follows:

Within a strip of land 25 feet in width, the centerline of which is described as follows:  
**Commencing** at the southeast corner of said Parcel 2; thence, along the east line of said Parcel 2, coincident with the west line of Lot I as shown on that certain Parcel Map entitled "Northpointe Park Phase 2" filed for record on February 6, 2002 in Book 164 of Parcel Maps, at Page 4, Sacramento County Records, North 00°45'24" West a distance of 81.89 feet to the **Point of Beginning**;

Thence, leaving said east line, South 89°37'27" West a distance of 138.88 feet to the west line of said Lot 175, coincident with the east line of Lot B as shown on that certain Parcel Map entitled "Heritage at Natomas Park" filed for record on February 27, 2002 in Book 164 of Parcel Maps, at Page 8, Sacramento County Records.

The sidelines of said strip shall be lengthened or shortened to begin in the east line of said Parcel 2 and to end in the west line of said Lot 175.

A plat entitled "Exhibit B" is attached hereto and by this document made a part hereof.

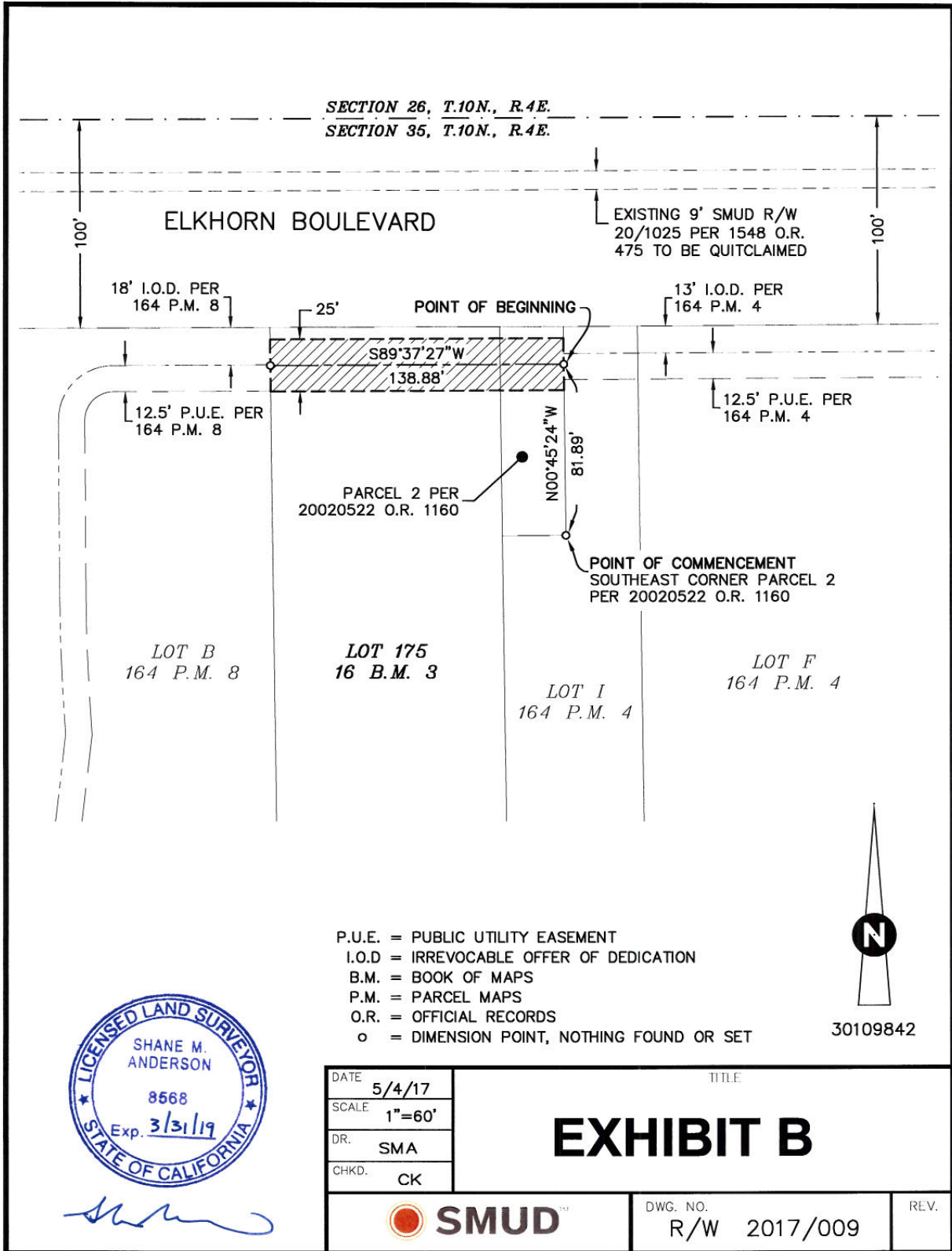
 5/4/17  
Shane Anderson, LS 8568 DATE



SO: 30109842

R/W 2017/009

EXHIBIT "B"



I:\Apps\Survey\dcapro\p\30109842 METRO AIRPARK\Draw\30109842\_2017-009\_RD1000.dwg May 04, 2017 - 8:25am

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me, \_\_\_\_\_  
(insert name and title of the officer)

personally appeared \_\_\_\_\_,  
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_ (Seal)

DATE: August 9, 2019

AGENDA ITEM NO. 5.6

---

**TITLE:** Authorization to Accept Easement

**SUBJECT:** Review and Consider Adoption of Resolution No. 2019-8-2 Authorizing General Manager to Accept Facility Easement Deed from Greenbriar Project Owner, LLC.

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**EXECUTIVE SUMMARY:**

Reclamation District 1000 (RD 1000; District) has been working with the Greenbriar Development to accommodate the planned development while allowing the District to continue to provide ongoing maintenance and operation and protection of the District's facilities.

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-2 authorizing the General Manager to accept the Grant of Facility Easement Deed as provided in Attachment 1 of this staff report.

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-2 authorizing the General Manager to accept the Grant of Facility Easement Deed as provided in Attachment 1 of this staff report.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Resolution No. 2019-8-2: Authorizing the General Manager to Accept Grant of Facility Easement Deed from Greenbriar Project Owner, LLC.

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
AUTHORIZING THE GENERAL MANAGER TO ACCEPT GRANT OF FACILITY EASEMENT DEED  
FROM GREENBRIAR PROJECT OWNER, LLC**

At a regular meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 9<sup>th</sup> day of August 2019, the following resolution was approved and adopted:

**WHEREAS**, the Board of Trustees (“Board”) of Reclamation District No. 1000 (“District”) is a reclamation district created by act of the legislature of the State of California, approved April 8, 1911; and,

**WHEREAS**, the Greenbriar Project Owner, LLC (“Owner”) is a limited liability company established pursuant to the laws of the State of Delaware; and,

**WHEREAS**, Owner has the need to convey easement deeds to District, to allow District to maintain for the District’s purpose and use for existing and future flood control projects; and,

**WHEREAS**, Owner has provided to District a facility easement deed as provided in Attachment No. 1 to this resolution; and,

**WHEREAS**, pursuant to Government Code section 27281, the District Board has authority to accept such assignment of easements from Owner upon the execution of the certificate of acceptance set forth in Attachment No. 1 to this resolution; and,

**WHEREAS**, the Board desires to authorize the District General Manager to execute the certificate of acceptance on behalf of the District.

**NOW THEREFORE BE IT RESOLVED THAT:** The Board of Trustees of Reclamation District No. 1000 hereby accepts the grant of easement deed from Owner as provided in Attachment No. 1 of this resolution and authorizes the General Manager to execute the certification of acceptance.

**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 9<sup>th</sup> day of August 2019, by the following vote, to wit:

AYES: 0 Trustees:

NOES: 0 Trustees:

ABSTAIN: 0 Trustees:

RECUSE: 0 Trustees:

ABSENT: 0 Trustees:

---

Jeff Smith

President, Board of Trustees

Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2019-8-2 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held on the 9<sup>th</sup> of August 2019 and made a part of the minutes thereof.

---

Joleen Gutierrez, District Secretary

.....

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this deed dated \_\_\_\_\_ from the first party to the RECLAMATION DISTRICT NO. 1000 ("RD 1000"), is hereby accepted pursuant to RD 1000 Board of Trustees Resolution No. 2019-8-2, and the Grantee consents to recordation thereof by its duly authorized officer.

By \_\_\_\_\_ Dated: \_\_\_\_\_, 20\_\_

Kevin L. King  
General Manager



RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

NAME Reclamation District No. 1000  
MAILING ADDRESS 1633 Garden Highway  
CITY, STATE ZIP CODE Sacramento, CA 95833

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Documentary Transfer Tax \$  - 0 -   
 Computed on value of interest conveyed.  
 Computed on value of interest conveyed less liens  
and encumbrances remaining thereon at time of sale.  
 No property transfer tax due.

By: \_\_\_\_\_

**GRANT OF EASEMENT  
(FACILITY EASEMENT)**

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which is hereby acknowledged, THE GREENBRIAR PROJECT OWNER, LLC, a Delaware Limited Liability Company (“Grantor”), hereby grants to RECLAMATION DISTRICT NO. 1000, a public entity of the State of California created under Cal. Stats. 1911, Chapter 412, its successors and assigns (“Grantee”), a non-exclusive and perpetual easement for the installation, construction, operation, maintenance and replacement of a drainage channel, rocked access road(s) and incidental purposes upon and across that certain real property located in the County of Sacramento as described on Exhibit “A” (the “Facility Easement”) and shown on Exhibit “B” attached hereto and incorporated herein by this reference. Grantor covenants and agrees for itself, its successors and assigns, as a covenant running with the land, that Grantor will not commence or allow other uses in the Facility Easement which may interfere with Grantee’s use, operation, maintenance or replacement of its drainage channel, and agrees to provide to Grantee an opportunity to reasonably review and approve of any such other uses and to enter into a joint use agreement with any such other users within the Facility Easement prior to the granting of any rights therefor or the commencement of any such other uses.

(Signatures appear on the following page.)

Dated: \_\_\_\_\_, 2019

THE GREENBRIAR PROJECT OWNER, LLC,  
a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me,

\_\_\_\_\_  
(insert name and title of the officer)

personally appeared

\_\_\_\_\_  
, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

SUBORDINATION

The undersigned, GOLDMAN SACHS BANK USA, Beneficiary under that certain Building Loan Deed of Trust, Security Agreement and Fixture Filing (the "Goldman Deed of Trust") executed by The Greenbriar Project Owner, LP, a Delaware limited partnership (the "Trustor"), dated July 12, 2019, recorded July 12, 2019, as Instrument No. 2019-07121151, Official Records, Sacramento County, California, and Assignee under that certain Building Loan Assignment of Leases and Rents (the "Goldman Assignment") executed by Trustor, dated July 12, 2019, recorded July 12, 2019, as Instrument No. 2019-07121152, Official Records, Sacramento County, California does hereby consent to each and all of the provisions contained in the within instrument, GRANT OF EASEMENT (FACILITY EASEMENT), and all amendments and annexations thereto and does hereby agree that the lien and charge of said Goldman Deed of Trust and Goldman Assignment shall be, and is hereby made, subordinate to, junior to and subject to said within instrument and all amendments and annexations thereto and the entire effect thereof.

Date: \_\_\_\_\_, 2019 BENEFICIARY: GOLDMAN SACHS BANK USA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me,

\_\_\_\_\_  
(insert name and title of the officer)

personally appeared

\_\_\_\_\_  
, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

## EXHIBIT A

### GREENBRIAR LEGAL DESCRIPTION FOR FACILITY EASEMENT

All that real property located in the City of Sacramento, County of Sacramento, State of California described as follows:

Being a portion of Lots 93, 94, 95, 96, 98, 124, 127, 128 and 129 of that certain map entitled "Map of Natomas Central Subdivision", filed in Book 16 of Maps, at Page 3, Official Records of Sacramento County and situate in Section 33, Township 10 North, Range 4 East, Mount Diablo Meridian, more particularly described as follows:

#### FACILITY EASEMENT AREA 1

**BEGINNING** at the intersection of the north line of said Section 33 with a line being parallel with and 90.00 feet (as measured at right angles) easterly of the west line of the northwest quarter of said Section 33; thence from said **POINT OF BEGINNING**, along said parallel line, South 00°32'38" East, a distance of 2,692.73 feet;

thence parallel with and 90.00 feet (as measured at right angles) easterly of the west line of the southwest quarter of said Section 33, South 00°24'23" East, a distance of 1,493.86 feet;

thence South 08°17'14" East, a distance of 310.02 feet;

thence parallel with and 100.00 feet (as measured at right angles) northerly of the northerly lines of that certain parcel of land conveyed to the State of California in a Grant Deed recorded August 6, 1965 in Book 5301 of Official Records, at Page 601 the following 3 arcs, courses and distances:

1. South 55°17'47" East, a distance of 94.68 feet;
2. South 55°50'55" East, a distance of 580.63 feet;
3. along a tangent curve concave northerly, having a radius of 350.00 feet, easterly 196.65 feet along said curve through a central angle of 32°11'32";

thence South 86°37'16" East, a distance of 50.00 feet;

thence South 03°22'44" West, a distance of 35.00 feet;

thence parallel with and 65.00 feet (as measured at right angles) northerly of the northerly line of said Grant Deed, South 86°37'16" East, a distance of 55.60 feet;

thence along a tangent curve concave northwesterly, having a radius of 28.00 feet, northeasterly 43.98 feet along said curve through a central angle of 90°00'00";

thence North 03°22'44" East, a distance of 22.28 feet;

thence South 86°37'16" East, a distance of 17.00 feet;

thence South 03°22'44" West, a distance of 22.28 feet;

thence along a tangent curve concave northeasterly, having a radius of 28.00 feet, southeasterly 43.98 feet along said curve through a central angle of 90°00'00";

thence parallel with and 65.00 feet (as measured at right angles) northerly of the northerly lines of said Grant Deed the following four (4) arcs, courses and distances:

1. South 86°37'16" East, a distance of 282.31 feet;
2. North 89°45'12" East, a distance of 775.90 feet;
3. along a tangent curve concave southerly, having a radius of 5,065.00 feet, easterly 801.55 feet along said curve through a central angle of 09°04'02";
4. South 81°10'46" East, a distance of 293.85 feet to an intersection with the northerly prolongation of the easterly line of that certain Right-Of-Way conveyed to Reclamation District No. 1000 in a Reclamation Right Of Way Deed recorded August 6, 1965 in Book 5301 of Official Records, at Page 467;

thence along said prolongation South 67°20'16" East, a distance of 124.52 feet to the northerly line of said Right-Of-Way;

thence along the northerly line of said Right-Of-Way the following eleven (11) arcs, courses and distances:

1. from a radial line which bears South 03°17'32" West, along a non-tangent curve concave northerly, having a radius of 1,120.00 feet, westerly 108.06 feet along said curve through a central angle of 05°31'42";
2. North 81°10'46" West, a distance of 306.86 feet;
3. along a tangent curve concave southerly, having a radius of 5,030.00 feet, westerly 796.01 feet along said curve through a central angle of 09°04'02";
4. South 89°45'12" West, a distance of 777.01 feet;
5. North 86°37'16" West, a distance of 440.60 feet;
6. North 43°30'54" West, a distance of 29.25 feet;
7. from a radial line which bears South 02°07'36" West, along a non-tangent curve concave northerly, having a radius of 400.00 feet, westerly 223.57 feet along said curve through a central angle of 32°01'28";
8. North 55°50'55" West, a distance of 580.09 feet;
9. North 54°32'02" West, a distance of 120.81 feet;
10. North 02°19'21" West, a distance of 332.22 feet;
11. South 89°45'12" West, a distance of 53.04 feet to the easterly line of that certain easement conveyed to Reclamation District No. 1000 on June 25, 1926 in Book 76 of Official Records, at Page 388;

thence along said easterly line, North 00°24'23" West, a distance of 1,493.83 feet;

thence continuing along said easterly line, North 00°32'38" West, a distance of 2,693.48 feet to the northerly line of said Section 33;

thence along said northerly line, South 89°51'49" East, a distance of 70.00 feet to the **POINT OF BEGINNING**.

Containing 9.992 acres, more or less.

## **FACILITY EASEMENT AREA 2**

**TOGETHER WITH** that portion of Lot 98 of said "Map of Natomas Central Subdivision", described as follows:

**BEGINNING** at the intersection of that certain course delineated as "N 89°28'29" E 85.20 feet" in a Directors Deed recorded in Book 940616 of Official Records, at Page 402, with the westerly line of that easement recorded in February 1, 1988 in Book 880201 of Official Records, at Page 1129, both of said County records; thence from said **POINT OF BEGINNING** along said westerly line, South 00°36'29" East, a distance of 167.44 feet; thence continuing along said westerly line, South 04°22'17" West, a distance of 16.27 feet;

thence North 17°16 '05" West, a distance of 161.80 feet;

thence North 04°20'58" East, a distance of 10.42 feet;

thence North 85°39'02" West, a distance of 10.25 feet to the southerly prolongation of the westerly line of that certain easement conveyed to Reclamation District No. 1000 in a Director's Deed recorded in Book 760924 of Official Records, at Page 1067, records of said County;

thence along said prolongation, North 04°46'50" East, a distance of 17.54 feet to the southwest corner of said easement;

thence along the south line of said easement and said "N 89°28'29" E 85.20 feet" course, respectively, North 89°29'21" East, a distance of 55.47 feet to the **POINT OF BEGINNING**.  
Containing 0.122 acres, more or less.

## **FACILITY EASEMENT AREA 3**

**TOGETHER WITH** that portion of Lots 98 and 124 of said "Map of Natomas Central Subdivision", described as follows:

**BEGINNING** at the intersection of the westerly line of said easement per Book 760924 of Official Records, at Page 1067 with a line parallel with and 30.00 feet westerly (as measured at right angles) of that certain course delineated as "N 00°33'00" W 351.20 feet" in a Director's Deed (Quitclaim) recorded in Book 940615 of Official Records, at Page 401; thence from said **POINT OF BEGINNING**, along said parallel line, North 00°32'08" West, a distance of 352.48 feet;

thence North 04°21'50" East, a distance of 340.84 feet;

thence parallel with and 30.00 feet westerly (as measured at right angles) of the westerly line of that certain Grant Deed recorded in Book 680927 of Official Records, at Page 495, said County records, North 00°30'39" West, a distance of 560.44 to the south line of that certain easement conveyed to the Sacramento Area Sewer District in Book 20090727 of Official Records, at Page 846, said County records;

thence along said south line, North 89°07'14" East, a distance of 0.25 feet to the westerly line of



that certain easement conveyed to Reclamation District No. 1000 in Book 960123 of Official Records, at Page 1366, said County records;

thence along said westerly line, South 00°33'38" East, a distance of 901.32 feet;  
1116.010

thence continuing along said westerly line, South 04°20'48" West, a distance of 352.48 feet to the **POINT OF BEGINNING**.

Containing 0.248 acres, more or less.

See Exhibit 'B', Plat to accompany description, attached hereto and made a part hereof.

DECEMBER 12, 2018

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC.  
SACRAMENTO, CALIFORNIA

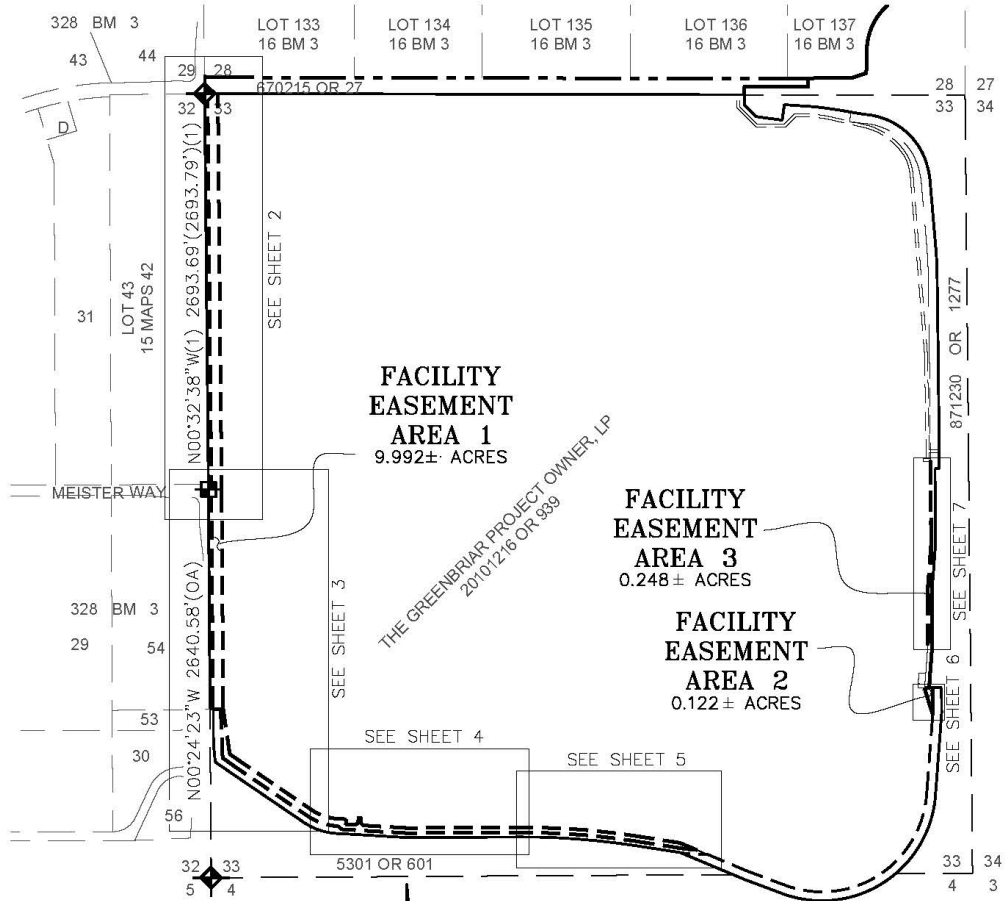
## **EXHIBIT B**

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**

CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



**LEGEND**

- P.O.B. POINT OF BEGINNING
- (R) RADIAL BEARING
- ◆ SECTION CORNER
- ⊕ SECTION QUARTER CORNER
- DIMENSION POINT



SCALE: 1" = 1000'



**WOOD RODGERS**

BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3301 D ST. BLDG. 100-B TEL 916.341.7760

