



Bradford Reclamation District 2059

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Reclamation Board Members: Chairman Robert Davies

Trustees: Michael Craig, Gilbert Orozco, William Hall & James Folsom

December 13, 2016

Delivery via e-mail to epant@contracosta.courts.ca.gov
and First Class U.S. Mail to:

Civil Grand Jury
Contra Costa County
P.O. Box 431
Martinez, California 94553-0091
Attn: Jim Mellander, Foreperson

Re: Grand Jury Report No. 1607, "Delta Levees in Contra Costa County"

Dear Mr. Foreperson,

The Board of Trustees of Reclamation District No. 2059, Bradford Island respectfully submits the following response to the above-referenced matter:

REQUIRED RESPONSES—FINDINGS, NUMBERS 4, 5, 11—17, 21

F4. The levees in the County's portion of the Delta have been built up or otherwise strengthened on a piecemeal basis of the century or more of their existence.

Response: Respondent agrees with the Finding.

F5. Because the levees remain vulnerable to natural hazards and human activities, they require constant vigilance - i.e., frequent inspection coupled with timely maintenance and prompt repairs.

Response: Respondent agrees with the Finding.

F11. There is no formal or standardized educational or training resource available to the districts for levee inspection, maintenance, and repair, which can support new levee superintendents or managers while they acquire the experience to recognize problems early, learn how to appropriately respond, and learn how to balance environmental regulations with maintenance protocols.

Response: Respondent partially disagrees. The California Department of Water Resources ("DWR") offers flood fighting instruction courses free to government agencies and non-profit organizations. A flood-fight manual and other publications are made available through DWR. Admittedly, there are limited resources for additional training. However, Respondent's Levee Superintendent works closely and continuously with the District's Engineer to assess threats to the District's levees and how to respond to such threats.

Contra Costa County, State of California

F12. Levee management requires recognizing seasonal timeframes and juggling multiple deadlines, including preparing for storm season and the "no-mowing" period, when local bird populations nest, as well as timely application for the subvention and/or special projects funding programs.

Response: Respondent agrees with the Finding.

F13. Unpermitted encroachments can hinder visual inspection of the levee surface and create new structural weaknesses or potential conduits for seepage.

Response: Respondent agrees with the Finding.

F14. Education about the potential danger of unpermitted encroachments can be a highly effective management tool for mitigating this type of hazard because increased understanding of the potential consequences of such encroachments can support longer-term adherence to levee regulations and protocols.

Response: Respondent agrees with the Finding.

F15. Since early recognition of potential trouble spots and prompt repair work are critical to maintaining levee integrity, while resources for levee patrols are limited, the presence of an educated and aware residential population can supply additional eyes to provide the constant vigilance that is crucial to safeguarding the levees.

Response: Respondent agrees with the Finding.

F16. In addition to permitting procedures and intermittent newsletters, there are other opportunities to educate the public, and especially residents of reclamation districts, about the hazards that can damage or impair the levees.

Response: Respondent agrees with the Finding.

F17. Explaining the hazards to levees by multiple means at appropriate times -- i.e., just before the start of storm season in the fall - can help to keep awareness at a heightened and effective level.

Response: Respondent agrees with the Finding.

F21. Some reclamation districts that are unable to maintain the staff, equipment, and material stockpiles needed for emergency major repairs, rely on informal mutual aid arrangements.

Response: Respondent agrees with the Finding.

REQUIRED RESPONSES—RECOMMENDATIONS NUMBERED 2—5

R2. After identifying the necessary funding, the County reclamation districts should collaborate in establishing and supporting a shared website, possibly approaching one of the Districts that already has a website to take the lead. This website should include "Best Practices", a calendar of date- or seasonal-specific tasks, such as preparation for nesting season when certain work is prohibited, and dates when Subventions Program applications are due, and a common log of significant levee incidents to identify and track historical trouble spots.

Response: The recommendation, as presented, is unfeasible and not warranted under the circumstances. Many of the reclamation districts at issue have no full-time staff, and a limited number of landowners. Furthermore, each of the relevant reclamation districts are funded through assessments imposed on landowners. The respective budgets of many (if not all) of these districts is constrained to necessary expenditures for operations, maintenance and emergency response only. There are no additional funds available for the recommended actions, as any increase to district assessments are subject to the Proposition 218 process, which is extremely costly and requires landowner approval.

However, the District's Engineer is a registered civil engineer who has ample experience working with DWR and other agencies in accomplishing work under the various available levees programs currently in place. There are numerous forums addressing levee issues in the Delta in which the District Engineer participates and for which he is paid by the District. These forums include continual and ongoing communications with flood control officials and other reclamation district engineers. The additional cost and burden of a separate collaborative effort is redundant and not necessary at this time.

R3. After identifying the necessary funding, the County reclamation districts should consider taking turns hosting a short, local, annual conference for all District Board members and staff. Each conference should include an educational presentation on a matter of common interest, such as changes in regulations or levee standards, new technology or procedures for levee work, new sources of funding, and/or most effective techniques for successful grant applications.

Response: The Department of Water Resources (DWR), the Delta Levees Habitat Advisory Committee (DLHAC), the Central Delta Water Agency (CDWA), the California Office of Emergency Services (OES), the California Central Valley Flood Control Associates (CCVFCA), and the Delta Protection Commission (DPC), provide many of these services at no cost to interested parties. Most of the individual districts (Respondent included) lack the extra funding and staff to coordinate such a conference.

R4. After identifying the necessary funding, reclamation districts should consider adding a "training module" for new and re-elected Board members to their required governance training (i.e. Brown Act and Ethics). This "module" or session should cover the district's levee regulations and protocols, the consequences of noncompliance with regulations and protocols, flood preparedness, and emergency response training - or at minimum a "back to basics" session with the consulting engineer to cover these concerns.


Response: The Respondent's legal counsel provides annual Brown Act training, conflicts of interest training, and attends all District meetings to provide Trustees with legal updates, as needed. The Respondent has adopted levee encroachment standards, and the District's Engineer provides regulatory and flood preparedness updates to Trustees on an as-needed basis.

R5. Reclamation districts should formalize, or at a minimum document, all "Mutual Aid" agreements for future reference as reclamation district personnel change over time.

Response: The Respondent is participating in a State grant program to develop Emergency Operations Plans for each reclamation district in the County. The Respondent does not currently participate in any informal "Mutual Aid" agreements.

Should the Civil Grand Jury have any questions regarding the responses contained herein, please do not hesitate to contact the District's legal counsel, Mia S. Brown, at (209) 481-1548, myself, or any of the District's other Trustees listed on the District's letterhead.

Sincerely,

A handwritten signature in black ink, appearing to read 'Robert Davies', with a large, stylized flourish extending upwards and to the right.

Robert Davies
President, Board of Trustees
Reclamation District No. 2059, Bradford Island