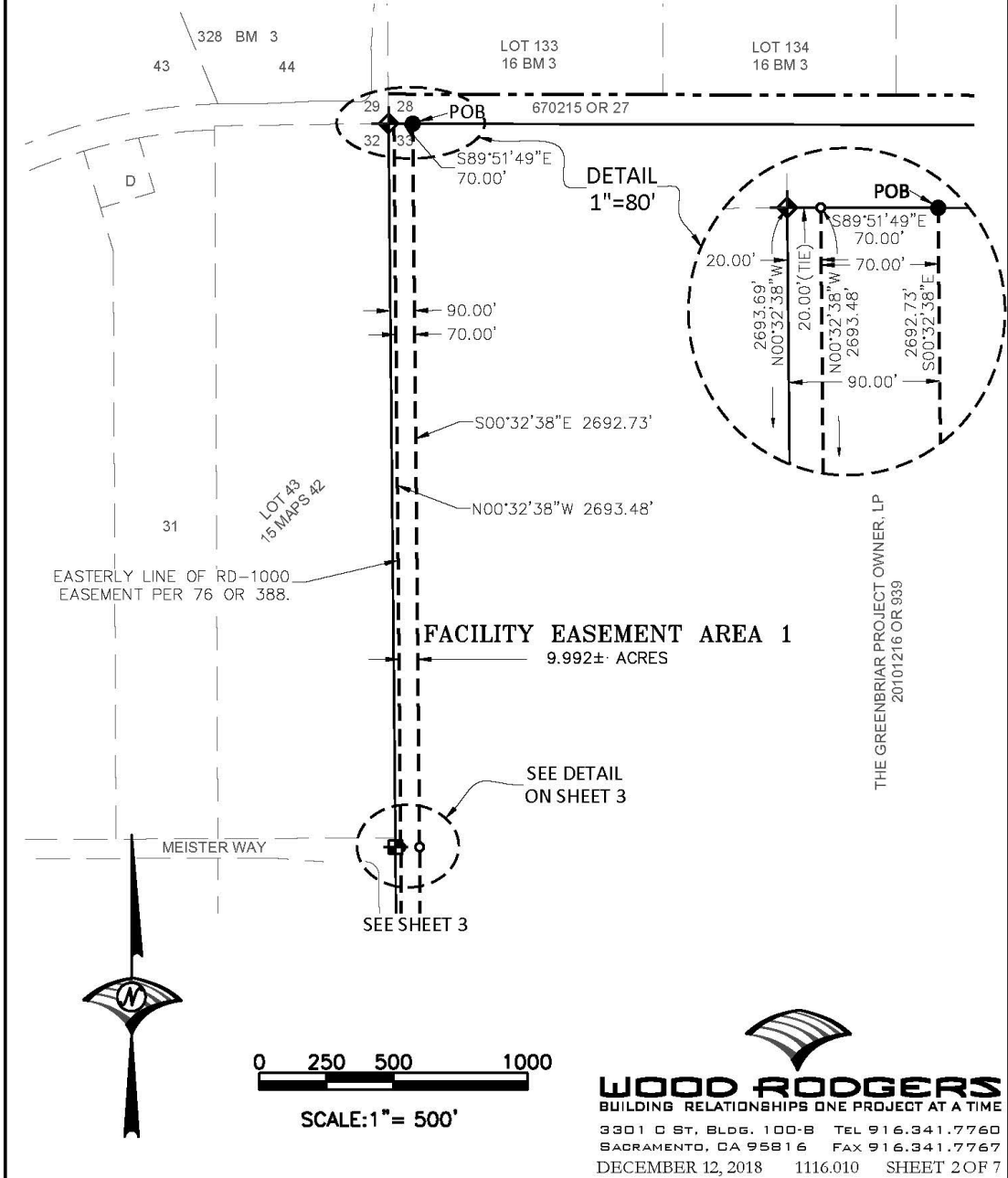
SACRAMENTO, CA 95816 FAX 916.341.7767

DECEMBER 12, 2018 1116.010 SHEET 1 OF 7

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



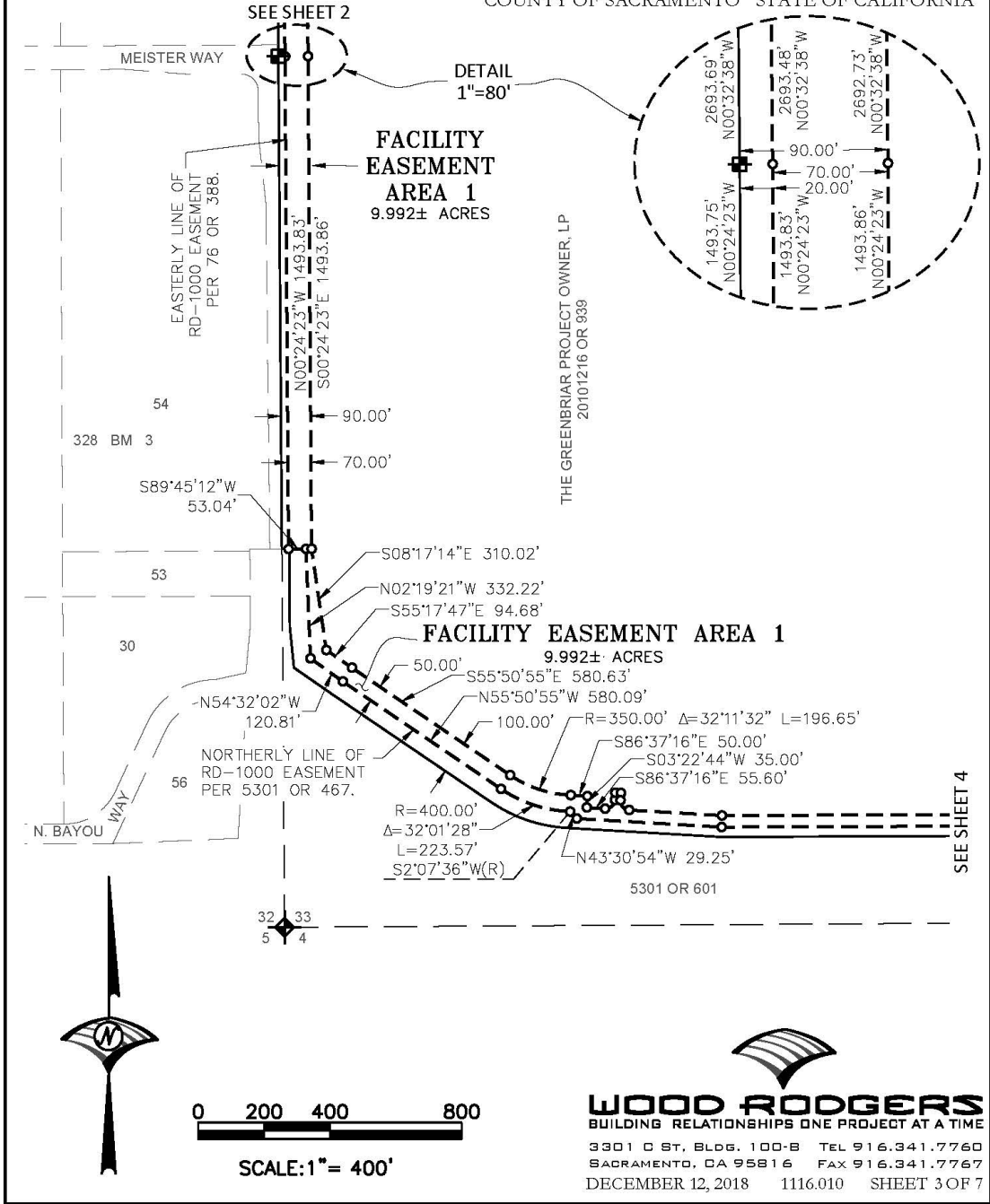
**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
3301 D ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 2 OF 7

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**

CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

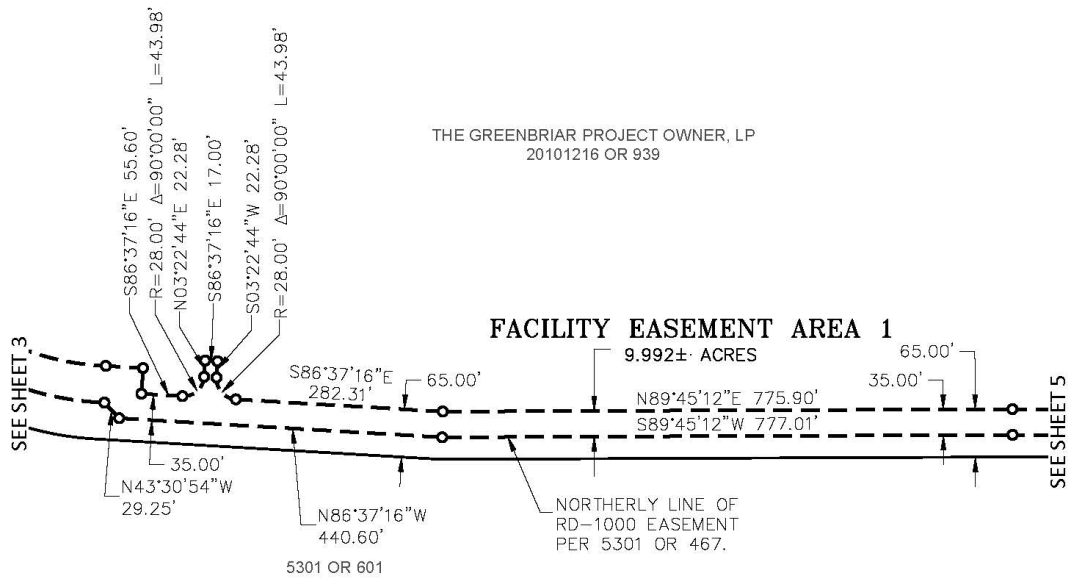


**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
3301 D ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 3 OF 7

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

GREENBRIAR  
RD 1000 EASEMENTS  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 200'



**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3301 D ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 4 OF 7

**EXHIBIT 'B'**

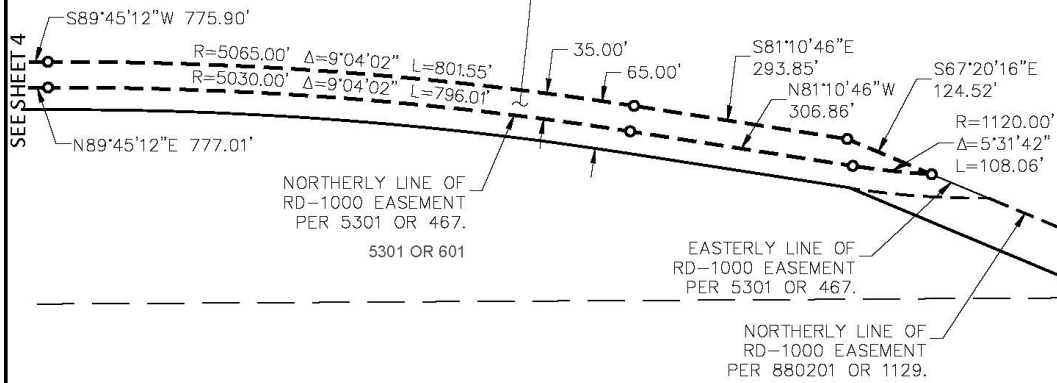
PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS  
CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA**

THE GREENBRIAR PROJECT OWNER, LP  
20101216 OR 939

**FACILITY EASEMENT AREA 1**

9.992± ACRES



0 100 200 400

SCALE: 1" = 200'



**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

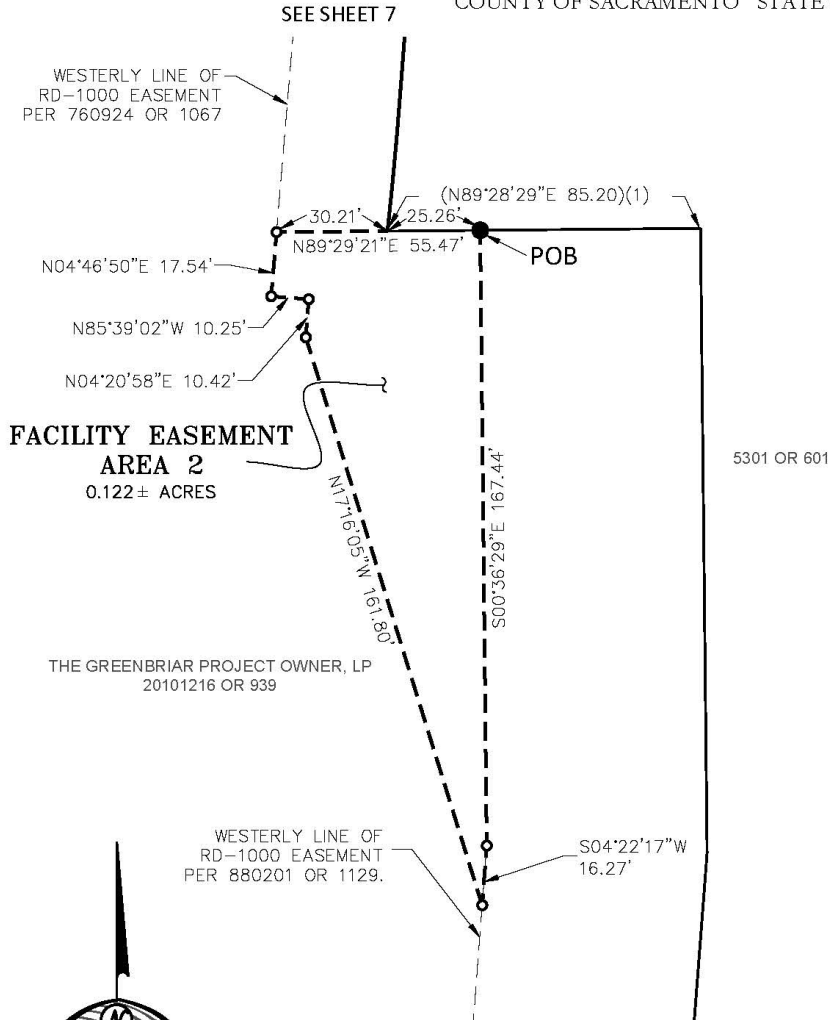
3301 D ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 5 OF 7

**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**

CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



(1) DENOTES RECORD INFORMATION  
PER 940616 OR 0402



SCALE: 1" = 40'



**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME

3301 D ST. BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 6 OF 7

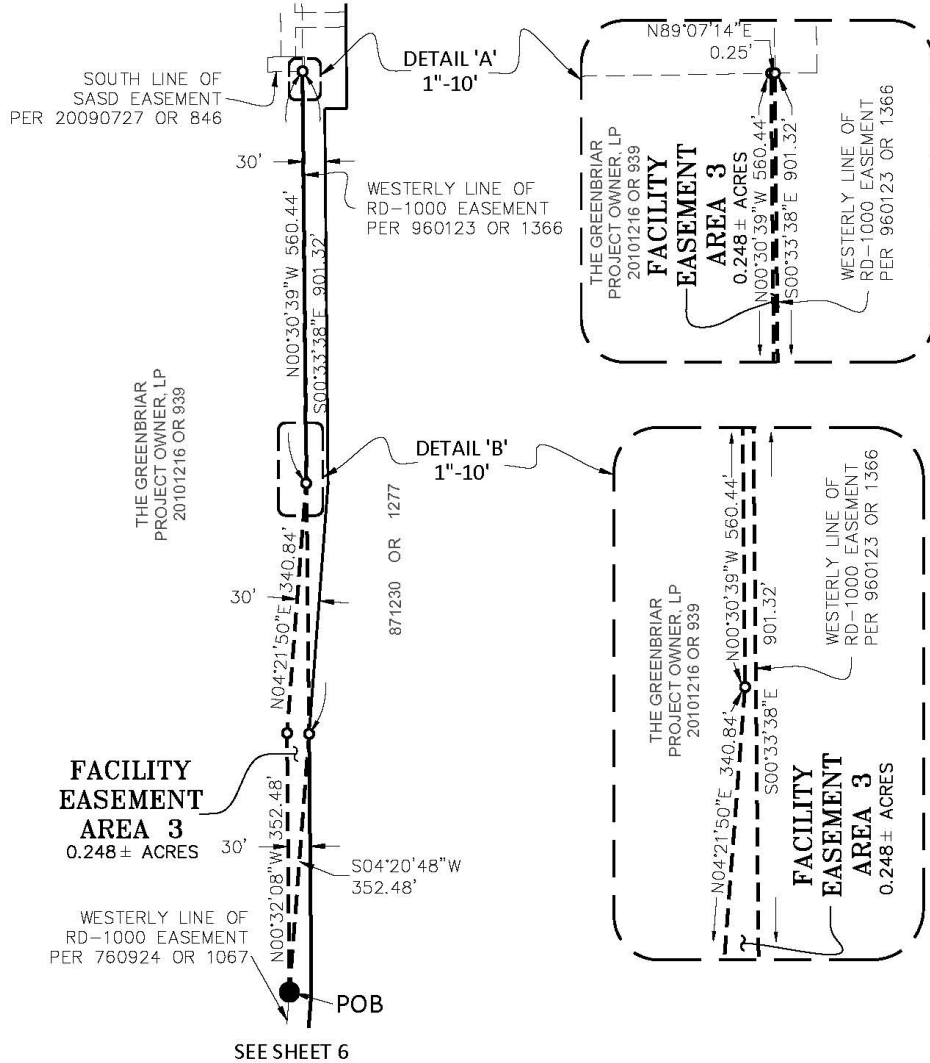


**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**

CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA



SCALE: 1" = 200'

**WOOD RODGERS**  
BUILDING RELATIONSHIPS ONE PROJECT AT A TIME  
3301 D ST, BLDG. 100-B TEL 916.341.7760  
SACRAMENTO, CA 95816 FAX 916.341.7767  
DECEMBER 12, 2018 1116.010 SHEET 7 OF 7

DATE: August 9, 2019

AGENDA ITEM NO. 5.7

---

**TITLE:** Authorization to Accept Easement

**SUBJECT:** Review and Consider Adoption of Resolution No. 2019-8-3 Authorizing General Manager to Accept Access Easement Deed from Greenbriar Project Owner, LLC.

---

**EXECUTIVE SUMMARY:**

Reclamation District 1000 (RD 1000; District) has been working with the Greenbriar Development to accommodate the planned development while allowing the District to continue to provide access for ongoing maintenance and operation of the District's facilities.

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-3 authorizing the General Manager to accept the Grant of Access Easement Deed as provided in Attachment 1 of this staff report.

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-3 authorizing the General Manager to accept the Grant of Access Easement Deed as provided in Attachment 1 of this staff report.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Resolution No. 2019-8-3: Authorizing the General Manager to Accept Grant of Access Easement Deed from Greenbriar Project Owner, LLC.

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
AUTHORIZING THE GENERAL MANAGER TO ACCEPT GRANT OF FACILITY EASEMENT DEED  
FROM GREENBRIAR PROJECT OWNER, LLC**

At a regular meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 9<sup>th</sup> day of August 2019, the following resolution was approved and adopted:

**WHEREAS**, the Board of Trustees (“Board”) of Reclamation District No. 1000 (“District”) is a reclamation district created by act of the legislature of the State of California, approved April 8, 1911; and,

**WHEREAS**, the Greenbriar Project Owner, LLC (“Owner”) is a limited liability company established pursuant to the laws of the State of Delaware; and,

**WHEREAS**, Owner has the need to convey easement deeds to District, to allow District access for the District’s purpose and use for existing and future flood control projects; and,

**WHEREAS**, Owner has provided to District an access easement deed as provided in Attachment No. 1 to this resolution; and,

**WHEREAS**, pursuant to Government Code section 27281, the District Board has authority to accept such assignment of easements from Owner upon the execution of the certificate of acceptance set forth in Attachment No. 1 to this resolution; and,

**WHEREAS**, the Board desires to authorize the District General Manager to execute the certificate of acceptance on behalf of the District.

**NOW THEREFORE BE IT RESOLVED THAT:** The Board of Trustees of Reclamation District No. 1000 hereby accepts the grant of easement deed from Owner as provided in Attachment No. 1 of this resolution and authorizes the General Manager to execute the certification of acceptance.

**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_ the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 9<sup>th</sup> day of August 2019, by the following vote, to wit:

AYES: 0 Trustees:

NOES: 0 Trustees:

ABSTAIN: 0 Trustees:

RECUSE: 0 Trustees:

ABSENT: 0 Trustees:

---

Jeff Smith

President, Board of Trustees

Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2019-8-3 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held on the 9<sup>th</sup> of August 2019 and made a part of the minutes thereof.

---

Joleen Gutierrez, District Secretary

.....

CERTIFICATE OF ACCEPTANCE

This is to certify that the interest in real property conveyed by this deed dated \_\_\_\_\_ from the first party to the RECLAMATION DISTRICT NO. 1000 ("RD 1000"), is hereby accepted pursuant to RD 1000 Board of Trustees Resolution No. 2019-8-3, and the Grantee consents to recordation thereof by its duly authorized officer.

By \_\_\_\_\_ Dated: \_\_\_\_\_, 20\_\_

Kevin L. King  
General Manager

RECORDING REQUESTED BY AND  
WHEN RECORDED MAIL TO:

NAME Reclamation District No. 1000

MAILING ADDRESS 1633 Garden Highway

CITY, STATE ZIP CODE Sacramento, CA 95833

(SPACE ABOVE THIS LINE RESERVED FOR RECORDER'S USE)

Documentary Transfer Tax \$  - 0 -   
 Computed on value of interest conveyed.  
 Computed on value of interest conveyed less liens  
and encumbrances remaining thereon at time of sale.  
 No property transfer tax due.

By: \_\_\_\_\_

**GRANT OF EASEMENT**  
**(ACCESS EASEMENT)**

FOR VALUABLE CONSIDERATION, the receipt and adequacy of which is hereby acknowledged, THE GREENBRIAR PROJECT OWNER, LLC, a Delaware Limited Liability Company (“Grantor”), hereby grants to RECLAMATION DISTRICT NO. 1000, a public entity of the State of California created under Cal. Stats. 1911, Chapter 412, its successors and assigns (“Grantee”), a non-exclusive and perpetual easement for ingress and egress, together with the right to improve and repair same with AB and asphalt, upon and across that certain real property located in the County of Sacramento as described on Exhibit “A” (the “Access Easement”) and shown on Exhibit “B” attached hereto and incorporated herein by this reference. Grantor covenants and agrees for itself, its successors and assigns, as a covenant running with the land, that Grantor will not commence or allow other uses in the Access Easement which may interfere with Grantee’s use, operation, maintenance or replacement of its drainage channel, and agrees to provide to Grantee an opportunity to reasonably review and approve of any such other uses and to enter into a joint use agreement with any such other users within the Access Easement prior to the granting of any rights therefore or the commencement of any such other uses.

(Signatures appear on the following page.)

Dated: \_\_\_\_\_, 2019

THE GREENBRIAR PROJECT OWNER, LLC,  
a Delaware limited liability company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_



# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me,

\_\_\_\_\_  
(insert name and title of the officer)

personally appeared

\_\_\_\_\_  
, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

**(Seal)**

SUBORDINATION

The undersigned, GOLDMAN SACHS BANK USA, Beneficiary under that certain Building Loan Deed of Trust, Security Agreement and Fixture Filing (the "Goldman Deed of Trust") executed by The Greenbriar Project Owner, LP, a Delaware limited partnership (the "Trustor"), dated July 12, 2019, recorded July 12, 2019, as Instrument No. 2019-07121151, Official Records, Sacramento County, California, and Assignee under that certain Building Loan Assignment of Leases and Rents (the "Goldman Assignment") executed by Trustor, dated July 12, 2019, recorded July 12, 2019, as Instrument No. 2019-07121152, Official Records, Sacramento County, California does hereby consent to each and all of the provisions contained in the within instrument, GRANT OF EASEMENT (ACCESS EASEMENT), and all amendments and annexations thereto and does hereby agree that the lien and charge of said Goldman Deed of Trust Land Goldman Assignment shall be, and is hereby made, subordinate to, junior to and subject to said within instrument and all amendments and annexations thereto and the entire effect thereof.

Date: \_\_\_\_\_, 2019 BENEFCIARY: GOLDMAN SACHS BANK USA

By: \_\_\_\_\_

Name: \_\_\_\_\_

Its: \_\_\_\_\_

# ACKNOWLEDGMENT

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California

County of \_\_\_\_\_)

On \_\_\_\_\_ before me,

\_\_\_\_\_  
(insert name and title of the officer)

personally appeared

\_\_\_\_\_  
, who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

Signature \_\_\_\_\_

(Seal)

## EXHIBIT A

### GREENBRIAR LEGAL DESCRIPTION FOR ACCESS EASEMENT

All that real property located in the City of Sacramento, County of Sacramento, State of California described as follows:

Being a portion of Lots 124 and 125 as shown on that certain map titled "Map of Natomas Central Subdivision", filed in Book 16 of Maps, at Page 3, Official Records of Sacramento County and situate in Section 33, Township 10 North, Range 4 East, Mount Diablo Meridian, more particularly described as follows:

#### ACCESS EASEMENT

**COMMENCING** at a 3/4" iron pipe set in concrete marking the northwest corner of said Section 33 and the northwest corner of Lot 129 of said map of Natomas Central Subdivision, and being shown on that certain Record of Survey filed January 2, 1974 in Book 30 of Surveys, at Page 38; thence from said **POINT OF COMMENCEMENT**, along the west line of the northwestquarter of said section 33 as shown on said Record of Survey, South 00°32'38" East, a distance of 2693.69 feet to a 3/4" iron pipe set in concrete and being shown on said Record of Survey; thence North 88°53'38" West, a distance of 4919.06 feet to the **TRUE POINT OF BEGINNING**; thence from said **TRUE POINT OF BEGINNING**, North 22°31'37" West, a distance of 75.82 feet to the southerly prolongation of the westerly line of that certain sewer easement conveyed to the Sacramento Area Sewer District in Book 20090827 of Official Records, at Page 845; thence along said prolongation and the westerly and southerly lines of said sewer easement the following ten (10) arcs, courses and distances:

1. North 00°52'46" West, a distance of 740.78 feet;
2. North 04°33'50" West, a distance of 1,230.49 feet;
3. along a tangent curve concave to the west, having a radius of 343.24 feet, northerly 127.59 feet along said curve through a central angle of 21°17'50";
4. North 29°35'54" West, a distance of 19.34 feet;
5. from a radial line which bears North 57°06'32" East, along a non-tangent curve concave to the southwest, having a radius of 442.13 feet, northwesterly 340.49 feet along said curve through a central angle of 44°07'28";
6. North 77°00'55" West, a distance of 222.01 feet;
7. from a radial line which bears North 12°51'44" East, along a non-tangent curve concave to the south, having a radius of 1,014.54 feet, westerly 249.13 feet along said curve through a central angle of 14°04'10";
8. South 45°08'07" West, a distance of 104.93 feet;
9. North 89°51'53" West, a distance of 196.45 feet;
10. North 44°51'53" West, a distance of 186.22 feet;

thence continuing along said westerly line and the northerly prolongation thereof, North 00°08'07" East, a distance of 89.17 feet to the north line of said Section 33;

thence along said northerly line, South 89°51'49" East, a distance of 28.50 feet;

thence South 22°19'53" West, a distance of 22.50 feet;

thence along said northerly prolongation and the northerly and easterly lines of said sewer easement the following ten (10) arcs, courses and distances:

1. South 00°08'07" West, a distance of 60.06 feet;
2. South 44°51'53" East, a distance of 169.65 feet;
3. South 89°51'53" East, a distance of 179.88 feet;
4. North 45°08'07" East, a distance of 104.61 feet;
5. from a radial line which bears North 01°39'10" West, along a non-tangent curve concave to the south, having a radius of 1,034.54 feet, easterly 262.10 feet along said curve through a central angle of 14°30'58";
6. South 77°00'55" East, a distance of 222.03 feet;
7. along a tangent curve concave to the southwest, having a radius of 462.13 feet, southeasterly 356.47 feet along said curve through a central angle of 44°11'47"; thence South 29°35'54" East, a distance of 20.55 feet;
8. from a radial line which bears North 64°02'04" East, along a non-tangent curve concave to the west, having a radius of 363.24 feet, southerly 135.68 feet along said curve through a central angle of 21°24'06";
9. South 04°33'50" East, a distance of 1,231.13 feet;
10. South 00°52'46" East, a distance of 714.87 feet to the northerly line of that certain sewer easement conveyed to the Sacramento Area Sewer District in Book 20090727 of Official Records, at Page 846, said County records;

thence along said northerly line, North 89°07'14" East, a distance of 8.59 feet;

thence South 00°30'39" East, a distance of 97.02 feet to the **TRUE POINT OF BEGINNING**. Containing 1.640 acres, more or less.

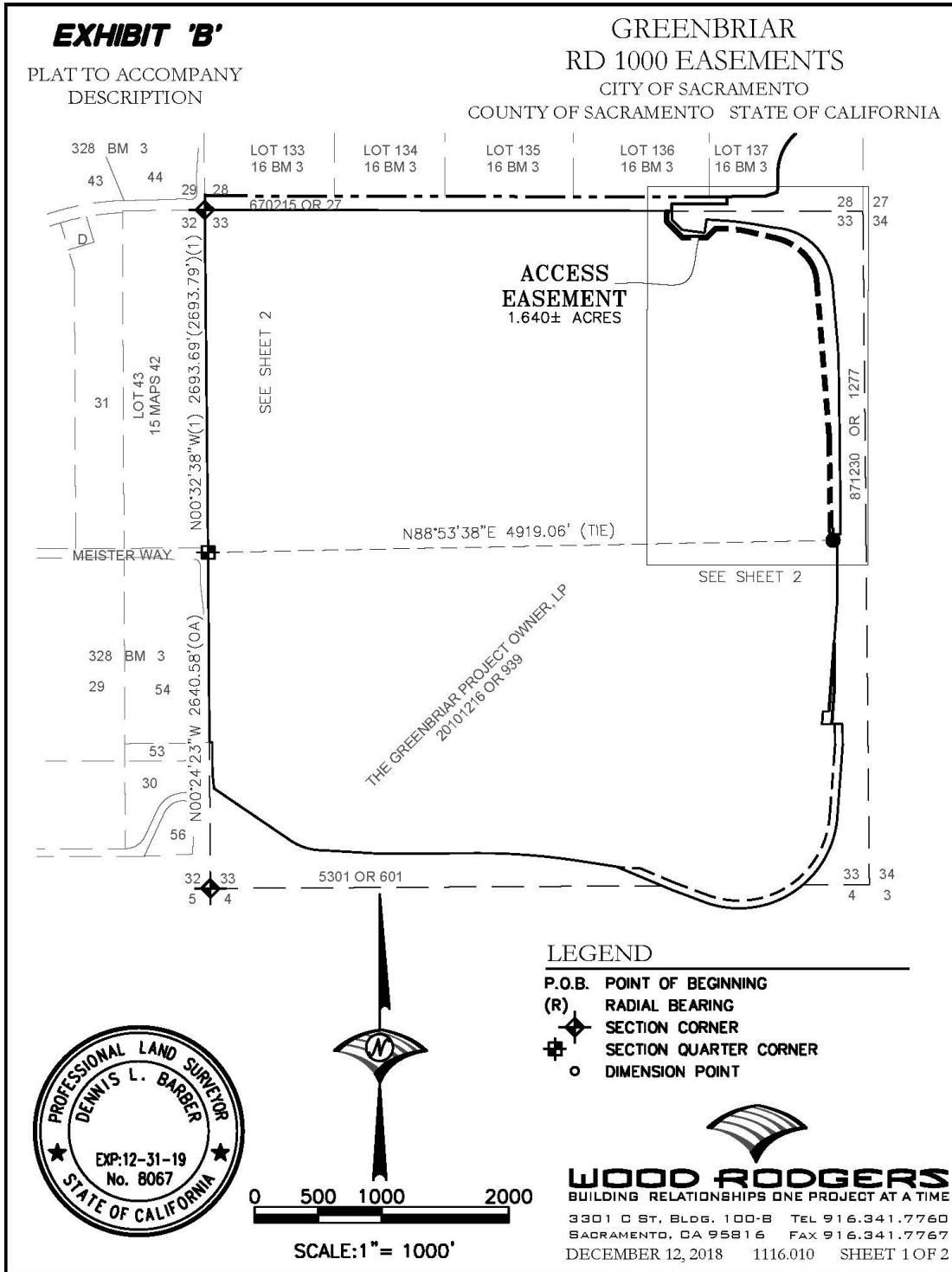
See Exhibit 'B', Plat to accompany description, attached hereto and made a part hereof.

DECEMBER 12, 2018

END OF DESCRIPTION

PREPARED BY WOOD RODGERS, INC  
SACRAMENTO, CALIFORNIA

**EXHIBIT B**



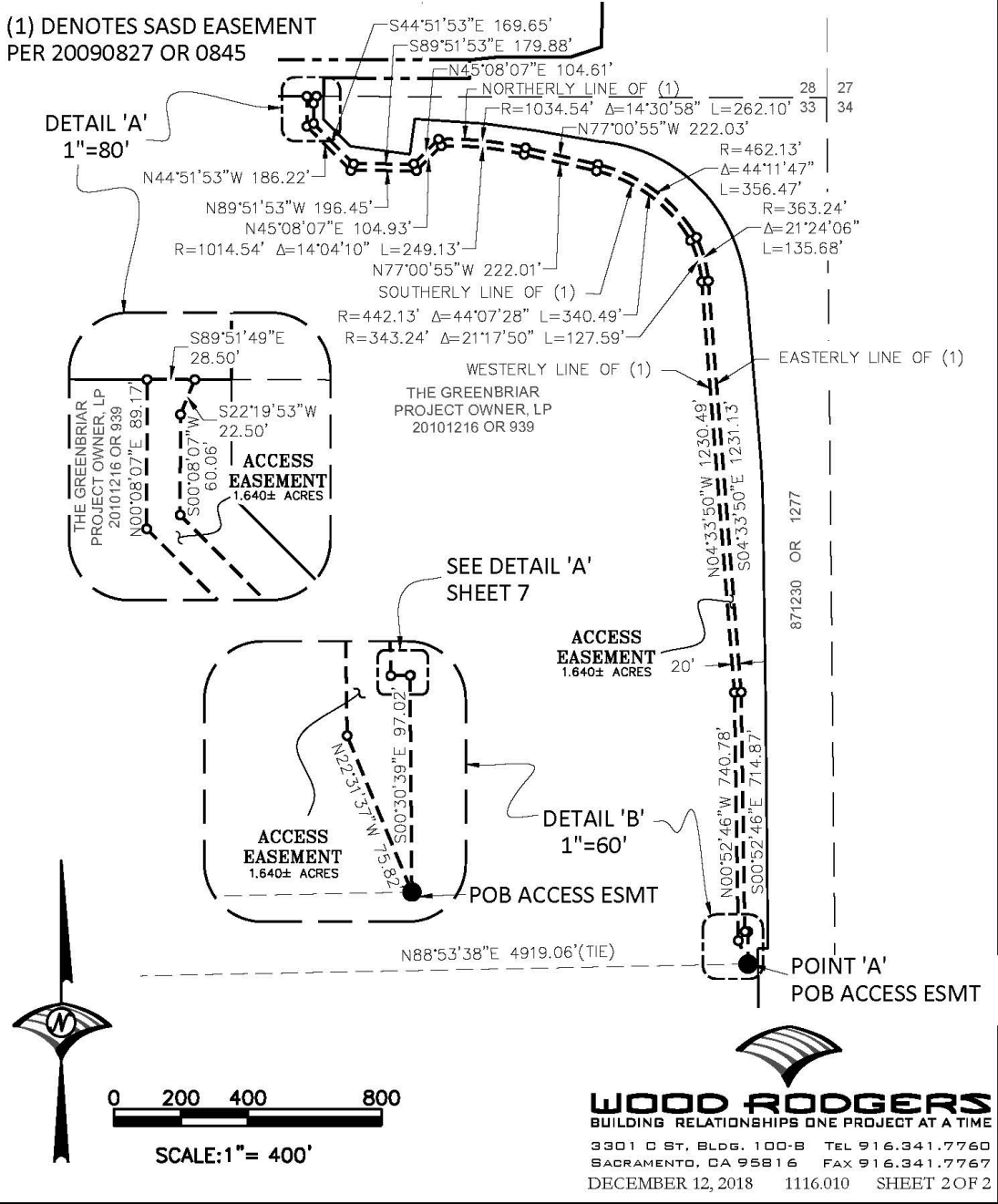
**EXHIBIT 'B'**

PLAT TO ACCOMPANY  
DESCRIPTION

**GREENBRIAR  
RD 1000 EASEMENTS**

CITY OF SACRAMENTO  
COUNTY OF SACRAMENTO STATE OF CALIFORNIA

(1) DENOTES SASD EASEMENT  
PER 20090827 OR 0845



**DATE: August 9, 2019**

**AGENDA ITEM NO. 5.8**

---

**TITLE: Authorization to Submit Grant Application**

**SUBJECT: Review and Consider Adoption of Resolution No. 2019-8-4: Authorizing the General Manager to Submit Application for Grant Funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.**

---

**EXECUTIVE SUMMARY:**

Reclamation District 1000 (District; RD 1000) has identified a funding opportunity through the State of California Department of Water Resources (DWR) under the Flood Maintenance Assistance Program (FMAP) for 2019/2020. The FMAP program provides State funds for eligible maintenance activities to Local Maintaining Agencies, like RD 1000. The program was started to help ensure that State Plan of Flood Control facilities are properly maintained and have sufficient resources, including funding, to meet applicable federal regulations and Operation and Maintenance (O&M) manual requirements. The District is currently under an FMAP funding agreement with DWR, executed on May 15, 2019 for 2018/2019. The District desires to apply for another grant in 2019/2020 for identified maintenance and equipment needs.

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-4 Authorizing the General Manager to Submit Application for Grant Funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-4 Authorizing the General Manager to to Submit Application for Grant Funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**FINANCIAL IMPACT:**

Up to \$601,337 in grant revenue in Fiscal Year 2019/2020.

**ATTACHMENTS:**

1. Resolution No. 2019-8-4: Authorizing the General Manager to Submit Application for Grant Funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_

Kevin L. King, General Manager

Date: 08/05/2019



**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
AUTHORIZING THE GENERAL MANAGER TO SUBMIT APPLICATION FOR GRANT FUNDING  
WITH STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES –  
FLOOD MAINTENANCE ASSISTANCE PROGRAM 2019/2020**

At a regular meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 9<sup>th</sup> day of August 2019, the following resolution was approved and adopted:

**WHEREAS**, the Board of Trustees (“Board”) of Reclamation District No. 1000 (“District”) is a reclamation district created by act of the legislature of the State of California, approved April 8, 1911; and,

**WHEREAS**, the District has a progressive history of providing flood protection and maintaining the District’s levee system; and,

**WHEREAS**, the District has identified certain maintenance and equipment needs that further the goals and objectives of the District; and,

**WHEREAS**, the District has identified potential funding through the California Department of Water Resources (“DWR”) Flood Maintenance Assistance Program funds under Budget Act of 2018 (Stats. 2018, Ch. 29, Item 3860-001-0001); and,

**WHEREAS**, the Board desires to authorize the District General Manager to submit an application for funding through DWR.

**NOW THEREFORE BE IT RESOLVED THAT:** the Board of Trustees of Reclamation District No. 1000 hereby authorize the General Manager to submit an application for grant funding with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 9<sup>th</sup> day of August 2019, by the following vote, to wit:

AYES: 0 Trustees:

NOES: 0 Trustees:

ABSTAIN: 0 Trustees:

RECUSE: 0 Trustees:

ABSENT: 0 Trustees:

---

Jeff Smith

President, Board of Trustees

Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2019-8-4 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held on the 9<sup>th</sup> of August 2019 and made a part of the minutes thereof.

---

Joleen Gutierrez, District Secretary



Water Resources ♦ Flood Control ♦ Water Rights

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.

July 31, 2019

Mr. Jeff H. Van Gilder  
Flood Maintenance Office  
California Department of Water Resources  
P.O. Box 219000  
Sacramento, CA 95821-9000

**Subject: Reclamation District No. 1000  
2019-2020 Flood Maintenance Assistance Program  
Proposal Solicitation Package**

Mr. Van Gilder:

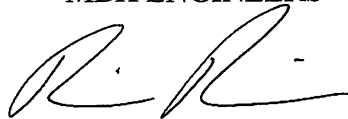
MBK Engineers (MBK) is submitting a proposal solicitation package (PSP) for Reclamation District No. 1000 (District) to participate in the Flood Maintenance Assistance Program (FMAP). The District is requesting available cost-share funds to support efforts to re-establish eligibility in the United States Army Corps of Engineers (USACE) PL 84-99 program, and continue to administer maintenance activities.

The District is requesting funding for Fiscal Year 2019-2020 for the following categories:

- 1) USACE Letter of Intent/System-Wide-Improvement-Framework preparation: \$40,000
- 2) Operations and Maintenance activities: Matching funds based on attached application/appendices, and FMAP guidelines

MBK Engineers along with Kevin King, General Manager, are the authorized agents. If you have any questions, please contact Kevin King at (916) 922-1449 or me at (916) 456-4400.

Sincerely,  
MBK ENGINEERS



Ric Reinhardt, P.E.

TA/nl  
4170/VAN GILDER 2019-07-31

Attachments: FMAP Application and Appendices

# Reclamation District No. 1000: Natomas

## FMAP Application

## Table of Contents

<b>ATTACHMENT A</b> .....	3
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Correspondence Indicating Current USACE PL 84-99 Eligibility.....	7
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ATTACHMENT A

FLOOD MAINTENANCE ASSISTANCE PROGRAM (FMAP)

This questionnaire and submittal would provide us the needed information to evaluate the appropriate level of participation in FMAP. FMAP has several requirements that must be met to receive eligible funding as described in the Proposal Solicitation Package (PSP). Please answer the following questions and provide the requested information.

LMAs Reclamation District No. 1000

Authorized Agent Kevin King

Address 1633 Garden Highway, Sacramento CA 95833

Phone Number (916) 922-1449 (office)

Legal Counsel Day Carter Murphy LLP

Legislative District (Senate and Assembly) Senate District 3 and Assembly District 4

Other Contact Information Ric Reinhardt, 916.456.4400

1. Does LMA have State Plan of Flood Control (SPFC) facilities? (Y/N) YES
2. Does LMA have current PL 84-99 eligibility? (Y/N) YES If Yes, please provide supporting documentation. **Attach File**
3. Does LMA have an approved LOI or SWIF with USACE? (Y/N) YES If Yes, please provide a copy of the approval. **Attach File**
4. If No, has LMA submitted a LOI or SWIF currently pending with USACE? (Y/N) YES If Yes, please provide a copy of the documents. **Attach File**
5. If No on questions 3 & 4, is LMA willing to commit to pursuing and obtaining a USACE SWIF, which includes submittal of LOI & SWIF? (Y/N)
6. Is there more than one LMA in your leveed area (USACE system)? (Y/N) NO  
If Yes, is LMA cooperating or willing to cooperate with the other LMAs to pursue and obtain an approved USACE LOI and SWIF within a USACE System?  
(Y/N) \_\_\_\_\_
7. Is LMA willing to execute a new assurance agreement (OMRR&R) with CVFPB for the entire leveed area (USACE system)? (Y/N) YES



8. Is LMA willing to secure sufficient local funding to perform OMRR&R activities required by the assurance agreement? (Y/N) YES
9. Is LMA willing to meet DWR reporting requirements, such as AB 156? (Y/N) YES
10. Is LMA willing to provide actual cost and scope of the last two full years of O&M activities? (Y/N) YES
11. Is LMA willing to prioritize deficiencies within the leveed area (USACE system) and commit to OMRR&R activities that will reduce flood risk and make LMA compliant with PL 84-99? (Y/N) YES
12. Is LMA willing to coordinate and work with RFMP to implement the plan identified in the SWIF? (Y/N) YES
13. Is LMA currently participating in other DWR programs such as Delta Subventions, EIP/UFRR, or FSRP? (Y/N) NO If yes, please identify and describe the project or activity:

Additional questions required of all new solicitations to fulfil State's requirement under EO B-30-15, AB 1482, & AB 2800. Answering in any way does **not** affect a LMA's eligibility to receive funding.

14. Does the LMA have a strategic business plan? (Y/N) YES If yes, please submit a copy. **Attach File**
15. Has the LMA conducted a climate change vulnerability assessment? (Y/N) NO If yes, please submit a copy.
16. Does the LMA have a main contact person for climate change? (Y/N) NO If yes, to what position in the origination does that person report?
17. Has the LMA considered the risk of climate change in its capital reserves and investments? (Y/N) NO

Please provide the following project information:

- Briefly describe the leveed area (USACE system) and what is protected within the project basin.

The Natomas levee system is part of the Sacramento River Flood Control Project. The system is in the northwestern portion of the City of Sacramento, California, with the Sacramento River to the west and the American River to the south, the Natomas Cross Canal to the north and the Natomas East Canal on the east side. The levee system is +

- Explain how you intend to become compliant with the SWIF process and USACE and DWR inspections.

Reclamation District 1000 has submitted a draft System-Wide Improvement Framework (SWIF) for continued rehabilitation eligibility in the PL 84-99 Rehabilitation and Inspection Program (RIP) for the Natomas levee system. The SWIF outlines a plan to comply with PL 84-99 requirements over time. While the final SWIF is being +

- Please provide verifiable and detailed information of eligible OMRR&R activities and projects conducted by the LMA the last two full years.

See the attached 2017-18 and 2018-19 budgets.

- Provide a list of eligible OMRR&R activities and projects that you intend to conduct or construct.

Vegetation Maintenance/Removal

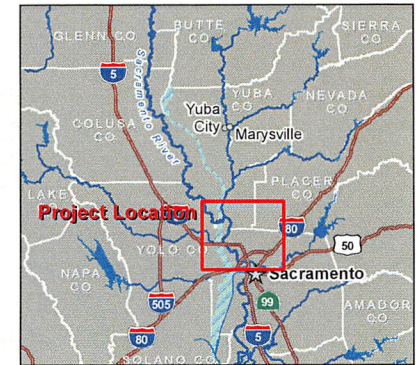
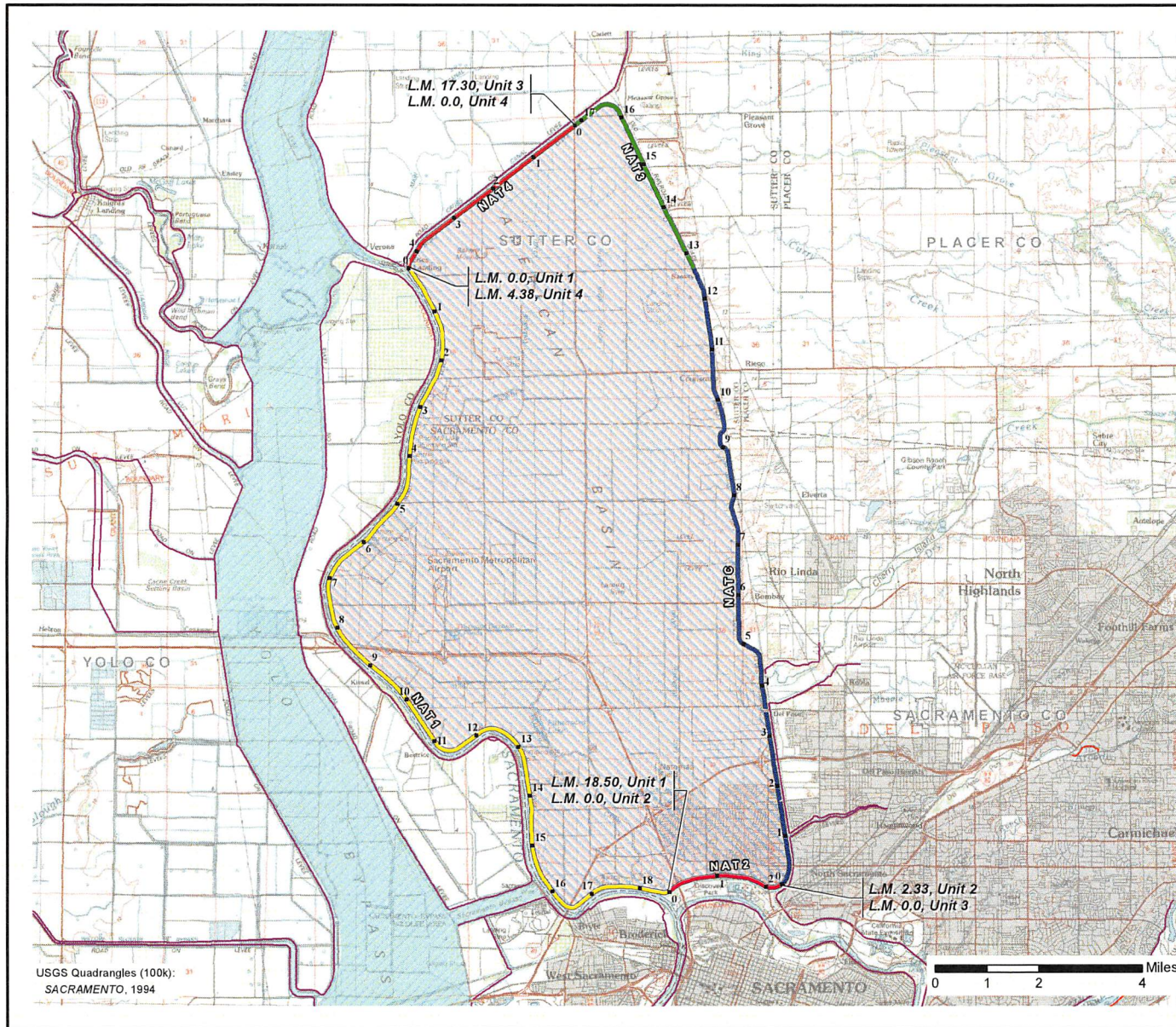
- Please prioritize the activities and detail the scope of the projects. This includes project description, proposed schedule, and proposed budget. Budget details must include personnel, equipment, and material costs.

**Vegetation Removal.** Reclamation District 1000 expects to spend approximately \$220,000 for contract and in-house labor, equipment, documentation and to continue remove the high-hazard trees, trim trees and mow ground vegetation. The District will remove the high hazard trees between July and February to avoid nesting birds. +

- Describe the project benefits and how it works toward USACE and DWR levee inspection compliance.

Reclamation District 1000 has an acceptable rating with DWR; however, it has an unacceptable rating with USACE. Vegetation can harm the structural integrity of levees, obscure visibility, impede access for maintenance and inspection, and hinder flood fighting operations. Correcting this vegetation issue increase their inspection +

List and Map of SPFC Facilities under LMA Responsibility



**Map Legend**

Project Levees: NLD SYSTEM and SEGMENTS  
(Levee Inspection System Code)

**SYSTEM SEGMENTS**

- Unit 1 - Sacramento River (NAT1)
- Unit 2 - American River (NAT2)
- Unit 3 south - NMDEC (NATC)
- Unit 3 north - Cross Canal inflow (NAT3)
- Unit 4 - Natomas Cross Canal (NAT4)

- Other Federal Levees
- Non-Federal Levees (PL84-99)

Potential Consequence Zone

Sutter and Yolo Bypasses

Levee Mile

<b>FEDERAL LEVEE PROJECTS LOCATION MAP</b>
<b>RD 1000 - NATOMAS</b>
U.S. ARMY CORPS OF ENGINEERS SACRAMENTO DISTRICT

Correspondence Indicating Current USACE PL 84-99 Eligibility



REPLY TO  
ATTENTION OF

**DEPARTMENT OF THE ARMY**  
SACRAMENTO ENGINEER DISTRICT  
U.S. ARMY CORPS OF ENGINEERS (USACE)  
1325 J STREET  
SACRAMENTO, CALIFORNIA 95814-2922

Operations and Readiness Branch

JUN 04 2013

Mr. Jay Punia, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Avenue, Room 151  
Sacramento, California 95821

Dear Mr. Punia:

This letter is to notify you that your Letter of Intent (LOI) to develop a System-Wide Improvement Framework (SWIF) for Reclamation District (RD) 1000 sent on March 11, 2013 was approved by USACE on May 16, 2013. The enclosed approval memorandum defines the start date for temporary rehabilitation assistance eligibility under Public Law (P.L.) 84-99.

Thank you for taking an interest in making system-wide improvements to your levee and for being the one of the first LOIs processed by the Sacramento District. Please submit a progress report to the Sacramento District by March 28, 2014, so we can determine if satisfactory progress is being made towards your goal of developing a SWIF. Provided satisfactory progress has been made, temporary rehabilitation assistance eligibility will be extended until May 16, 2015. Further extension of rehabilitation eligibility beyond the two year period will be dependent on approval and implementation of the SWIF. It is recommended that your SWIF be submitted to the Sacramento District no later than March 27, 2015, to allow the Sacramento District adequate time to review the SWIF and forward to our Division and Headquarters offices for approval. We encourage you to start coordination with us as soon as possible and look forward to working with you as you develop your SWIF.

If you have any questions regarding this action please contact Rachael Hersh-Burdick (916) 557-7009 or Ryan Larson (916) 557-7568.

Sincerely,

Paige Caldwell, P.E.  
Emergency Manager

Enclosure:

- 1) Memorandum from HQUSACE approving RD 1000's request for temporary extension of PL 84-99 rehabilitation eligibility dated May 16, 2013.



DEPARTMENT OF THE ARMY  
U.S. ARMY CORPS OF ENGINEERS  
WASHINGTON, D.C. 20314-1000

16 May 2013

CECW-HS

MEMORANDUM FOR Commander, South Pacific Division

SUBJECT: Reclamation District (RD) 1000 Request for Reinstatement and Temporary Extension of Public Law (P.L.) 84-99 Rehabilitation Eligibility for Non-Federal Sponsors Implementing System-Wide Improvement Frameworks (SWIF)

1. References:

- a. Memorandum, CECW-HS, 29 November 2011, subject: Policy for Development and Implementation of System-Wide Improvement Frameworks (SWIFs).
- b. Memorandum, CESPDE-DE, 16 April 2013, SAB.
- c. Memorandum, CESPCK-CO-OR, 11 February 2013, SAB.

2. This memorandum approves the Letter of Intent (LOI) submitted by RD 1000, through the State of California's Natural Resources Agency, Central Valley Flood Protection Board to develop a SWIF for the RD 1000 Natomas Levee system (enclosure to reference 1.c.). Reference 1.a. defines the USACE policy for submitting a LOI. References 1.b. and 1.c. meet the policy requirements.

3. Temporary rehabilitation eligibility under P.L. 84-99 is granted for a two-year period from the date of this memorandum to provide time for the sponsor to prepare a SWIF plan. The temporary rehabilitation eligibility applies to the levee system identified in reference 1.c., and shown below. Further extension of rehabilitation eligibility beyond the two year SWIF development period will be dependent on approval and implementation of the SWIF.

RD 1000 – Natomas Levee System, NLD Number: 5205000923

4. The District Commander is responsible for reviewing the sponsor's progress for development of the SWIF. After the first year, if progress is deemed unsatisfactory, the District Commander will recommend through South Pacific Division (SPD) to the Director of Contingency Operations and Homeland Security either that the levee sponsor is no longer eligible for P.L. 84-99 rehabilitation assistance, or justify why continued eligibility is warranted. The Sacramento District Emergency Manager remains responsible for ensuring coordination with the SPD Flood Risk, Levee Safety, and Emergency Management officers, and for ensuring that the levee system identified in paragraph 3. above continue to comply with reference 1.a.

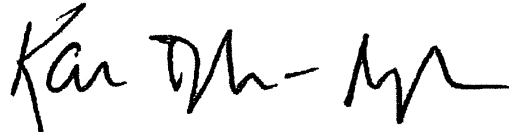
CECW-HS

SUBJECT: Reclamation District (RD) 1000 Request for Reinstatement and Temporary Extension of Public Law (P.L.) 84-99 Rehabilitation Eligibility for Non-Federal Sponsors Implementing System-Wide Improvement Frameworks (SWIF)

5. The points of contact for this action are Mr. Steve Fink at [steven.j.fink@usace.army.mil](mailto:steven.j.fink@usace.army.mil) or (509) 301-5899, and Mr. Rob Grubbs at [robert.k.grubbs@usace.army.mil](mailto:robert.k.grubbs@usace.army.mil) or (202) 761-4603.

FOR THE COMMANDER:

Good  
stuff!



KAREN DURHAM-AGUILERA, P.E., SES  
Director of Contingency Operations,  
Homeland Security, and Northwestern  
Division/Pacific Ocean Division RIT Leader

Enclosure



Submitted LOI, If Applicable

**CENTRAL VALLEY FLOOD PROTECTION BOARD**

3310 El Camino Ave., Rm. 151  
SACRAMENTO, CA 95821  
(916) 574-0609 FAX: (916) 574-0682  
PERMITS: (916) 574-2380 FAX: (916) 574-0682



March 11, 2013

Colonel William J. Leady  
District Commander  
U.S. Army Corps of Engineers  
1325 J Street  
Sacramento, California 95814

**Subject: Reclamation District 1000 Natomas Levee System - Letter of Intent (LOI) for Developing and Implementing a System-Wide Improvement Framework (SWIF) Plan**

Colonel Leady:


The Central Valley Flood Protection Board (CVFPB) wishes to notify USACE by this letter that the Reclamation District 1000 (RD 1000) intends to develop and implement a System-Wide Improvement Framework (SWIF) plan in order for their levee system to retain eligibility for rehabilitation assistance authorized under Public Law 84-99.

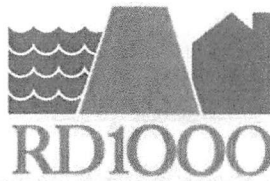
The system's levees were originally constructed by RD 1000 and the Natomas Company and maintained by RD 1000. Several improvements and remedial measures to bring the levees up to Federal standards were implemented over the course of the levee's existence, but due to the less rigorous encroachment permitting standards of the past, some areas of the levee system received unacceptable ratings in USACE's recent periodic inspection reports.

USACE approval of this LOI will allow RD 1000 to move forward with the preparation of a SWIF, while implementing the approved vegetation variance concurrent with making improvements that address system-wide issues and correct unacceptable inspection items in a prioritized manner to optimize flood risk reduction. RD 1000 is requesting a two-year period to develop a SWIF. The attached information supports this notification.

We respectfully submit this Letter of Intent on behalf of RD 1000 in accordance with the USACE's *Policy for Development and Implementation of System-Wide Improvement Frameworks* and request a two-year extension of eligibility for P.L. 84-99 rehabilitation assistance for the RD 1000 Natomas levee system while RD 1000 develops and implements a SWIF. Following approval of this Letter of Intent, RD 1000 will commence efforts to develop a SWIF for USACE approval.

Sincerely,

  
Jay S. Punia  
Executive Officer



RECLAMATION  
DISTRICT 1000

February 21, 2013

Bill Edgar, President  
Central Valley Flood Protection Board  
3310 El Camino Avenue  
Room 151  
Sacramento, California 95821

Subject: Reclamation District No. 1000--Letter of Intent for System-Wide Improvement Framework

Dear Mr. Edgar,

As the local maintaining agency, Reclamation District (RD) 1000 is submitting this System-Wide Improvement Framework (SWIF) Letter of Intent (LOI) for the RD1000 - Natomas levee system. We request you forward our LOI to the U.S. Army Corps of Engineers (USACE) Sacramento District as the non-Federal sponsor.

The RD 1000 SWIF will address system-wide issues, including correction of unacceptable inspection items, in a prioritized way to optimize flood risk reduction. The attached supplemental information includes the required information to support this request.

Sincerely,

Paul T. Devereux  
General Manager/District Engineer

Enclosures

cc Rick Johnson (SAFCA)  
Colonel Leady (Corps of Engineers—Sacramento District)

# **SUPPLEMENTAL INFORMATION SUPPORTING RD 1000 SWIF LETTER OF INTENT**

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## **Introduction**

The Central Valley Flood Protection Board (CVFPB) is submitting this System-wide Improvement Framework (SWIF) Letter of Intent (LOI) on behalf of Reclamation District (RD) 1000 for reinstatement of the RD 1000 - Natomas levee system (Natomas levee system) in the P.L. 84-99 Rehabilitation and Inspection Program (RIP) while developing a SWIF. This attachment describes levee system deficiencies and system-wide issues that will be addressed under the SWIF. The RD 1000 Natomas levee system is currently inactive in the RIP; however RD 1000 and the CVFPB have requested a reinspection which would change the systems status in the RIP to active.

The U.S. Army Corps of Engineers (USACE) Sacramento District issued a Periodic Inspection report in September 2010. Under terms of the California Central Valley Flood System Improvement Framework, while unacceptable items (i.e., encroachments, erosion/bank caving, and vegetation) were identified during the periodic inspection, the system remained eligible for PL 84-99 RIP assistance. Upon the Central Valley Flood System Improvement Framework (Framework) expiration with the CVFPB's adoption of the Central Valley Flood Protection Plan, the system's eligibility was changed from active to inactive in August 2012.

Since 2010, RD 1000, actively working with the CVFPB and in coordination with the USACE Sacramento District, has taken actions to address unacceptable items identified in the 2010 Periodic Inspection report including addressing all items that were likely to prevent the system from performing in the next flood event. Despite these efforts, there a number of unacceptable items which need to be addressed over a longer period due to financial constraints, as well as property rights and encroachment permit issues.

Additionally, since 2007, the Sacramento Area Flood Control Agency (SAFCA), (which RD 1000 is a member agency), the CVFPB, and the State of California Department of Water Resources (DWR) have undertaken significant levee improvements to the Natomas levee system as part of the Natomas Levee Improvement Program. Collectively, these agencies have funded over \$410 million for improvements to 18 miles of levee in an effort to reduce risk while waiting for Federal participation under the American River Common Features project.

Lastly, USACE, in partnership with CVFPB, DWR, and SAFCA have proposed improvements (herein referred to as Federal project) to the Natomas levee system as described in the *Post Authorization Change and Interim General Reevaluation Report for the American River Common Features Project, Natomas Basin, Sutter and Sacramento Counties California, June 2010* (Natomas PACR) which USACE has transmitted to Congress for authorization.

## **1.0 Levee System and Segment Identification and Description**

### **1.1 Levee System and Segment Identification**

The levee system covered by this LOI, and which will be included in the SWIF, is the Natomas levee system (NLD System ID: 5205000923). It is comprised of five segments as described in the

table below. The CVFPB is the non-Federal sponsor for this system; RD 1000 is the local maintaining agency. Figure 1 presents the location of the segments and the system.

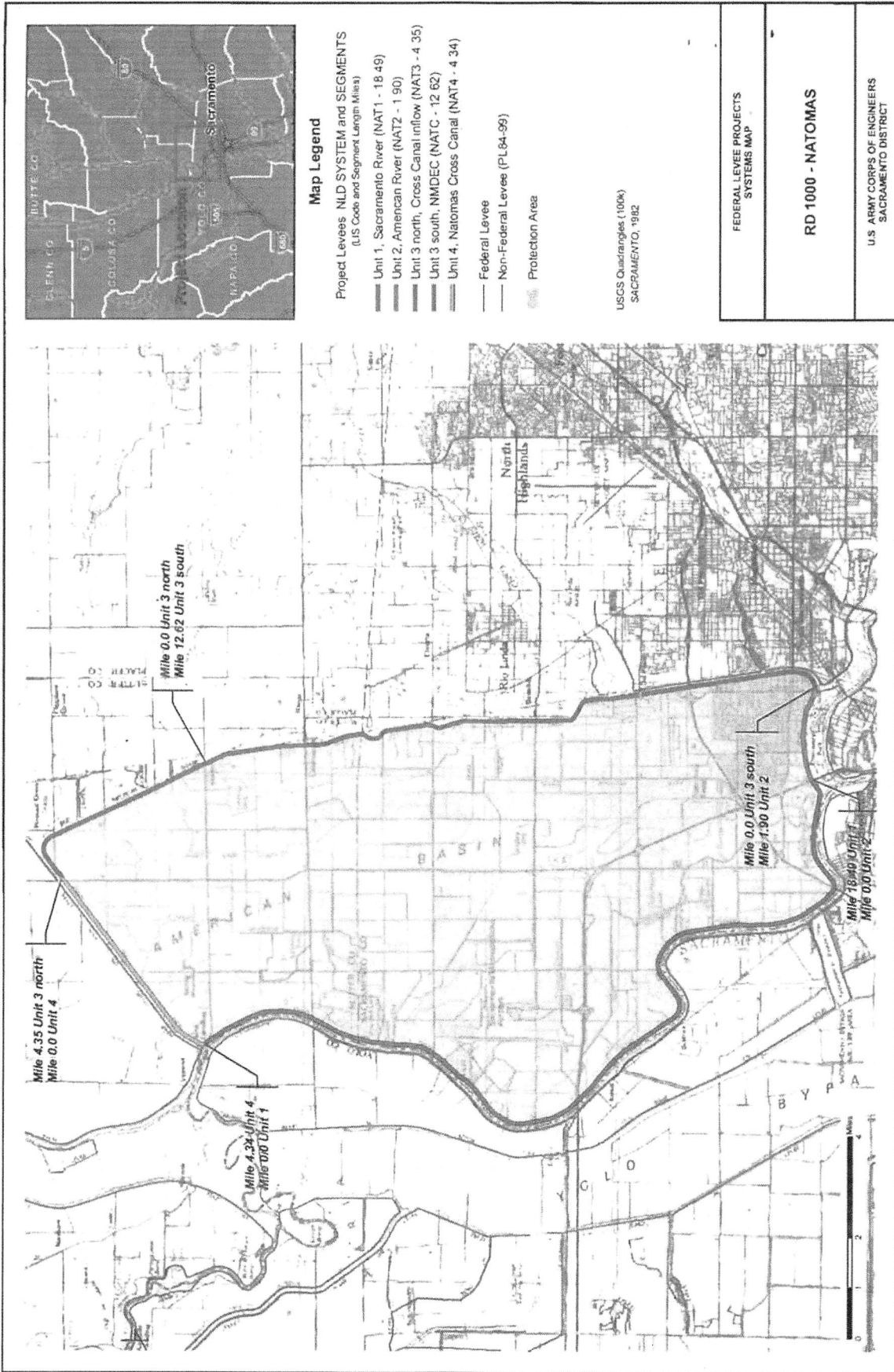
<b>Levee System Name and ID Number</b>	<b>NLD Segment Name</b>	<b>NLD Segment ID Number</b>	<b>Latest Inspection Date and Type</b>	<b>Rating*</b>
RD 1000 – Natomas Levee System  NLD System ID: 5205000923	RD 1000 – Natomas – Unit 1, Sacramento River	5205000911	Periodic, January 2010	U
	RD 1000 – Natomas – Unit 2, American River	5205000912	Periodic, January 2010	MA
	RD 1000 – Natomas – Unit 3 South, Natomas East Main Drainage Canal	5205000913	Periodic, January 2010	U
	RD 1000 – Natomas – Unit 3 North, Cross Canal Inflow	5205000914	Periodic, January 2010	MA
	RD 1000 – Natomas – Unit 4, Natomas Cross Canal	5205000915	Periodic, January 2010	U

\* U – Unacceptable; MA – Minimally Acceptable

## 1.2 System and Segment Description

The RD 1000 Natomas system of levees consists of four Units, made up of five segments (Unit 1, Unit 2, Unit 3 South, Unit 3 North, and Unit 4). It is located within Sacramento and Sutter Counties, and partly within the City of Sacramento, California.

<b>Segment</b>	<b>River/Channel</b>	<b>Levee Length (Miles)</b>	<b>Description</b>	<b>Location (Levee Miles)</b>
Unit 1	Sacramento	18.28	Located on the east (left) bank of the Sacramento River, beginning at the Natomas Cross Canal and extending south to the confluence of the American River	0.00 to 18.49
Unit 2	American	2.31	Located on the north (right) bank of the American River	0.00 to 1.90
Unit 3, South	NEMDC	12.61	Located on the west (right) bank of Natomas East Main Drainage Canal	0.00 to 12.62
Unit 3, North	Cross Canal	4.35	Located on the west (left) bank of Pleasant Grove Creek Canal	0.00 to 4.35
Unit 4	Natomas Cross Canal	4.34	Located on the south (left) bank of the Natomas Cross Canal	0.00 to 4.34



### **1.3 Construction History**

Construction of the Natomas levee system began in 1911 by RD 1000 working with the Natomas Company and was largely completed by 1915. During the late 1950's, portions of the system were improved to bring the levees up to Federal standards prior to being turned over to the State of California (State) in 1958. Several improvements and remedial measures were implemented between 1958 and 2007, but none as comprehensive as those proposed under the Natomas Levee Improvement Program being implemented now by SAFCA and the State.

Since 2007, approximately 18 miles of levee along the Natomas Cross Canal and Sacramento River have been remediated for structural deficiencies while also addressing most of the encroachment, real estate, access and vegetation issues along those levees. The completed work addressed the areas of highest risk based on the geotechnical data and historical performance of the levees consistent with the SWIF philosophy of addressing the worst first. Specifically, this construction work consisted of cutoff walls, seepage berms, and construction of an adjacent levee.

Concurrently with the Natomas Levee Improvement Program, USACE completed a Chief's Report for the Natomas portion of the PACR in December 2010, and is awaiting Congressional authorization. This authorization and subsequent appropriation would result in major construction to the remainder of the levees in the system.

### **1.4 Population and Industry at Risk**

The RD 1000 – Natomas levee system encompasses 53,484 acres. The area is comprised of both extensive residential development, primarily occupying the southern one-third of the basin and agricultural lands. The Natomas Basin is occupied by more than 100,000 residents, numerous schools, businesses and Sacramento International Airport and contains \$8.2 billion in damageable property.

## **2.0 Description of Deficiencies and Justification of SWIF approach**

### **2.1 Description of Deficiencies**

The Sacramento District identified three unacceptable deficiency categories in its periodic inspection: vegetation, encroachments, and erosion/bank caving. Table 2.1 summarizes the unacceptable ratings from the original Periodic Inspection by levee unit. While vegetation was rated unacceptable, it was not considered likely to prevent the system from performing in the next flood event, and therefore did not contribute to a system rating of unacceptable. Encroachments in Unit 1, and erosion/bank caving in Units 1, 3 North and 4, considered to prevent the system from performing in the next flood event, lead to the unacceptable and inactive system rating.

RD 1000 addressed the areas of erosion and bank caving identified by the Sacramento District as part of their routine operations and maintenance. Further, RD 1000 and the CVFPB have worked with the landowner in Unit 1 to remove the encroachment (container box cut into the levee prism). Thus, all unacceptable items likely to prevent the system from performing in the next flood event were corrected. Documentation of the remediation done by RD 1000 was provided to the CVFPB and USACE Sacramento District. RD 1000 and the CVFPB staff anticipate the Sacramento

District will reflect these corrections in their records once it follows up on our January 8, 2013 re-inspection request.

Vegetation was rated as unacceptable in all five segments. During the time of the periodic inspection report development, SAFCA sought a vegetation variance for most of the Natomas Basin waterside vegetation. Subsequent to finalization of the report, USACE Headquarters approved a variance for much of the Natomas levee system. Unit 1, Unit 2, a portion of Unit 3 South (LM 0.0 to 0.3), and Unit 4 were included in this variance approval. Unit 3 North and Unit 3 South above LM 4.4 have no waterside vegetation and did not require a variance. LM 0.3 – 4.4 of Unit 3 South was not approved for a variance, but the removal of problem vegetation (23 trees) and mitigation has been included in the federal project or alternatively could be handled through the SWIF.

Notwithstanding the variance and corrections made by RD 1000, some unacceptable vegetation will remain in a portion of Unit 3 South as noted above and some unacceptable encroachments will remain in all five segments. However, these conditions are not likely to prevent the system from performing in the next flood event. As part of the SWIF, RD 1000 and SAFCA in coordination with the CVFPB will present a plan for addressing the vegetation in light of complex environmental issues related to endangered species and permitting and compliance requirements for encroachments because of complex property rights issues.

Lastly, although not impacting status in the RIP, USACE, DWR, and SAFCA have undertaken studies to compare the existing condition and design of the levee to current standard. These studies indicate that reaches of the levees do not meet current standards for through- and under-seepage, slope stability, and levee height. As mentioned previously, SAFCA has led a capital improvements program (i.e., the Natomas Levee Improvement Program) to address these deficiencies and has been successful in upgrading 18 miles of levee since 2007. However, upgrades remain necessary in other reaches, and these upgrades are likely to be implemented by the Federal project which is currently awaiting Congressional authorization and appropriations.

<b>Table 2.1 Periodic Inspection Segment Ratings* by</b>					
<b>Deficiency</b>	<b>RD 1000 - Natomas Levee System</b>				
	<b>Unit 1</b>	<b>Unit 2</b>	<b>Unit 3 South</b>	<b>Unit 3 North</b>	<b>Unit 4</b>
Item 1, Vegetation Growth	U	U	U	U	U
Item 3, Encroachments	U	U	U	U	U
Item 6, Erosion/Bank Caving	U	M	M	U	U

\* The table does not include deficiencies where there were no unacceptable ratings reported.  
 U – Unacceptable; MA – Minimally Acceptable

## 2.2 Justification of SWIF Approach

Given the complexity of resolving the encroachment deficiencies due to property rights and permitting issues, and the complexities in resolving vegetation issues due to endangered species



habitats and permitting, such efforts would be best completed through a SWIF process. RD 1000, SAFCA, in coordination with the CVFPB will take a worst-first prioritized approach with the overall goal of correcting outstanding deficiencies to bring the system into compliance with the project Operations and Maintenance Manual in accordance with the assurances the CVFPB has provided. The Operations and Maintenance Manual for the SRFCP includes the following language due to conditions peculiar to this area:

"Brush and small trees may be retained on the waterward slope where desirable for the prevention of erosion and wave wash. Where practicable, measures shall be taken to retard bank erosion by the planting of willows or other suitable growths on areas riverward of the levees."

Further, and as mentioned above, USACE Headquarters approved a vegetation variance for much of the Natomas levee system in 2010. The November 29, 2011, SWIF policy states that one purpose of a SWIF is to assist levee sponsors in attaining compliance with USACE standards. Under the assurances provided for the SRFCP, the sponsor will maintain to the standard that USACE has directed in the Operations and Maintenance Manual and approved vegetation variance.

The first priority, and the most comprehensive, is implementation of the Federal project. Construction of the Federal project will address the Natomas levee system's remaining structural deficiencies and most of the system's vegetation and encroachment issues. Waterside vegetation issues would be addressed largely by a landward expansion of the levee system in areas where such vegetation is in conflict with USACE policy. USACE has concluded that this design will result in sufficiently large (or "overbuilt") levee sections to warrant a variance from the requirement to remove existing waterside vegetation as part of the structural improvement program. The design will also result in the removal of trees currently located along the landside of the affected levee sections in order to accommodate landward expansions. Lastly, the design calls for removing, or acceptably modifying, all major encroachments within the footprint of the improved levee system. In preparation for the Federal project, RD 1000 and SAFCA are coordinating with Sacramento District and CVFPB staff to review many of the unacceptable encroachments and determine reasonable steps RD 1000 can now take to address the encroachments, given legal and financial constraints.

Thus, the deficiencies remaining would include a relatively small number of encroachments and establishing a unique, system-specific approach to dealing with future encroachments and vegetation to improve access and operations and maintenance activities. RD 1000, SAFCA, and the CVFPB do not intend to wait for the Federal project to begin development of such an approach, and have in fact already begun its development.

We understand implementation of the Federal project is contingent upon Congressional authorization of the Natomas PACR and future Federal appropriations. The Chief's Report recommending authorization is currently awaiting action. Congress has initiated a Water Resources Development Act (WRDA) in 2013. In addition, legislation has been introduced in both the House and Senate which would authorize the Natomas PACR and is actively supported by RD 1000 and SAFCA. Given the flood risk and potential damages in Natomas, the work done to date by the State and SAFCA, and community support demonstrated for the project we believe it reasonable to assume the Federal project will be authorized and implemented over time. However, should Congress fail to authorize the project, it is the intent of RD 1000 and SAFCA in coordination with the CVFPB to develop a modified approach over the next two years as part of the SWIF process with USACE.

### **3.0 Demonstration of Funding Commitments**

Since 2007, SAFCA, of which RD 1000 is a member agency, and the State have spent over \$410 million to provide levee upgrades to 18 miles of levee in the Natomas Basin under the Natomas Levee Improvement Program clearly demonstrating a history of commitment to funding necessary levee improvements. This funding was provided by the State through Proposition 1E State Flood Control Bond funds and locally matched with funds from SAFCA obtained through voter-approved assessments. As presented in Table 5-7 of the Natomas PACR, the adjusted non-Federal cost share for the remaining work, considering credit for work completed to date, is approximately \$4.3M. SAFCA and the CVFPB would use, and currently have in place, funding to meet this share.

In addition to the capital improvements for the Natomas Levee Improvement Program, RD 1000 has an annual operations and maintenance budget of over \$3.0 million raised by a special benefit assessment on properties in Natomas. This annual budget is used to address many of the on-going items associated with operation and maintenance of the levee system including erosion, bank caving, burrowing animals, visibility, access, and vegetation management. A portion of the annual budget could also be used to correct any remaining encroachment and vegetation issues following implementation of the Federal project.

### **4.0 Interim Risk Reduction Measures**

RD 1000 is currently implementing interim risk reduction measures and will be preparing an Interim Risk Reduction Measures Plan (IRRMP) as part of the SWIF. The IRRMP will include a combination of emergency response plans, communication and coordination with the property owners and evacuation planners (City and Counties), as well as capital improvements to reduce the flood risk in specific areas of concern.

RD 1000 has an adopted Flood Emergency Response Plan that was previously submitted to the CVFPB. As part of implementing the Natomas Levee Improvement Program, they have been working closely with SAFCA and their geotechnical consultants to identify areas of special concern based on geotechnical analysis combined with historical observations of levee performance during high water events. Based on this information, RD 1000 has modified their levee patrol criteria and frequency in areas of concern as part of the Flood Emergency Response Plan.

RD 1000 has also been coordinating with City and County emergency managers to improve communication and evacuation planning. They are signatories to the Sacramento County Public Works Mutual Aid Agreement, and have executed a similar agreement with the City of Sacramento to ensure adequate resources to monitor the system and respond to a flood emergency. There have been community meetings and events in Natomas hosted by the City and County which included participation by RD 1000 representatives to provide information to the public about emergency planning and evacuation procedures. RD 1000 has also recently initiated a comprehensive public outreach campaign to make the community aware of its flood control responsibility and to provide contact information and locations for the public to get pertinent information before and during a flood event.

In recent years, RD 1000 along with the CVFPB have increased focused communication with property owners adjacent to the levees, particularly the waterside property owners along the Sacramento River, which is the area of greatest concern for encroachments. RD 1000 recently

targeted properties with vegetation encroaching onto the Garden Highway (levee crown) impacting visibility of the levee slope and adjacent area. In recent years, there has been significant improvement in this area in response to the notices and communications. RD 1000's efforts to address this area of concern will continue in combination with the CVFPB's enhanced enforcement efforts as further part of our collective interim risk reduction measures.

In addition to these non-structural measures, a number of efforts have been completed, or are underway, to reduce the flood risk on an interim basis through structural improvements. Besides the Natomas Levee Improvement Program work described above, SAFCA, CVFPB, and USACE are constructing improvements at Folsom Dam which, when completed, will reduce peak flows in the American River during large flood events. In addition, USACE recently completed jet grouting work as part of the American River Common Features Project at Site R1 which was a "window" left in the previous slurry wall construction along the Garden Highway adjacent to the RD 1000 office and pump station.

## **5.0 Interagency Collaboration**

There are a number of past and current collaborative efforts relative to the Natomas levee system:

- Current effort by USACE as part of the American River Common Features GRR and previous parallel efforts by USACE on the Natomas features leading to the 2010 Chief's Report.
- Implementation of the NLIP by SAFCA, including environmental compliance, design and permitting which included close coordination with the DWR, CVFPB, USACE, and the Resource Agencies (U.S. Fish and Wildlife Service [FWS], National Marine Fisheries Service [NMFS], State Historic Preservation Office [SHPO], and California Department of Fish and Game [CDFG]).
- Post Periodic Inspection Report coordination with USACE, CVFPB and RD 1000.
- Until recently, the Levee Vegetation Roundtable efforts coordinated through the State to address vegetation and encroachments on Central Valley levees which included the USACE, State, local flood control interests, and Resource Agencies.

Completing the remaining elements of the Natomas Levee Improvement Program, which would resolve the remaining structural deficiencies and most of the system's vegetation and encroachment issues, as part of the Federal project, with local sponsorship, will require a collaborative effort among many agencies and stakeholders, including the same parties described above for the initial levee work constructed by SAFCA with State assistance.

Those encroachment, access, right of way, or vegetation items which are not addressed through implementation of the Federal project will be addressed by RD 1000 and SAFCA in coordination with the CVFPB, and identified in the SWIF. RD 1000 has been working with SAFCA to develop a tailored approach for addressing outstanding encroachment and vegetation issues focusing on access, visibility and structural integrity. This tailored approach will set standards for new, future encroachments and vegetation for the system. RD 1000 and SAFCA have been working with the CVFPB and USACE staff on this approach which would be incorporated into the SWIF.

Implementation of the SWIF will require collaborative planning with some or all of the following;

- RD 1000 (encroachment remediation, operations and maintenance, emergency response)
- SAFCA (levee certification, construction, encroachment remediation, right of way)
- USACE (levee standards)
- CVFPB (real property issues, permitting, compliance)
- Federal Emergency Management Agency (levee certification)
- FWS, NMFS, DFG, SHPO (environmental and historical resources)
- California DWR (funding, levee standards, coordination with State Plan of Flood Control)
- City of Sacramento, Sutter and Sacramento Counties (land use planning and regulations, emergency planning)

## 6.0 Anticipated Permit and Consultation Requirements

Significant consultation and subsequent permitting related to the Federal project was and will be conducted by the USACE. Compliance with these permits and agreements would be required as part of implementing the Federal project. Updates to completed consultation and permitting may be required due to design refinements and would be conducted by the USACE. Additional permitting and consultation would be required for any additional, significant projects proposed as part of the SWIF, although none are identified at this time.

For those actions remaining following implementation of the Federal project, including a relatively small number of encroachments and vegetation removal, consultation with and subsequent permits from several State and Federal agencies would be largely focused on impacts to State and federally listed species and impacts to landowners.

The California Central Valley is home to hundreds of species of wildlife and plant life including several State and federally threatened and endangered species.

Valley Elderberry Longhorn Beetle (*Desmocerus californicus dimorphus*),  
Delta Green Ground Beetle (*Elaphrus viridis*),  
Delta Smelt (*Hypomesus transpacificus*),  
Green Sturgeon (*Acipenser medirostris*),  
Central Valley Steelhead (*Oncorhynchus mykiss*),  
Central Valley Spring, Late-Summer, Fall, and Winter-Run Chinook Salmon (*Oncorhynchus tshawytscha*),  
California Red-Legged Frog (*Rana aurora*),  
California Tiger Salamander (*Ambystoma californiense*),  
Giant Garter Snake (*Thamnophis gigas*),  
Fairy Shrimp (*Branchinecta lynchi*),  
Swainson's Hawk (*Buteo swainsoni*),  
Bank Swallow (*Riparia riparia*)

Removal of vegetation, particularly if it is riparian vegetation, and removal or modification of encroachments may impact one or more of the above listed species as well as other non-listed species. Consultation with USFWS, NMFS, and CADFG would be required in any instance where the action could impact these listed species. Vegetation removal and encroachment removal or modification may also involve actions such as alterations in the streambed or disturbance to waters of the United States and as such could require consultation and permits with CADFG and USACE.

In addition to consultation under fish and wildlife protection authorities and other environmental regulations, encroachment permitting, removal, or modification will require significant consultation between RD 1000 and CVFPB as well as individual encroachment owners and landowners. The CVFPB is responsible for enforcing encroachment permit terms and conditions and has a process in place for such enforcement. It includes research of permit and as-built records, informal coordination with easement- and land-owners, noticing, and potentially public hearings. This process can take a significant amount of time and can become litigious. Further, in some cases, encroachments pre-date the establishment of operations and maintenance regulations and/or are found in project as-builts.

## **7.0 Conclusion**

RD 1000 and the CVFPB will continue efforts to modify and/or remove the unacceptable encroachments over time, dealing with the difficult property right and permitting issues. In addition, SAFCA and the CVFPB have indicated their intent to be non-Federal sponsors and cost-sharing partners for the remaining Natomas levee improvements when authorized by Congress. Most of the encroachment and vegetation issues to be addressed through the SWIF will be mitigated by construction of the levee improvements. Any remaining items will be addressed by RD 1000 (with assistance from SAFCA) in coordination with the CVFPB as part of the SWIF.

Although RD 1000 and the CVFPB anticipate the USACE will reinstate the RD 1000 Natomas System in the RIP as unacceptable items likely to prevent performance have been corrected or their designation amended, the CVFPB, on behalf of RD 1000, respectfully requests that the *RD 1000 – Natomas* levee system remain in active status in the P.L. 84-99 Program while a SWIF is being developed for the more complex unacceptable items which do not pose an immediate threat to performance. The CVFPB, on behalf of RD 1000, asks that this initial request be granted for two years to allow adequate time to develop a successful SWIF.

AB 156 Compliance Report

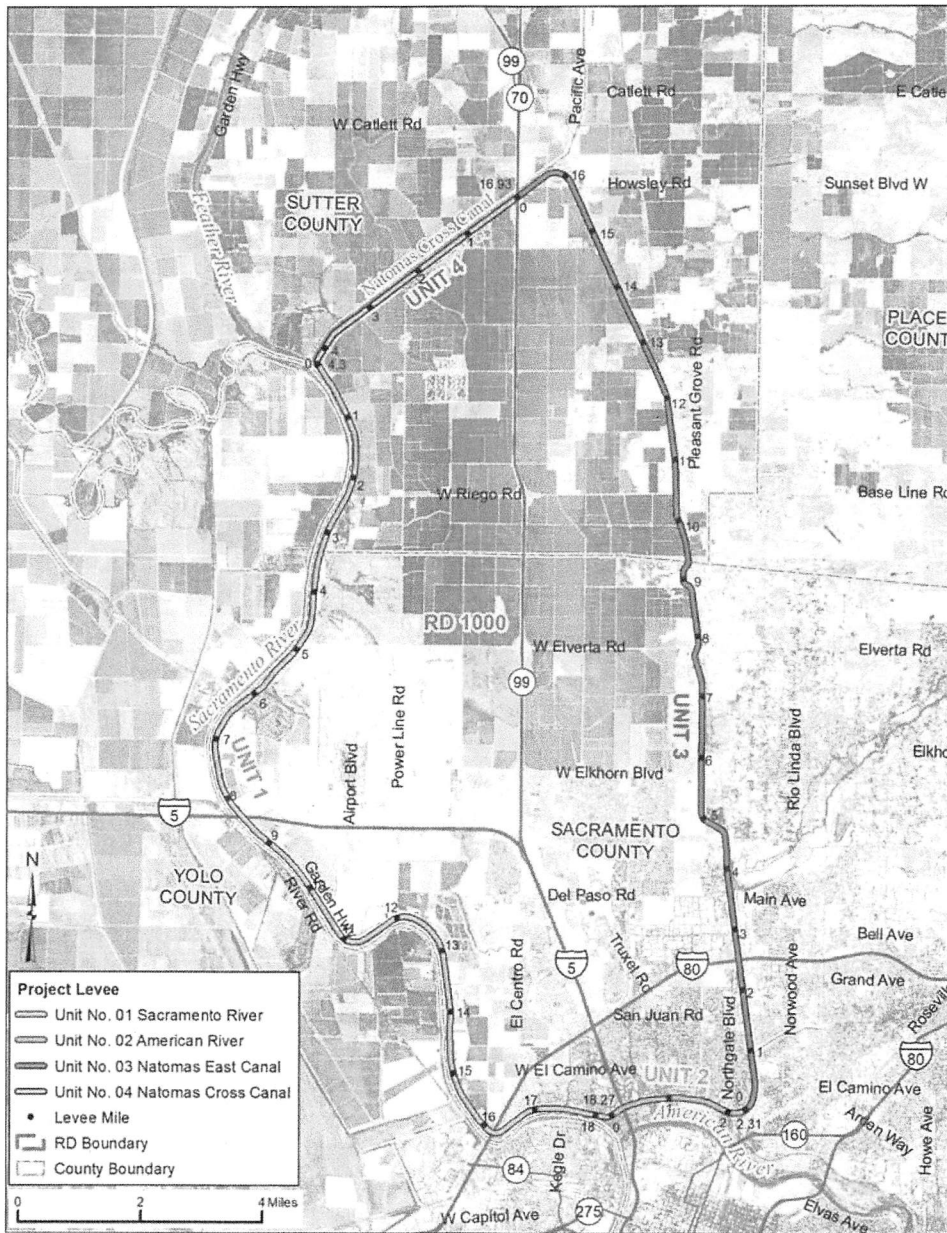
# Reclamation District No. 1000 Natomas

RD 1000

**Sacramento County  
Sutter County**

**Contact**

Paul Devereux  
Engineer-Manager  
1633 Garden Highway  
Sacramento CA 95833  
Phone: (916) 922-1449



LMA Short Name : RD1000

Bank Unit Length (Miles)

Unit No.	Water Body	Bank	Unit Length (Miles)
Unit No. 01	Sacramento River	LB	18.28
Unit No. 02	American River	RB	2.32
Unit No. 03	Natomas East Canal	RB	16.93
Unit No. 04	Natomas Cross Canal	LB	4.30

**Threat Assessment & Recommendations**

- The LMA should continue to maintain the area at the high level seen during the last inspection.



**DWR Levee Inspection Summary**

Rated Item	RD1000 Total LMA Miles : 41.84											
	Fall 2017				Fall 2018				Change			
	Overall LMA Rating : M				Overall LMA Rating : A							
	M Miles	U Miles	M+4U Miles	Thresh. %	M Miles	U Miles	M+4U Miles	Thresh. %	M Miles	U Miles	M+4U Miles	Thresh. %
<i>Earthen Levee</i>												
Vegetation	2.72		2.72	6.50					-2.72		-2.72	-6.50
Trim / Thin Trees	2.59		2.59	6.19	0.02		0.02	0.05	-2.57		-2.57	-6.14
Animal Control	0.01		0.01	0.02					-0.01		-0.01	-0.02
Slope Stability	0.01		0.01	0.02	0.03		0.03	0.07	0.02		0.02	0.05
<i>Supplemental</i>												
USACE Erosion Survey, DRAFT	0.13		0.13	0.31					-0.13		-0.13	-0.31
DWR UCIP Field Study												0.00
<i>LMA Totals:</i>	5.46	0.00	5.46	13.05	0.05	0.00	0.05	0.12	-5.41	0.00	-5.41	-12.93

**DWR Structure Inspection Summary**

No Structures Inspected in this District.

RD 1000

**DWR Channel Inspection Summary**

No Channels Inspected in this District.

**USACE 2017 Sacramento River Erosion Summary**

>>> DRAFT DATA <<<

No Supplemental Erosion Sites.

**USACE Inspection Ratings Summary**

System Name	Length (Miles)	PL 84 - 99 Rehabilitation Program	
		Status	Date
RD 1000 - Natomas	41.93	Active	5/16/2013

**2017 Storm Damage Sites**

No 2017 Storm Damage Sites.

**DWR 2018 Flood System Repair Project Summary**

No POI Repair Sites.

**DWR Summary of Local Maintaining Agency Report**

**Part 1 Information known to the Local Agency that is relevant to the condition or performance of the Project Levee (or jurisdictional Non-Project Levee)**

The Agency reported drainage tunnels through the levee foundation for Pumping Plant 1A on Levee Unit 1 and 3 at 1630 Garden Highway, trees along both the landside and waterside slopes of Levee Unit 3, affecting visibility and access to the slope and adjacent area, a levee gap on Levee Unit 3 at Sankey Road, a landside irrigation ditch on Levee Unit 3 between San Juan Road and Orchard Lane, precluding access and maintenance from the landside toe, an unauthorized wall at a residence on Levee Unit 3, seepage noted on Levee Unit 3 during high water and a seepage cutoff wall proposed by USACE for the entire reach, underseepage on Levee Units 2, 3, and portions of Levee Unit 1, waterside encroachments on Levee Unit 3, limiting visibility and access of slope and adjacent areas, significant waterside berm erosion on Levee Unit 3, for which DWR has developed a contingency plan, and that homeless camps on Levee Unit 3 continue to grow and the District is working with local law enforcement on posting and vacating camps and the removal of trash and debris. The District is also working with other agencies on developing a coordinated plan to deal with the homeless camp issues. The Agency also reported that there are no landside access roads on Levee Units 1 and 3 but mentioned that the USACE Natomas Levee Improvement Project will include landside access roads for O&M and flood emergency response on the entire levee units.

**Part 2 Information identifying known conditions that might impair or compromise the level of flood protection provided by the Project Levee (or jurisdictional Non-Project Levee)**

The Agency reported insufficient freeboard for the 200-year water surface elevation on Levee Units 1 and 3. The Agency also reported freeboard and slope stability issues at various locations along Levee Unit 3 and noted that these issues will be addressed by the USACE Natomas Levee Improvement Project.

**Part 3 A summary of maintenance performed by the Local Agency during the previous fiscal year**

The Agency provided a summary of maintenance activities performed on all levee units. Activities include access road maintenance, access control gate maintenance, levee monitoring for encroachments, patrolling, monitoring and repairing beaver damage, rodent baiting and filling and compacting holes, inspections, cutting, baling, and removing vegetation, herbicide spraying, mowing, tree removal, and vegetation trimming.

**Part 4 A statement of work and estimated cost for operation and maintenance of the Project Levee (or jurisdictional Non-Project Levee) for the current fiscal year, as approved by the Local Agency**

The Agency reported that budgeted costs for the current fiscal year for O&M activities were approximately \$2,044,436, which equates to \$44,000 per levee mile. The Agency referred to the budget available on its website for a detailed list of maintenance activities. Activities include consultants for field operations, equipment parts, supplies, rental, and repairs/service, field equipment, field services, fuel, herbicides, power, refuse collection, shop equipment, supplies and materials, and the proportional share of personnel/labor, administrative, capital equipment purchases, and facility repairs. The Agency also mentioned that O&M costs are expected to increase because the land area that is protected by the District has increased. The Agency also reported work being done worth \$30,000 for regrading the levee crown to restore the design profile.

**Part 5 Any other readily available information contained in the records of the Local Agency relevant to the condition or performance of the Project Levee (or jurisdictional Non-Project Levee), as determined by the CVFPB or DWR**

The Agency provided updates on the Natomas Federal Levee Improvement Project. USACE has re-awarded a contract for construction of Reach 1 Contract 1 to install a seepage cutoff wall between Gateway Oak Boulevard and Northgate Boulevard along Levee Unit 2. The Agency also mentioned that an award for a contract for a cutoff wall, levee slope, landside, and access road improvements along Levee Unit 3 (Reach H) was withdrawn due to protests and will be awarded again by the end of 2018 with construction to occur in 2019-2020. A contract for closing the windows, relocating the Vestal Drain, and reconstructing Plant 4 along Unit 4 (Reach D) was awarded, and construction began in 2018 and will end in 2019. Initial design for work on Levee Unit 1 has started with construction to begin in 2020. The Agency also reported that it is working on a System-Wide Improvement Framework (SWIF) and has received guidance from CVFPB and USACE to incorporate visibility and access provisions along Levee Unit 1 into the revised O&M Manual. The final SWIF is anticipated to be submitted to CVFPB and USACE in 2019. The Agency also reported that it has adopted an Emergency Action Plan (EAP) in 2017.

RD 1000

O&M Activities along with Actual Cost for FY 2017-18 and FY 2018-19

Budget Items	FY 15-16		Levee		FY 17-18			
	Budget		%		Budget	Levee%		
Operations (less Power, Facility Repair,)	403,500	60%	242,100		449,000	60%	269,400	
Facility Repairs	130,000				250,500			
Administration	403,100				403,600			
Personnel/Labor Note 1	1,338,526	65%	870,042		1,488,402	65%	967,461	
Consulting/Contracts/Memberships	263,000	65%	170,950		308,000	65%	200,200	
Equipment/Vehicles								
	Flat bed chasis	50,000	50%	25,000	Low boy chasis	209,000	50%	104,500
	Side dump	50,000	50%	25,000	Small equip	12,500	50%	6,250
	Op center	25,000	100%	25,000				
Capital Facility Repairs	Yard exp purch	35,000						
	SCADA	100,000			CIP Projects	300,000		
Equipment repairs and rental (less long stick excavator rental)	Misc	25,000	50%	12,500				
				1,370,592			1,547,811	
Total Project Levee Miles				47			47	
O&M Cost Per Mile Project Levee				29,475			33,286	
Note 1 Assume GM costs 75% Levee								

Reclamation District No. 1000  
 Budget to Actual Comparison  
 July 1, 2018 to June 30, 2019 (Twelve Months Ending of Fiscal 2019)

	Year to Date July 1, 2018 to June 30, 2019	Budget	Percent of Budget
<b>Operation &amp; Maintenance Income</b>			
Property Assessments	2,253,320	2,250,000	100.15%
Rents	19,871	20,000	99.36%
Interest Income	156,090	50,000	312.18%
SAFCA - O/M Assessment	1,400,000	1,400,000	100.00%
Misc Income	12,757	-	Not Budgeted
FEMA/OES Disaster Reimbursement	1,041,811	-	Not Budgeted
Gain on Capital Asset Disposal	6,400	-	Not Budgeted
<b>Total</b>	<b>4,890,249</b>	<b>3,720,000</b>	<b>131.46%</b>
<b>Restricted Fund</b>			
Metro Airpark Groundwater Pumping	17,488	22,000	79.49%
<b>Total Combined Income</b>	<b>4,907,737</b>	<b>3,742,000</b>	<b>131.15%</b>
<b>Operations and Maintenance - Expense</b>			
<b>Administration</b>			
Government Fees/Permits	12,537	12,000	104.48%
Legal	87,173	100,000	87.17%
Liability/Auto Insurance	107,637	110,000	97.85%
Office Supplies	4,849	5,500	88.16%
Computer Costs	18,881	17,000	111.06%
Accounting/Audit	40,759	45,000	90.58%
Admin. Services	11,482	17,000	67.54%
Utilities (Phone/Water/Sewer)	24,896	22,000	113.16%
Mit. Land Expenses	2,592	3,000	86.40%
Administrative Consultants	41,767	52,000	80.32%
Assessment/Property Taxes (SAFCA - CAD)	6,864	6,350	108.09%
Admin - Misc./Other Expenses	9,048	5,000	180.96%
Memberships	31,014	30,000	103.38%
Office Maintenance & Repair	17,037	24,000	70.99%
Payroll Service	2,415	3,000	80.50%
Public Relations	18,676	40,000	46.69%
Small Office & Computer Equipment	4,088	5,000	81.76%
Homeless Expenses	523	-	Not Budgeted
<b>Sub Total</b>	<b>442,238</b>	<b>496,850</b>	<b>89.01%</b>
<b>Personnel/Labor</b>			
Wages	1,106,391	1,000,000	110.64%
Group Insurance (employee health insurance)	89,953	130,000	69.19%
Worker's Compensation Insurance	32,231	40,000	80.58%
OPEB - CERBT ADC	-	28,000	0.00%
Annuitant Health Care	65,512	-	Not Budgeted
Dental/Vision/Life	20,591	26,000	79.20%
Payroll Taxes	84,982	77,500	109.65%
Pension	193,688	165,000	117.39%
Continuing Education	8,189	15,000	54.59%
Trustee Fees	36,000	39,000	92.31%
<b>Sub Total</b>	<b>1,637,537</b>	<b>1,520,500</b>	<b>107.70%</b>

**Operations**

Power	598,923	500,000	119.78%
Supplies/Materials	22,520	22,000	102.36%
Herbicide	79,287	115,000	68.95%
Fuel	47,123	65,000	72.50%
Field Services	45,490	142,000	32.04%
Field Operations Consultants	21,211	20,000	106.06%
Equipment Rental	100	10,000	1.00%
Refuse Collection	11,387	25,000	45.55%
Equipment Repair/Service	2,917	22,000	13.26%
Equipment Parts/Supplies	42,312	60,000	70.52%
Facility Repairs	68,141	273,000	24.96%
Shop Equipment (not vehicles)	11,594	9,000	128.82%
Field Equipment	377	8,000	4.71%
Misc/Other 2	126	-	Not Budgeted
FEMA Fees	1,800	-	Not Budgeted

<b>Sub Total</b>	<b>953,308</b>	<b>1,271,000</b>	<b>75.00%</b>
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**Equipment**

Equipment	146,908	150,000	97.94%
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<b>Sub Total</b>	<b>146,908</b>	<b>150,000</b>	<b>97.94%</b>
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**Consulting/Contracts/Memberships**

Engineering/Technical Consultants	175,347	250,000	70.14%
Security Patrol	55,650	80,000	69.56%

<b>Sub Total</b>	<b>230,997</b>	<b>330,000</b>	<b>70.00%</b>
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<b>Total O &amp; M Expenses</b>	<b>3,410,988</b>	<b>3,768,350</b>	<b>90.52%</b>
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**Capital Expenses**

Capital Office Upgrades	26,187	15,000	174.58%
Capital RE Acquisition	5,500	120,000	4.58%
Capital Office Facility Repair	20,912	30,000	69.71%
Document Management	8,875	8,800	100.85%
Capital Facilities	371,952	715,000	52.02%

<b>Sub Total</b>	<b>433,426</b>	<b>888,800</b>	<b>48.77%</b>
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<b>Total All Expenditures</b>	<b>3,844,414</b>	<b>4,657,150</b>	<b>82.55%</b>
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Recent Delta Subventions, EIP/UFRR, USACE, or Other Major  
Improvements on SPFC Facilities

**Natomas Levee EIP Projects**

**Natomas Levee Improvement Program  
Sacramento River East Levee Summary of Levee Improvements and Approvals**

<b>EIS/ EIR Phase</b>	<b>Section 408 Permission</b>	<b>Const. Package</b>	<b>SREL Reaches</b>	<b>Sac River Start Station</b>	<b>Sac River End Station</b>	<b>CVFPB Permit Number</b>
1	Phase 1	NCC 1	1	0+00	5+00	18159-1
		SREL 1	1	2+00	40+00	18159-3
2	Phase 2	SREL 1B	2-4A	36+50	190+00	18159-3
		SREL 1B	4B	190+00	228+00	18159-3-1
3	Phase 3B	SREL 2B	5A-9B	224+00	468+00	18159-4
		SREL 2D	9	430+75	464+41	18159-4
4A	Phase 4A	SREL 3	10-12B	463+20	654+50	18159-7

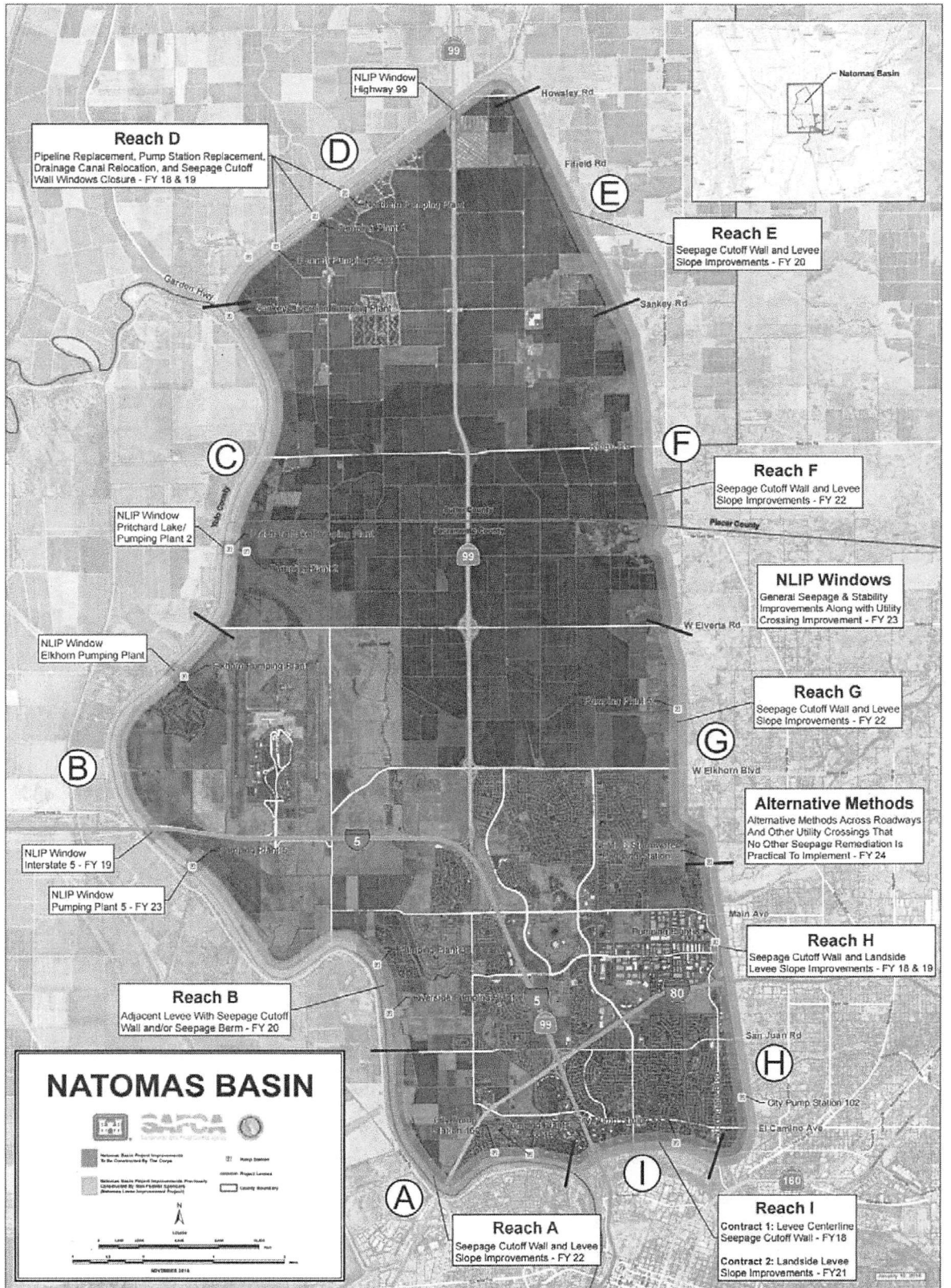
Work funded under Early Implementation Program State of California funding agreement 4600008467.

**Natomas Levee Improvement Program  
Natomas Cross Canal South Levee Summary of Levee Improvements and Approvals**

<b>EIS/ EIR Phase</b>	<b>Section 408 Permission</b>	<b>Const. Package</b>	<b>NCC Reaches</b>	<b>NCC Start Station</b>	<b>NCC End Station</b>	<b>CVFPB Permit Number</b>
1	Phase 1	NCC 1	1	0+00	58+00	18159-1
		NCC 1B	1	47+75	97+00	
2	Phase 2	NCC 2	1-7	0+00	261+50	18159-2
		NCC 2B	7	255+70	286+50	

Work funded under Early Implementation Program State of California funding agreement 4600008138.





DATE: August 9, 2019

AGENDA ITEM NO. 5.9

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**TITLE: Authorization to Execute Funding Agreement**

**SUBJECT: Review and Consider Adoption of Resolution No. 2019-8-5 Authorizing General Manager to Execute Funding Agreement with State of California Department of Water Resources – Flood Maintenance Assistance Program**

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**EXECUTIVE SUMMARY:**

Reclamation District 1000 (District; RD 1000) submitted a grant application to the California Department of Water Resources (DWR) under the Flood Maintenance Assistance Program (FMAP) on July 31, 2019. The FMAP program provides State funds for eligible maintenance activities to Local Maintaining Agencies, like RD 1000. The program was started to help ensure that State Plan of Flood Control facilities are properly maintained and have sufficient resources, including funding, to meet applicable federal regulations and Operation and Maintenance (O&M) manual requirements.

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-5 Authorizing the General Manager to Execute Funding Agreement with State of California Department of Water Resources – Flood Maintenance Assistance Program.

**RECOMMENDATION:**

Staff recommends the Board review and consider adoption of Resolution No. 2019-8-5 Authorizing the General Manager to Execute Funding Agreement with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**FINANCIAL IMPACT:**

Up to \$601,337 in grant revenue in Fiscal Year 2019/2020.

**ATTACHMENTS:**

1. Resolution No. 2019-8-5: Authorizing the General Manager to Execute Funding Agreement with State of California Department of Water Resources – Flood Maintenance Assistance Program 2019/2020.

**STAFF RESPONSIBLE FOR REPORT:**

  
\_\_\_\_\_  
Kevin L. King, General Manager

Date: 08/05/2019

**A RESOLUTION OF THE BOARD OF TRUSTEES OF RECLAMATION DISTRICT NO. 1000  
AUTHORIZING THE GENERAL MANAGER TO EXECUTE FUNDING AGREEMENT  
WITH STATE OF CALIFORNIA DEPARTMENT OF WATER RESOURCES –  
FLOOD MAINTENANCE ASSISTANCE PROGRAM 2019/2020**

At a regular meeting of the Board of Trustees of Reclamation District No. 1000 held at the District Office on the 9<sup>th</sup> day of August 2019, the following resolution was approved and adopted:

**WHEREAS**, the Board of Trustees (“Board”) of Reclamation District No. 1000 (“District”) is a reclamation district created by act of the legislature of the State of California, approved April 8, 1911; and,

**WHEREAS**, the District is a California Public Agency with responsibility for flood maintenance and land use authority of the Project facilities; and

**WHEREAS**, the District has a progressive history of providing flood protection and maintaining the District’s levee system; and,

**WHEREAS**, the District has identified certain maintenance and equipment needs that further the goals and objectives of the District; and,

**WHEREAS**, the District has applied for California Department of Water Resources (“DWR”) Flood Maintenance Assistance Program funds under Budget Act of 2018 (Stats. 2018, Ch. 29, Item 3860-001-0001); and,

**WHEREAS**, the Board desires to authorize the District General Manager to execute a Funding Agreement and any amendments thereto with DWR for the 2019/2020 Flood Maintenance Assistance Program; and

**WHEREAS**, the District acknowledges that it must submit a new operations, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board prior to the receipt of Flood Maintenance Assistance Program funds and desires to authorize the General Manager to execute said agreement.

**NOW THEREFORE BE IT RESOLVED THAT:** the Board of Trustees of Reclamation District No. 1000 hereby authorize the General Manager to execute a Funding Agreement and accept funds pursuant and subject to all of the terms and provisions of the Safe Drinking Water, water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and Disaster Preparedness and Flood Prevention Bond Act of 2006.

**BE IT FURTHER RESOLVED THAT:** the Board of Trustees of Reclamation District No. 1000 hereby authorize the General Manager to prepare the necessary data, make investigations, and take other such actions as necessary and appropriate to obtain funding for the 2019/2020 Flood Maintenance Assistance Program.

**BE IT FURTHER RESOLVED THAT:** the Board of Trustees of Reclamation District No. 1000 hereby authorize and directs the General Manager to execute a an operation, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board, or successor thereto.

**ON A MOTION BY** Trustee \_\_\_\_\_, seconded by Trustee \_\_\_\_\_, the foregoing resolution was passed and adopted by the Board of Trustees of Reclamation District No. 1000, this 9<sup>th</sup> day of August 2019, by the following vote, to wit:

AYES: 0 Trustees:

NOES: 0 Trustees:

ABSTAIN: 0 Trustees:

RECUSE: 0 Trustees:

ABSENT: 0 Trustees:

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Jeff Smith

President, Board of Trustees

Reclamation District No. 1000

CERTIFICATION:

I, Joleen Gutierrez, Secretary of Reclamation District No. 1000, hereby certify that the foregoing Resolution 2019-8-5 was duly adopted by the Board of Trustees of Reclamation District No. 1000 at the regular meeting held on the 9<sup>th</sup> of August 2019 and made a part of the minutes thereof.

---

Joleen Gutierrez, District Secretary

# FLOOD MAINTENANCE ASSISTANCE PROGRAM

## GUIDELINES

DECEMBER 2018



STATE OF CALIFORNIA  
THE DEPARTMENT OF WATER RESOURCES

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APPENDICES

- APPENDIX 1 – Local Maintaining Agency Authorizing Resolution
- APPENDIX 2 – Attorney Certification
- APPENDIX 3 – OMRR&R Agreement

ACRONYMS AND ABBREVIATIONS

CVFPB	Central Valley Flood Protection Board
DWR	Department of Water Resources
FMAP	Flood Maintenance Assistance Program
LMA	Local Maintaining Agency
LOI	Letter of Intent
MA	Maintenance Area
O&M	Operations and Maintenance
OMRR&R	Operations, Maintenance, Repair, Rehabilitation, and Replacement
PSP	Proposal Solicitation Package
PL	Public Law
SPFC	State Plan of Flood Control
SWIF	System Wide Investment Framework
USACE	United States Army Corps of Engineers

## 1.0 INTRODUCTION

### Section 1. Program Overview

The Flood Maintenance Assistance Program (FMAP) is a new program providing state funds for eligible maintenance activities to Local Maintaining Agencies (LMAs), including Maintenance Areas (MAs), for the purpose of obtaining acceptable maintenance of the State Plan of Flood Control facilities (levees, channels, and structures).<sup>1</sup>

The 2017 Central Valley Flood Protection Plan (CVFPP) update recognized that the operation and maintenance (O&M) of the State Plan of Flood Control (SPFC) facilities has been chronically underfunded. In response to this need, the Budget Act of 2018 (Stats. 2018, ch. 29, Item 3860-001-0001), appropriated funding to the Department of Water Resources (DWR) for Operations, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R) costs. It is DWR's intent to work in collaboration with the Central Valley Flood Protection Board (CVFPB) to allocate a portion of these funds to LMAs. DWR's current appropriation by the Legislature is continuous, meaning each year a certain sum will be appropriated to DWR. DWR has developed this new program for the ongoing administration of these funds and estimates that over \$10 million will be available in the first year for eligible applicants.

The primary goals of the CVFPP are to reduce the chance of flooding and property damage during high water events; and, to improve the public safety, community preparedness, and emergency response. Supporting goals of the CVFPP are to improve operations and maintenance, promote ecosystem functions, improve institutional support, and promote multi-benefit projects.

The FMAP will partner with LMAs to work towards sustainable O&M by:

- Providing State funds through a cost-share based program to LMAs to reduce the accumulation of deferred maintenance.
- Providing technical assistance to enable the LMAs to effectively perform the maintenance activities in an efficient manner.
- Securing new OMRR&R assurance agreements between LMAs and the CVFPB.
- Promoting consolidation or regional governance of LMAs so SPFC facilities can be more efficiently and effectively maintained.
- Sustaining and improving eligibility for United States Army Corps of Engineers (USACE) Public Law (PL) 84-99 Program enrollment and ultimately compliance with USACE O&M manual requirements.

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<sup>1</sup> Wat. Code, § 9110, subd. (f).



## **Section 2. Program Description**

It is the Legislature's intent that DWR use the FMAP funds to reduce future costs to taxpayers associated with OMRR&R related costs and encourage local consolidation where possible. Consistent with this intent, one requirement of the FMAP program is that a local entity must sign an updated OMRR&R assurance agreement prior to receiving funds. To receive FMAP funding, LMAs shall conform to all flood reporting requirements including reporting information as required by Assembly Bill 156 (Stats. 2007, ch. 368).<sup>2</sup> DWR will confirm that the required documents and information has been received prior to disbursing any funds under the FMAP program.

DWR will work with the LMAs to fund the development of USACE Letters of Intent (LOI) and System Wide Improvement Framework plans (SWIFs), and associated supporting documents as well as fund eligible maintenance activities to help LMAs attain acceptable maintenance levels for SPFC facilities, first targeting eligibility for the PL 84-99 Program, and eventually obtaining compliance with USACE O&M manual requirements set forth in the Code of Federal Regulations, Title 33, Section 208.10. DWR will work with funding recipients to fund short-term eligible maintenance activities which may include deferred maintenance items as well as other items including rodent abatement and damage repair, and minor erosion and stability repair.

## **Section 3. Funding Authority**

FMAP funds were authorized and appropriated by the California Budget Act of 2018 (Stats. 2018, ch. 29, Item 3860-001-0001) to DWR for costs of operations, maintenance, repair, rehabilitation, and replacement of state flood control levees and infrastructure. It is the intent of Legislature to fund this program annually. Funds shall be available for expenditures for operations and maintenance of locally maintained levees and related activities that reduce state liability and reduce future costs to taxpayers.

## **Section 4. Cost-Sharing Requirements**

The FMAP does not require a local cost share for eligible maintenance activities. However, matching funds for O&M activities may be provided according to the terms of any future Proposal Solicitation Process (PSP), and each of the program criteria must be met for the LMA to receive funding

## **Section 5. Eligible Applicants**

An applicant must be a local public agency (LMA) with land use authority for the area protected by the SPFC facilities.

## **Section 6. Eligible Activities**

The development of LOIs or SWIFs and associated supporting documents.

Preparation of an engineering report(s) and other documents needed to secure sufficient funding to perform OMRR&R activities.

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<sup>2</sup> Water Code, Division 5, Part 4, Chapter 9 (sections 9110-9142, inclusive).

Any of the activities identified by DWR and USACE inspections that help achieve acceptable level of maintenance to assure system performance are eligible for funding from FMAP. This includes all activities required under Code of Federal Regulations, title 33, section 208.10 and the O&M Manual Standards, such as:

- Levee and channel vegetation management
- Rodent abatement and damage repair
- Maintenance of levee slopes and patrol roads
- Minor erosion, seepage, and stability repairs
- Channel scour repair
- Addressing USACE and DWR identified levee deficiencies and unacceptable problems
- Maintenance of structures and other SPFC facilities
- Encroachment management
- Debris and obstruction removal
- Small sediment removal

FMAP performance will be measured by the execution of a new assurance agreement with the CVFPB and flood reporting compliance. **NOTE** that execution of a new assurance agreement with the CVFPB is required prior to the disbursement of any funds pursuant to this Program. Performance will also be measured through DWR's fall flood system inspections by tracking the unacceptable / minimally acceptable miles of levees in each of the LMAs for:

- Levee vegetation control;
- Rodent damage;
- Levee slope erosion / slips;
- Encroachments;
- Unacceptable / minimally acceptable PL 84-99 problems;
- Channel hydraulic capacity; and,
- All other O&M activities required by Code of Federal Regulations, title 33, section 208.10 and O&M Manual standards

### **Ineligible Activities**

To maximize the use of state funding and to avoid any potential duplication of funds, the following limitations will be applied:

- No O&M funding for LMAs eligible for Delta Subventions Program funding
- No funding for O&M of levees that were recently improved, or are to be improved under the Early Implementation Program/Urban Flood Risk Reduction Program or a USACE project
- Funding will be limited to maintenance activities identified in the LMA's submittal that is not currently covered by local funding

### **Section 7. Project Costs**

Eligible project costs include the reasonable costs of preparation of environmental documentation, environmental mitigation, monitoring, and project construction, and

management. Eligible project costs include those eligible costs incurred after the date an applicant has entered into a funding agreement with DWR.

Costs that are not eligible include:

1. Purchase of equipment that is not an integral part of the funded project.
2. Establishment of a reserve fund.
3. Payment of principal or interest on existing indebtedness, any interest payments, or costs associated with project financing,
4. Costs incurred as part of any necessary response and cleanup activities required under the Comprehensive Environmental Response, Compensation, and Liability Act; Resource Conservation and Recovery Act; Hazardous Substances Account Act; or other applicable law.
5. Duplicate work to obtain new data that the State already has available, unless previously approved by the State or waived by the State.
6. Travel, meals, refreshments, and other per diem costs.
7. Costs of preparing and filing grant or other funding applications.
8. Any indirect costs. "Indirect Costs" means those costs that are incurred for a common or joint purpose benefiting more than one cost objective and are not readily assignable to the funded project (i.e., costs that are not directly related to the funded project). Examples of Indirect Costs include but are not limited to: central service costs; general administration of the Funding Recipient; non-project-specific accounting and personnel services performed within the Funding Recipient's organization; depreciation or use allowances on buildings and equipment; the costs of operating and maintaining non-project-specific facilities; tuition and conference fees; and, generic overhead or markup. This prohibition applies to the Funding Recipient and any subcontract or sub-agreement for work on the funded project that will be reimbursed with grant funds from DWR.

## **Section 8. Proposal Selection and Funding Process**

This will be stated separately in the Proposal Solicitation Package (PSP)

## **Section 9. Requirements when Signing a Funding Agreement with the State**

### **Conflict of Interest and Confidentiality**

All participants are subject to State conflict of interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the proposal being rejected and any agreement being declared void. Other legal action may also be taken. Applicable statutes include, but are not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411.

As part of the conflict of interest requirements, individuals working on behalf of a Funding Recipient may be required by the State to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.

Applicants should be aware that when submitting a proposal to the State, they will waive their rights to the confidentiality of the contents of the proposal. Once final awards have been announced by the DWR, all proposals are subject to disclosure pursuant to the California Public Records Act (Gov. Code, § 6250 et seq.).

### **Indemnify and Hold Harmless**

As part of the funding agreement, applicants shall indemnify and hold harmless the State, its officers, agents, and employees from any and all liability from any claims and damages (including inverse condemnation) arising from the planning, design, construction of repair, replacement, rehabilitation, maintenance, and operation of the project, and any breach of the funding agreement.

### **Labor Code Compliance**

As part of the funding agreement, the funding recipient shall agree to be bound by all the provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from the funding agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current Department of Industrial Relations (DIR) requirements may be found at: <http://www.dir.ca.gov/lcp.asp>. For more information, please refer to DIR's

Public Works Manual at: <http://www.dir.ca.gov/dlse/PWManualCombined.pdf>. The funding recipient will also affirm that it is aware of the provisions of section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance.

### **California Environmental Quality Act (CEQA)**

All activities funded pursuant to FMAP must comply with CEQA. (Pub. Resources Code, § 21000 et seq.) Any work that is subject to CEQA and funded under a funding agreement shall not proceed until documents that satisfy the CEQA process are received by DWR and the DWR has completed its CEQA compliance. Any work funded under FMAP that is subject to CEQA shall not proceed until and unless approved by DWR; such approval is fully discretionary. If CEQA compliance by the funding recipient is not complete at the time a funding agreement is executed by the parties, once DWR has considered the environmental documents, it may decide to require changes, alterations, or other mitigation to the Project; or to not fund the Project. Should the State decide to not fund the Project, the funding agreement shall be terminated.

### **Competitive Bidding and Contractor Hiring**

As part of the agreement, the funding recipient's contracts with other entities for the acquisition of goods and services and construction of public works with funds provided by State must be in writing and shall comply with all applicable laws and regulations regarding the securing of competitive bids and undertaking competitive negotiations. If a funding recipient does not have a written policy to award contracts through a competitive bidding or sole source process,

the Department of General Services' *State Contracting Manual* rules must be followed. This document is available at: <https://www.dgs.ca.gov/OLS/Resources/Page-Content/Office-of-Legal-Services-Resources-List-Folder/State-Contracting>.

## **Section 10. Guidelines Amendments**

Any or all of the eligibility criteria, requirements, or procedures specified in these Guidelines may be changed, substituted or terminated, and/or other criteria may be added at the State's discretion. They may also be changed as a result of the State legislative actions associated with the passage of the annual State Budget Act or other legislation. Amendments to the final Guidelines will be publicly posted for at least a 45-day public comment period prior to finalization.

## **Section 11. Directed Funding**

In addition to soliciting competitive grants, DWR may use FMAP funds for direct expenditures or directed activities that fulfill the intent of the legislation and DWR priorities. Direct expenditure projects are projects proposed by DWR either in response to a solicitation from a stakeholder, another government entity, or on its own initiative. Direct expenditure projects must address an interest of the State and may be proposed and approved at any time. However, any direct expenditure project shall be evaluated by the same eligibility criteria as competitive grants.

**Appendix 1**

**Local Maintaining Agency Authorizing Resolution  
Resolution No. \_\_\_\_\_**

A Resolution by the Board of Trustees  
of the Reclamation District 1000

Authorizing a Proposal for funding from the Department of Water Resources and Designating a Representative to Execute the Agreement and any Amendments thereto, for the 2020-FMAP-RD1000-01 Project

WHEREAS, the Reclamation District 1000 is a California Public Agency with responsibility for flood maintenance and land use authority of the Project facilities;

WHEREAS the Reclamation District 1000 acknowledges that it must submit a new operations, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board prior to the receipt of Flood Maintenance Assistance Program funds;

WHEREAS, the Reclamation District 1000 is authorized to enter into an agreement with the Department of Water Resources and the State of California;

THEREFORE, BE IT RESOLVED by the Board of Trustees of the Reclamation District 1000 as follows:

1. That pursuant and subject to all of the terms and conditions of the Budget Act of 2018 (Stats. 2018, ch. 29), the Board of Trustees authorize the <Authorized Representative Title>, or designee, to execute the funding agreement with the Department of Water Resources and any amendments thereto.
2. That the <Authorized Representative Title>, or designee, shall prepare the necessary data, make investigations, and take other such actions as necessary and appropriate to obtain funding for the 2020-FMAP-RD1000-01 Project.

**CERTIFICATION**

I hereby certify that the foregoing Resolution No. \_\_\_\_\_ was duly and regularly adopted by the Board of Trustees of the Reclamation District 1000 at the meeting held on <Date>, motion by <Member Name 1> and seconded by <Member Name 2>, motion passed by the following vote:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
Authorized Representative Name  
Reclamation District 1000

Attest:

## Appendix 2

### Attorney Certification

*(The Applicant's attorney shall answer the following questions regarding this proposal and where indicated, shall cite statutory authority or other references.)*

- Is the Applicant a political subdivision of the State of California?  Yes  No

Citation: \_\_\_\_\_

- Does the Applicant have legal authority to enter into a Funding Agreement with the State of California?  Yes  No

Citation: \_\_\_\_\_

- What steps are required by law for the Applicant to sign a Funding Agreement with the State?

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

Citation: \_\_\_\_\_

- What is the statutory authority under which the Applicant may obtain funds for the purpose, amount, and duration requested?

Citation: \_\_\_\_\_

- What is the statutory authority under which the Applicant was formed and is authorized to operate?

Citation: \_\_\_\_\_

- Is the Applicant required to hold an election before entering into a funding contract with the State?  Yes  No

Citation: \_\_\_\_\_

- Will an agreement between the Applicant and the State be subject to review and approval by other governmental agencies?  Yes  No

Identify all such agencies: \_\_\_\_\_

\_\_\_\_\_

Citation: \_\_\_\_\_

- Describe any pending litigation that impacts the financial condition of the Applicant or the operation of flood management facilities. If none is pending, so state.

\_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

- Does the Applicant have legal authority and jurisdiction to implement a flood control program and the authority to make land use decisions at the Project site and in the protected area?  Yes  No

Citation: \_\_\_\_\_

I certify that I am a duly qualified and licensed attorney in California representing the Applicant Agency and that I have answered the questions on this page and the preceding page to the best of my knowledge.

By \_\_\_\_\_ Date \_\_\_\_\_  
*(Signature of Applicant Agency's Attorney)*

\_\_\_\_\_  
*(Printed Name of Applicant Agency's Attorney and Title)* *(Bar No.)*

Reclamation District 1000

\_\_\_\_\_  
*(Name of Applicant Agency)*



### **Appendix 3**

### **OMRR&R Agreement**

OPERATION, MAINTENANCE, REPAIR, REPLACEMENT, AND REHABILITATION  
AGREEMENT BETWEEN  
The Central Valley Flood Protection Board  
AND  
Reclamation District 1000  
FOR  
2020-FMAP-RD1000-01

This Operation, Maintenance, Repair, Replacement, and Rehabilitation Agreement (“OMRR&R Agreement”) is entered into by and between the State of California (“State”), acting by and through the Central Valley Flood Protection Board, or any successor thereto, (“Board”) and the Reclamation District 1000 (“Funding Recipient”) on this \_\_\_\_ day of \_\_\_\_\_, 20XX in view of the following circumstances:

1. **Flood Maintenance Assistance Program (FMAP) funds were authorized and appropriated by the California legislature for costs associated with improving the operations, maintenance, repair, rehabilitation, and replacement of state flood control levees and infrastructure of Local Maintaining Agencies (LMAs), pursuant to Water Code Section 12878 et seq.**
2. State funding is available for Eligible Activities pursuant to the FMAP:

The State, acting by and through the Department of Water Resources, has solicited applications for funding for its FMAP program.

The Funding Recipient applied for funding and has signed a Funding Agreement. This Funding agreement is between the State of California Department of Water Resources and the Reclamation District 1000 for 2020-FMAP-RD1000-01 (“Funding Agreement”).

The Funding Agreement provides that the Funding Recipient will be responsible for operation, maintenance, repair, replacement, and rehabilitation (“OMRR&R”) of State Plan of Flood Control facilities.

The Department has agreed to enter into the Funding Agreement on the condition that the Funding Recipient enters into this OMRR&R Agreement for State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient.

3. The Funding Recipient already has responsibility for OMRR&R for the existing portions of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient.

NOW, THEREFORE, IT IS HEREBY AGREED:

For purposes of this OMRR&R Agreement, the terms below are defined as indicated:

**“Board:”** The State of California Central Valley Flood Protection Board or any successor thereto.

**“Department:”** The State of California Department of Water Resources.

**“Eligible Activities:”** The development of System Wide Improvement Framework plans (SWIFs), and associated supporting documents, such as the required Letter of Intent to USACE to create a SWIF, and any of the activities identified by the California Department of Water Resources and U.S. Army Corps of Engineers inspections that help achieve acceptable level of maintenance to assure system performance are eligible for funding from FMAP. This includes all activities required under Code of Federal Regulations, title 33, section 208.10 and the O&M Manual Standards, such as:

- Levee and channel vegetation management
- Rodent abatement and damage repair
- Maintenance of levee slopes and patrol roads
- Minor erosion, seepage, and stability repairs
- Channel scour repair
- Addressing USACE and DWR identified levee deficiencies and unacceptable problems
- Maintenance of structures and other SPFC facilities
- Encroachment management
- Debris and obstruction removal
- Small sediment removal

**“Funding Agreement:”** The agreement between the State of California Department of Water Resources and the Reclamation District 1000 for 2020-FMAP-RD1000-01 dated \_\_\_\_\_, 20XX.

**“Funding Recipient:”** A public agency in the State of California, duly organized, existing, and acting pursuant to the laws thereof, which is the signatory to the Funding Agreement and this OMRR&R Agreement.

**“OMRR&R:”** Operation, maintenance, repair, replacement, and rehabilitation of the portions of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient in accordance with applicable federal law, including without limitation, compliance with O&M requirements contained in Code of Federal Regulations, title 33, section 208.10, Board Resolution No. 2018-06 and future amendments thereto, and applicable Operation and Maintenance manuals for the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient, any revised or updated version of the Operation and Maintenance Manual, or any supplement to the Operation and Maintenance Manual.

**“OMRR&R Agreement:”** This agreement between the Central Valley Flood Protection Board and the Reclamation District 1000 for OMRR&R of the State Plan of Flood Control within the jurisdiction of Reclamation District 1000.

**“State:”** The State of California, acting by and through the Board.

**“State Plan of Flood Control:”** The state and federal flood control works, lands, programs, plans, conditions, and mode of maintenance and operations described in Public Resources Code section 5096.805(j).

## SECTION I: Obligations of the Funding Recipient

- A. General Obligations. The Funding Recipient agrees to the following:
1. To perform OMRR&R of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient. The duties of the Funding Recipient to perform OMRR&R for the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient shall be accomplished in a manner that does not diminish the flood protection afforded by or jeopardize the structural integrity of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient, and the flood control system of which those facilities are a part. The duties of the Funding Recipient pursuant to this paragraph are described further in Section I-B below.
  2. To hold and save the federal government and the State, their representatives, officers, directors, employees, including their attorneys and agents and consultants, as well as their successors and assigns, free and harmless from any and/or all claims and damages, including claims based upon inverse condemnation, arising from the operation, maintenance, repair, replacement, or rehabilitation of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient. Upon demand, the Funding Recipient shall reimburse the Board in full for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board arising from the operation, maintenance, repair, replacement, or rehabilitation of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient.
  3. To hold and save the federal government and the State, their representatives, officers, directors, employees, including their attorneys, agents and consultants, as well as their successors and assigns free and harmless from any and/or all claims or damages arising out of or in connection with the obligations herein assumed by the Funding Recipient, including any responsibility for claims or damages arising out of work performed by the State on the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient for which the State may be held liable and any claims based upon inverse condemnation. Upon demand, the Funding Recipient shall reimburse the Board in full for all reasonable costs and attorneys' fees,

including, but not limited to, those charged to it by the California Office of Attorney General, that the Board incurs in connection with the defense of any action brought against the Board arising out of work performed by the State on the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient for which the State may be held liable and any claims based upon inverse condemnation.

B. Specific Obligations to Operate, Maintain, Repair, Replace, and Rehabilitate

1. The Funding Recipient hereby accepts responsibility for OMRR&R for the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient. Specifically, the Funding Recipient shall be responsible for OMRR&R in accordance with applicable federal laws, including without limitation, compliance with O&M requirements contained in Code of Federal Regulations, title 33, section 208.10, Board Resolution No. 2018-06 and future amendments thereto, and applicable Operation and Maintenance manuals for the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient, any revised or updated version of the Operation and Maintenance Manual, or any supplement to the Operation and Maintenance Manual.
2. The Funding Recipient hereby gives State the right to enter, at reasonable times and in a reasonable manner land which it owns or controls for access to for the purpose of: (i) conducting subsequent inspections to verify that the Funding Recipient is complying with its obligations under this OMRR&R Agreement; and (ii) operating, maintaining, repairing, replacing, or rehabilitating any part of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient located at or in conjunction with any present or future flood control plan if in the reasonable judgment of State, the Funding Recipient fails to comply with its obligations under this OMRR&R Agreement. In the event the State assumes title to any of the land to which the Funding Recipient needs access to fulfill the obligations set forth in the paragraph, the State grants an irrevocable license to the Funding Recipient to enter the land to fulfill its obligations under this OMRR&R Agreement.
3. If the Funding Recipient has failed or refused to perform the obligations set forth in this OMRR&R Agreement or the requirements of the manuals mentioned above, the State may take appropriate actions including proceedings to establish a maintenance area under Water Code section 12878 et seq.

If the Funding Recipient fails to fulfill its obligations under this Agreement and if the failure or refusal constitutes, in the sole discretion of the State, a threat to the continued ability of the of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient to perform in a manner necessary to provide its designed level of flood protection, then the State, after notifying the Funding Recipient and providing a sixty (60) day opportunity to cure period, (except in the case of an emergency), may in its sole discretion develop a work plan and present it to the Funding Recipient with instructions that if the Funding Recipient does not

agree to carry out, or is unable to carry out, the work plan within the time specified in the work plan, the State will perform the necessary work or do so by contract. The Funding Recipient will reimburse the State for the costs of performing such work. No operation, maintenance, repair, replacement, or rehabilitation by the State shall operate to relieve the Funding Recipient of responsibility to meet the Funding Recipient's obligations as set forth in this OMRR&R Agreement, or to preclude the State from pursuing any other remedy at law or equity to ensure faithful performance pursuant to this OMRR&R Agreement.

## SECTION II: Hazardous Substances

The Funding Recipient acknowledges the State may incur obligations with respect to hazardous substances regulated under the federal Comprehensive Environmental Response, Compensation and Liability Act (CERCLA), (42 U.S.C. §§ 9601-9675); California Hazardous Substances Account Act, (Health & Safety Code, § 25310 et seq.) or other statutes or regulations (collectively referred to as "state and federal Hazardous Substances Laws") on lands necessary for OMRR&R to the extent the Funding Recipient fails to comply with its obligations under this OMRR&R Agreement. The Funding Recipient agrees:

- A. That in the event that the Funding Recipient discovers through an environmental investigation or other means that any lands, easements, or rights of way that have been acquired or provided for OMRR&R of State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient contain hazardous substances regulated under state and federal Hazardous Substances Laws, the Funding Recipient shall promptly notify the State of that discovery.
- B. That in the event hazardous substances regulated under state and federal Hazardous Substances Laws have been found, the Funding Recipient shall initiate and complete any and all necessary response and cleanup activity required under state and federal Hazardous Substances Laws, which shall include any studies and investigations necessary to determine the appropriate response to the contamination. Payment for the costs of such necessary response and cleanup activity as required under state and federal Hazardous Substances Laws shall be made by the Funding Recipient. In the event that the Funding Recipient fails to provide the funds necessary for response and cleanup activity required under state and federal Hazardous Substances Laws or to otherwise discharge the Funding Recipient's responsibilities under this Paragraph B, then the State may perform the necessary response and cleanup activity, and the Funding Recipient shall reimburse the State in accordance with the procedures set out in this OMRR&R Agreement. If the State performs the necessary response and cleanup activity required under state and federal Hazardous Substances Laws, the State shall consult with the Funding Recipient concerning the selection of the person(s) to perform the work, the amount of money to be spent on the work, the scope of the work, and any other aspect of response and cleanup activity.
- C. That the Funding Recipient shall consult with the State in order to ensure that responsible persons under state and federal Hazardous Substances Laws ultimately bear all necessary response and cleanup costs as defined in state and federal Hazardous Substances Laws.
- D. That the Funding Recipient shall operate, maintain, repair, replace, and rehabilitate State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient in a

manner that will control and minimize the release or threatened release of hazardous substances regulated under state and federal Hazardous Substances Laws on lands necessary for OMRR&R of the existing portions of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient.

- E. That in the event that the State, their representatives, officers, directors, employees, including their attorneys and other persons, as well as their successors and assigns, are found to be liable under state and federal Hazardous Substances Laws for the release or threatened release of hazardous substances arising out of the operation, maintenance, repair, replacement, or rehabilitation of the portions State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient, then the Funding Recipient shall indemnify and hold the State, their representatives, officers, directors, employees, including their attorneys and other persons, as well as their successors and assigns, harmless from any response or cleanup costs for which the State, their representatives, officers, directors, employees, including their attorneys and other persons, as well as their successors and assigns, may be found to be liable under state and federal Hazardous Substances Laws. Upon demand, the Funding Recipient shall reimburse the State for all reasonable costs and attorneys' fees, including, but not limited to, those charged to it by the California Office of Attorney General, that the State incurs in connection with the defense of any action brought against it arising from the release or threatened release of hazardous substances arising out of the operation, maintenance, repair, replacement, or rehabilitation of the portions State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient.
- F. No decision made or action taken pursuant to any provision of this OMRR&R Agreement shall relieve any responsible person from any liability that may arise under state and federal Hazardous Substances Laws, nor shall such decision or action be considered a waiver by the State or the Funding Recipient of any right to seek from any responsible person as defined by state and federal Hazardous Substances Laws the recovery, contribution of, or indemnification from costs incurred by the State or the Funding Recipient for response or cleanup activity required under state and federal Hazardous Substances Laws, nor shall such decision or action be considered a waiver by the State of any other right or remedy provided by law.

### SECTION III: Authorization for Delegation or Subcontracting

The Funding Recipient may delegate or subcontract its responsibilities under this OMRR&R Agreement. The Funding Recipient shall be responsible for all work to be performed under the contract, including any delegated work. The State shall have the right to ask that any services for this OMRR&R Agreement provided by any subcontractor be terminated if its performance is unsatisfactory.

Payment for services rendered by subcontractors shall be made entirely by the Funding Recipient; the State shall not have any responsibility for making any payments to the subcontractors for any services they may render in connection with this OMRR&R Agreement.

### SECTION IV: Disputes

Before any party to the OMRR&R Agreement may bring suit in any court concerning an issue relating to this OMRR&R Agreement, that party must first seek in good faith to resolve the issue through negotiation or other forms of nonbinding alternative dispute resolution mutually acceptable to all parties.

SECTION V: Obligation of Future Appropriations

The parties agree that nothing herein shall constitute, or be deemed to constitute, an obligation of future appropriations by the Legislature of the State of California.

SECTION VI: Term of Agreement; Amendment

The effective date of this OMRR&R Agreement is the date it is signed by all parties. The OMRR&R Agreement will continue in full force and effect unless terminated or amended upon written consent of all parties.

SECTION VII: Notices

All notices, requests, demands, and other communications required or permitted to be given under this OMRR&R Agreement shall be deemed to have been duly given if in writing and delivered personally or mailed by first class (postage pre-paid), registered, or certified mail, as follows:

**If to Reclamation District 1000**

**<Name, Title>**

**Reclamation District 1000**

**<Address Line 1>**

**<Address Line 2>**

**If to the Board**

**Leslie Gallagher, Executive Officer  
Central Valley Flood Protection Board  
3310 El Camino Ave., Suite 170  
Sacramento, CA 95821**

A party may change the address to which such communications are to be directed by giving written notice to the other party in the manner provided in this section.

Any notice, request, demand, or other communication made pursuant to this section shall be deemed to have been received by the addressee at such time as it is personally delivered or seven (7) calendar days after it is mailed, as the case may be.

SECTION VIII: Standard Conditions

This OMRR&R Agreement incorporates by reference the standard conditions that are included in Exhibit 1 to this OMRR&R Agreement

SECTION IX: Authority

The Funding Recipient has provided a copy of a resolution adopted by its governing body designating a representative to execute this OMRR&R Agreement. This resolution is substantially the same as the draft resolution provided in Exhibit 2 to this OMRR&R Agreement.

IN WITNESS WHEREOF, the parties hereto have executed this OMRR&R Agreement.

**The Central Valley Flood  
Protection Board**

**Reclamation District 1000**

By

By

\_\_\_\_\_  
**Leslie Gallagher, Executive Officer**  
Central Valley Flood Protection Board

\_\_\_\_\_  
<Name, Title>  
Reclamation District 1000

Date: \_\_\_\_\_

Date: \_\_\_\_\_

Approved as to Legal Form  
and Sufficiency:

Approved as to Legal Form  
and Sufficiency:

\_\_\_\_\_  
**Jit Dua, General Counsel**  
Central Valley Flood Protection Board

\_\_\_\_\_  
<Name, Title>

Date: \_\_\_\_\_

Date: \_\_\_\_\_



Exhibit 1

STANDARD CONDITIONS OF OMRR&R AGREEMENT

1. **GOVERNING LAW:** This OMRR&R Agreement is governed by and shall be interpreted in accordance with the laws of the State of California.
2. **TIMELINESS:** Time is of the essence in this OMRR&R Agreement.
3. **AMENDMENT:** This OMRR&R Agreement may be amended at any time by mutual agreement of the Parties, except insofar as any proposed amendments are in any way contrary to applicable law. Requests by the Funding Recipient for amendments must be in writing stating the amendment request and the reason for the request. State shall have no obligation to agree to an amendment.
4. **SUCCESSORS AND ASSIGNS:** This OMRR&R Agreement and all of its provisions shall apply to and bind the successors and assigns of the parties. No assignment or transfer of this OMRR&R Agreement or any part thereof, rights hereunder, or interest herein by the Funding Recipient shall be valid unless and until it is approved by State and made subject to such reasonable terms and conditions as State may impose.
5. **INSPECTION OF BOOKS, RECORDS, AND REPORTS:** During regular office hours, each of the parties hereto and their duly authorized representatives shall have the right to inspect and to make copies of any books, records, or reports of either party pertaining to this OMRR&R Agreement or matters related hereto. Each of the parties hereto shall maintain and shall make available at all times for such inspection accurate records of all its costs, disbursements, and receipts with respect to its activities under this OMRR&R Agreement. Failure or refusal by Funding Recipient to comply with this provision shall be considered a breach of this OMRR&R Agreement, and State may take any other action it deems necessary to protect its interests, after complying with paragraph V of the OMRR&R Agreement.
6. **PROHIBITION AGAINST DISPOSAL OF PROPERTY:** Funding Recipient shall not sell, abandon, lease, transfer, exchange, mortgage, hypothecate, or encumber in any manner whatsoever all or any portion of any real or other property necessarily connected or used in conjunction with the existing portions of the State Plan of Flood Control facilities within the jurisdiction of the funding recipient, or with Funding Recipient's service of water, without prior permission of State. Funding Recipient shall not take any action, including but not limited to actions relating to user fees, charges, and assessments that could adversely affect the ability of Funding Recipient meet its obligations under this OMRR&R Agreement, without prior written permission of State. State may require that the proceeds from the disposition of property be remitted to State.
7. **NO THIRD-PARTY RIGHTS:** The parties to this OMRR&R Agreement do not intend to create rights in, or grant remedies to, any third party as a beneficiary of this OMRR&R Agreement, or of any duty, covenant, obligation or undertaking established herein.

8. **OPINIONS AND DETERMINATIONS:** Where the terms of this OMRR&R Agreement provide for action to be based upon, judgment, approval, review, or determination of either party hereto, such terms are not intended to be and shall never be construed as permitting such opinion, judgment, approval, review, or determination to be arbitrary, capricious, or unreasonable.
9. **SUIT ON OMRR&R AGREEMENT:** Each of the parties hereto may sue and be sued with respect to this OMRR&R Agreement.
10. **REMEDIES NOT EXCLUSIVE:** The use by either party of any remedy specified herein for the enforcement of this OMRR&R Agreement is not exclusive and shall not deprive the party using such remedy of, or limit the application of, any other remedy provided by law.
11. **SEVERABILITY:** Should any portion of this OMRR&R Agreement be determined to be void or unenforceable, such shall be severed from the whole and the OMRR&R Agreement shall continue as modified.
12. **WAIVER OF RIGHTS:** None of the provisions of this OMRR&R Agreement shall be deemed waived unless expressly waived in writing. It is the intention of the parties here to that from time to time either party may waive any of its rights under this OMRR&R Agreement unless contrary to law. Any waiver by either party of rights arising in connection with the OMRR&R Agreement shall not be deemed to be a waiver with respect to any other rights or matters, and such provisions shall continue in full force and effect.
13. **TERMINATION FOR CAUSE:** The State may terminate this OMRR&R Agreement should Funding Recipient fail to perform the requirements of this OMRR&R Agreement at the time and in the manner herein provided.
14. **INDEPENDENT CAPACITY:** Funding Recipient, and the agents and employees of Funding Recipients, in the performance of the OMRR&R Agreement, shall act in an independent capacity and not as officers, employees, or agents of the State.
15. **CONFLICT OF INTEREST:** All participants are subject to State and Federal conflict of interest laws. Applicable statutes include, but are not limited to, Government Code section 1090 and Public Contract Code sections 10410 and 10411, for State conflict of interest requirements.
  - A. **Current State Employees:** No State officer or employee shall engage in any employment, activity, or enterprise from which the officer or employee receives compensation or has a financial interest, and which is sponsored or funded by any State agency, unless the employment, activity, or enterprise is required as a condition of regular State employment. No State officer or employee shall contract on his or her own behalf as an independent contractor with any State agency to provide goods or services.
  - B. **Former State Employees:** For the two-year period from the date he or she left State employment, no former State officer or employee may enter into a contract in which he or she engaged in any of the negotiations, transactions, planning, arrangements, or any part of the decision-making process relevant to the contract while employed in any capacity by any State agency. For the twelve-month period from the date he or

she left State employment, no former State officer or employee may enter into a contract with any State agency if he or she was employed by that State agency in a policy-making position in the same general subject area as the proposed contract within the twelve-month period prior to his or her leaving State service.

- C. Employees of the Funding Recipient: Employees of the Funding Recipient shall comply with all applicable provisions of law pertaining to conflicts of interest, including but not limited to any applicable conflict of interest provisions of the California Political Reform Act. (Gov. Code, § 87100 et seq.)
  - D. Employees and Consultants to the Funding Recipient: Individuals working on behalf of a Funding Recipient may be required by the Department to file a Statement of Economic Interests (Fair Political Practices Commission Form 700) if it is determined that an individual is a consultant for Political Reform Act purposes.
16. LABOR CODE COMPLIANCE: The Funding Recipient agrees to be bound by all applicable provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to this OMRR&R Agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current Department of Industrial Relations (DIR) requirements may be found at: <https://www.dir.ca.gov/lcp.asp>. For more information, please refer to DIR's Public Works Manual at: <https://www.dir.ca.gov/dlse/PWManualCombined.pdf>. The Funding Recipient affirms that it is aware of the provisions of section 3700 of the Labor Code, which requires every employer to be insured against liability for workers' compensation or to undertake self-insurance, and the Funding Recipient affirms that it will comply with such provisions before commencing the performance of the work under this OMRR&R Agreement and will make its contractors and subcontractors aware of this provision.
17. AMERICANS WITH DISABILITIES ACT: By signing this OMRR&R Agreement, Funding Recipient assures State that it complies with the Americans with Disabilities Act (ADA) of 1990, (42 U.S.C. § 12101 et seq.), which prohibits discrimination on the basis of disability, as well as all applicable regulations and guidelines issued pursuant to the ADA.
18. NONDISCRIMINATION CLAUSE: During the performance of this OMRR&R Agreement, Funding Recipient and its contractors or subcontractors shall not unlawfully discriminate, harass, or allow harassment against any employee or applicant for employment because of sex (gender), sexual orientation, race, color, ancestry, religion, creed, national origin (including language use restriction), pregnancy, physical disability (including HIV and AIDS), mental disability, medical condition (cancer/genetic characteristics), age (over 40), marital status, and denial of medial and family care leave or pregnancy disability leave. Funding Recipient and its contractors or subcontractors shall ensure that the evaluation and treatment of their employees and applicants for employment are free from such discrimination and harassment. Funding Recipient and its contractors or subcontractors shall comply with the provisions of the California Fair Employment and Housing Act (Gov. Code, § 12990.) and the applicable regulations promulgated there under (Cal. Code Regs., tit. 2, § 11000 et seq.). The applicable regulations of the Fair Employment and Housing are incorporated into this Agreement by reference. Funding Recipient and its contractors or subcontractors shall give written notice of their obligations under this clause to labor organizations with which they have a collective bargaining or other agreement. Funding

Recipient shall include the nondiscrimination and compliance provisions of this clause in all subcontracts to perform work under the OMRR&R Agreement.

19. DRUG-FREE WORKPLACE CERTIFICATION: Certification of Compliance: By signing this Funding Agreement, Funding Recipient, its contractors or subcontractors hereby certify, under penalty of perjury under the laws of State of California, compliance with the requirements of the Drug-Free Workplace Act of 1990 (Gov. Code, § 8350 et seq.) and have or will provide a drug-free workplace by taking the following actions:

- A. Publish a statement notifying employees, contractors, and subcontractors that unlawful manufacture, distribution, dispensation, possession, or use of a controlled substance is prohibited and specifying actions to be taken against employees, contractors, or subcontractors for violations, as required by Government Code section 8355.
- B. Establish a Drug-Free Awareness Program, as required by Government Code section 8355 to inform employees, contractors, or subcontractors about all of the following:
  - i. The dangers of drug abuse in the workplace,
  - ii. Funding Recipient's policy of maintaining a drug-free workplace,
  - iii. Any available counseling, rehabilitation, and employee assistance programs, and
  - iv. Penalties that may be imposed upon employees, contractors, and subcontractors for drug abuse violations.
- C. Provide, as required by Government Code section 8355, that every employee, contractor, and/or subcontractor who works under this Funding Agreement:
  - i. Will receive a copy of Funding Recipient's drug-free policy statement, and
  - ii. Will agree to abide by terms of Funding Recipient's condition of employment, contract or subcontract.

20. UNION ORGANIZING: Funding Recipient, by signing this OMRR&R Agreement, hereby acknowledges the applicability of Government Code 16645 through 16649 to this OMRR&R Agreement. Furthermore, Funding Recipient, by signing this OMRR&R Agreement, hereby certifies that:

- A. No State funds disbursed by this OMRR&R Agreement will be used to assist, promote, or deter union organizing.
- B. Funding Recipient shall account for State funds disbursed for a specific expenditure by this OMRR&R Agreement to show those funds were allocated to that expenditure.
- C. Funding Recipient shall, where State funds are not designated as described in (b) above, allocate, on a pro rata basis, all disbursements that support the program.
- D. If Funding Recipient makes expenditures to assist, promote, or deter union organizing, Funding Recipient will maintain records sufficient to show that no State funds were used for those expenditures and that Funding Recipient shall provide those records to the Attorney General upon request.

21. **COMPUTER SOFTWARE:** Funding Recipient certifies that it has appropriate systems and controls in place to ensure that state funds will not be used in the performance of this OMRR&R Agreement for the acquisition, operation, or maintenance of computer software in violation of copyright laws.
22. **DELIVERY OF INFORMATION, REPORTS, AND DATA:** Funding Recipient agrees to expeditiously provide, throughout the term of this OMRR&R Agreement, such reports, data, information, and certifications as may be reasonably required by State.
23. **CHILD SUPPORT COMPLIANCE ACT:** The Funding Recipient acknowledges in accordance with Public Contract Code section 7110, that:
  - A. The Funding Recipient recognizes the importance of child and family support obligations and shall fully comply with all applicable state and federal laws relating to child and family support enforcement, including, but not limited to, disclosure of information and compliance with earnings assignment orders, as provided in Family Code section 5200 et seq.; and
  - B. The Funding Recipient, to the best of its knowledge is fully complying with the earnings assignment orders of all employees and is providing the names of all new employees to the New Hire Registry maintained by the California Employment Development Department.
24. **INSPECTIONS OF OMRR&R BY STATE:** State shall have the right to inspect the work being performed at any and all reasonable times during the term of the Funding Agreement. This right shall extend to any subcontracts, and Funding Recipient shall include provisions ensuring such access in all its contracts or subcontracts entered into pursuant to its Funding Agreement with State.
25. **ACCESS:** The Funding Recipient shall ensure that the State, or any authorized representative of the foregoing, will have safe and suitable access to the portions of the State Plan of Flood Control facilities within the jurisdiction of the Funding Recipient at all reasonable times during the term of this Agreement.
26. **VENUE:** The State and the Funding Recipient hereby agree that any action arising out of this Agreement shall be filed and maintained in the Superior Court in and for the County of Sacramento, California, or in the United States District Court in and for the Eastern District of California.

**Exhibit 2**  
**OMRR&R Resolution**

Resolution No. \_\_\_\_\_

Resolved by the Board of Trustees

of the Reclamation District 1000

that pursuant and subject to all of the terms and provisions of Budget Act of 2018 (Stats. 2018, ch. 29), that funds awarded to Reclamation District 1000

by the Department of Water Resources for a Flood Maintenance Assistance Program project titled: 2020-FMAP-RD1000-01

have been accepted, and as a condition of accepting these funds the Funding Recipient committed to signing an additional agreement with the Central Valley Flood Protection Board, or successor thereto, which requires Reclamation District 1000

to assume responsibility for operation and maintenance of 2020-FMAP-RD1000-01

Therefore, the <Presiding Officer, President, Other> of the Board of Trustees  
is hereby authorized and directed to sign an operation, maintenance, repair, rehabilitation, and replacement agreement with the Central Valley Flood Protection Board, or successor thereto.

Passed and adopted at a regular meeting of the Board of Trustees  
of the Reclamation District 1000

on <Date Resolution Signed>.

Authorized Signature: \_\_\_\_\_

Printed Name: \_\_\_\_\_

Title: \_\_\_\_\_

Clerk/Secretary: \_\_\_\_\_

### Exhibit 3

#### State Audit Requirements

The following provides a list of documents typically required by State Auditors and general guidelines for Funding Recipients. The list of documents pertains to both State funding and Funding Recipient's Funding Match and details the documents/records that State Auditors would need to review in the event this Funding Agreement is audited. Funding Recipients should ensure that such records are maintained for each project.

#### List of Documents for Audit

##### Internal Controls

1. Organization chart (e.g., Agency's overall organization chart and organization chart for the State-funded Program/Project).
2. Written internal procedures and flowcharts for the following:
  - a) Receipts and deposits
  - b) Disbursements
  - c) State reimbursement requests
  - d) Expenditure tracking of State funds
  - e) Guidelines, policy, and procedures on State-funded Program/Project
3. Audit reports of the Agency internal control structure and/or financial statements within the last two years.
4. Prior audit reports on the State-funded Program/Project.

##### State Funding:

1. Original Funding Agreement, any amendment(s) and budget modification documents.
2. A listing of all grants, loans or subventions received from the State.
3. A listing of all other funding sources for each Program/Project.

##### Contracts:

1. All subcontractor and consultant contracts and related or partners documents, if applicable.
2. Contracts between the Agency and member agencies as related to the State-funded Program/Project.

##### Invoices:

1. Invoices from vendors and subcontractors for expenditures submitted to the State for payments under the Funding Agreement.
2. Documentation linking subcontractor invoices to State reimbursement, requests, and related Funding Agreement budget line items.

3. Reimbursement requests submitted to the State for the Funding Agreement.

Cash Documents:

1. Receipts (copies of warrants) showing payments received from the State.
2. Deposit slips (or bank statements) showing deposit of the payments received from the State.
3. Cancelled checks or disbursement documents showing payments made to vendors, subcontractors, consultants, and/or agents under the grants or loans.
4. Bank statements showing the deposit of the receipts.

Accounting Records:

1. Ledgers showing entries for funding receipts and cash disbursements.
2. Ledgers showing receipts and cash disbursement entries of other funding sources.
3. Bridging documents that tie the general ledger to requests for Funding Agreement reimbursement.

Administration Costs:

1. Supporting documents showing the calculation of administration costs.

Personnel:

1. List of all contractors and Agency staff that worked on the State-funded Program/Project.
2. Payroll records including timesheets for contractor staff and the Agency personnel who provided services charged to the program

Project Files:

1. All supporting documentation maintained in the Project files.
2. All Funding Agreement related correspondence.



**DATE: August 9, 2019**

**AGENDA ITEM NO. 6.1**

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**TITLE: Senate Bill 415 (Hueso) – Voter Participation**

**SUBJECT: Review and Discuss Impacts of Senate Bill 415 (Hueso)**

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**EXECUTIVE SUMMARY:**

Senate Bill 415 (Hueso), also known as the California Voter Participation Rights Act (CVPRA), added sections 14050 – 14057 to the Elections Code as of January 1, 2016 (Attachment 1).

Elections Code section 14052(a) prohibits a political subdivision from holding an election other than on a statewide election date "if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout."

The purpose of the CVPRA was to increase voter participation in local elections by holding them at the same time as a statewide election date, for example either the statewide direct primary in June of even-numbered years, or the statewide general election in November of even-numbered years. "Off-cycle" or "non-concurrent" elections are held on a date that does not coincide with the statewide direct primary election in June or the statewide general election in November of even-numbered years.

The CVPRA defines a "significant decrease in voter turnout" as voter turnout for a regularly scheduled election in a political subdivision that "is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections." (Elec. Code § 14051(b).)

While the law does not specify how to calculate the 25 percent threshold, it is common for political subdivisions to experience a "significant decrease in voter turnout" no matter how the value is calculated because historically voter turnout for a statewide general election is significantly higher than turnout in any off-cycle election.

The bill requires a political subdivision to consolidate its elections with a statewide election date (June or November of even-numbered years) if its voter turnout numbers do not satisfy the CVPRA threshold.

Elections Code sections 10404.5 and 10405.7 require a resolution requesting consolidation of elections to be submitted to the board of supervisors no later than 240 days prior to the date of the election to be consolidated (e.g., if the election to be consolidated will be held in November of 2019, submissions are due in March of 2019). The board of supervisors must approve the resolution requesting consolidation within 60 days, unless it finds the ballot style, voting equipment, or computer capacity is such that additional elections or materials cannot be handled.

The CVPRA became law on January 1, 2016, but was not fully operative until January 1, 2018. (Elec. Code § 14057.) The delayed implementation is also reflected in the "safe harbor" provision at Elections Code section 14052(b), which permits a political subdivision to hold an election other than on a statewide election date "if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election."

If a political subdivision fails to comply with the CVPRA by January 1, 2018, local citizens have the right to file a lawsuit to force consolidation of the regular election date with a statewide election date. If a violation of the CVPRA is proven, Elections Code section 14053 gives courts broad powers to impose specified remedies:

- Order a political subdivision to hold its elections on a date that is concurrent with a statewide election date;
- Order upgrades to election equipment or the systems supporting election equipment; or
- Order a county board of supervisors to approve a political subdivision's request to consolidate its elections with a statewide election date.

The CVPRA permits prevailing plaintiffs to collect attorney's fees and costs, including expert witness fees. If political subdivision prevails, it is not entitled to costs unless the court finds the case was frivolous, unreasonable, or without foundation. (Elec. Code § 14054.)

**RECOMMENDATION:**

None.

**FINANCIAL IMPACT:**

None.

**ATTACHMENTS:**

1. Senate Bill 415 (Hueso) – Voter Participation.

**STAFF RESPONSIBLE FOR REPORT:**



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Kevin L. King, General Manager

Date: 08/05/2019

**Senate Bill No. 415**

CHAPTER 235

An act to add Chapter 1.7 (commencing with Section 14050) to Division 14 of the Elections Code, relating to elections.

[Approved by Governor September 1, 2015. Filed with  
Secretary of State September 1, 2015.]

LEGISLATIVE COUNSEL'S DIGEST

SB 415, Hueso. Voter participation.

Existing law generally requires all state, county, municipal, district, and school district elections be held on an established election date. Existing law also establishes certain dates for statewide elections. Existing law requires any state, county, municipal, district, and school district election held on a statewide election date to be consolidated with a statewide election, except as provided.

This bill, commencing January 1, 2018, would prohibit a political subdivision, as defined, from holding an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in voter turnout for a regularly scheduled election in that political subdivision being at least 25% less than the average voter turnout within the political subdivision for the previous 4 statewide general elections, except as specified.

This bill would require a court to implement appropriate remedies upon a violation of this prohibition. The bill would authorize a voter who resides in a political subdivision where a violation is alleged to file an action in superior court to enforce this prohibition, and it would allow a prevailing plaintiff other than the state or political subdivision to collect a reasonable attorney's fee and litigation expenses, as provided.

*The people of the State of California do enact as follows:*

SECTION 1. Chapter 1.7 (commencing with Section 14050) is added to Division 14 of the Elections Code, to read:

CHAPTER 1.7. VOTER PARTICIPATION

14050. This chapter shall be known and may be cited as the California Voter Participation Rights Act.

14051. As used in this chapter:

(a) "Political subdivision" means a geographic area of representation created for the provision of government services, including, but not limited

to, a city, a school district, a community college district, or other district organized pursuant to state law.

(b) “Significant decrease in voter turnout” means the voter turnout for a regularly scheduled election in a political subdivision is at least 25 percent less than the average voter turnout within that political subdivision for the previous four statewide general elections.

(c) “Voter turnout” means the percentage of voters who are eligible to cast ballots within a given political subdivision who voted.

14052. (a) Except as provided in subdivision (b), a political subdivision shall not hold an election other than on a statewide election date if holding an election on a nonconcurrent date has previously resulted in a significant decrease in voter turnout.

(b) A political subdivision may hold an election other than on a statewide election date if, by January 1, 2018, the political subdivision has adopted a plan to consolidate a future election with a statewide election not later than the November 8, 2022, statewide general election.

14053. Upon a finding of a violation of subdivision (a) of Section 14052, the court shall implement appropriate remedies, including the imposition of concurrent election dates for future elections and the upgrade of voting equipment or systems to do so. In imposing remedies pursuant to this section, a court may also require a county board of supervisors to approve consolidation pursuant to Section 10402.5.

14054. In an action to enforce subdivision (a) of Section 14052, the court shall allow the prevailing plaintiff other than the state or political subdivision of the state, a reasonable attorney’s fee consistent with the standards established in *Serrano v. Priest* (1977) 20 Cal.3d 25, 48-49, and litigation expenses including, but not limited to, expert witness fees and expenses as part of the costs. A prevailing defendant shall not recover any costs, unless the court finds the action to be frivolous, unreasonable, or without foundation.

14055. A voter who resides in a political subdivision where a violation of subdivision (a) of Section 14052 is alleged may file an action pursuant to that section in the superior court of the county in which the political subdivision is located.

14056. This chapter does not apply to special elections.

14057. This chapter shall become operative on January 1, 2018.

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DATE: August 9, 2019

AGENDA ITEM NO. 7.1.1

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TITLE: Committee Meeting Minutes

SUBJECT: Meeting Minutes from Committee Meetings Since the July Board Meeting

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**EXECUTIVE SUMMARY:**

**Executive Committee Meeting – July 31, 2019**

A meeting of the Reclamation District 1000 Executive Committee was held on Wednesday, July 31, 2019 at 8:00 a.m. at the District office. In attendance were Trustees Barandas, Smith and Harris. Staff in attendance was General Manager King No members of the public were present and therefore no public comments were made.

General Manager King presented the proposed agenda for the August 9, 2019 Board of Trustees meeting. The Executive Committee approved the August 9, 2019 Board Agenda and with no further business on the Executive Committee Agenda, the meeting was adjourned at 8:45 a.m.

**STAFF RESPONSIBLE FOR REPORT:**



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Kevin L. King, General Manager

Date: 08/05/2019