No other business shall be conducted at this meeting. The public shall have an opportunity to address the Authority only with respect to items set forth in this agenda. Each individual or group will be limited to no more than five minutes. Prior to this time, speakers must fill out a “Request to Speak” card and submit it to the Clerk of the Board of Supervisors.

I CALL TO ORDER

II ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

III CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

A Approve minutes of the regular meeting of November 18, 2008.

IV ACTION ITEMS

A Adopt resolution declaring the public necessity for acquisition of property along the Feather River for Phase 4 Levee Repair Project identified as APN 020-360-059, 060, and 061(Cooper, Trumon G. Family Trust).

B Approve Indemnification Agreement between Three Rivers Levee Improvement Authority the County of Yuba, Central Valley Flood Protection Board and Reclamation District Number 784 to allow for completion of the Phase 4 Feather River Levee Setback and authorize the Executive Director to execute upon review and approval of counsel.

C Approve Amendment No. 2 to the agreement with Lucy and Company, in the amount of $37,485 for public flood insurance outreach services and authorize Executive Director to execute upon review and approval of Counsel.

V SPECIAL PRESENTATION

A Receive information on the standard used by TRLIA to set the height of levees to provide certain levels of protection.

B Receive information on the trenching accomplished along the Western Pacific Interceptor Canal.

VI BOARD AND STAFF MEMBERS’ REPORTS

VII ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, and the County Library at 303 Second Street, Marysville. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

NOVEMBER 18, 2008

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

PUBLIC COMMUNICATIONS

Mr. Tom Eres, representing Hofman Ranch, requested the criteria used for constructing the levee project for certification to a 200-year event and felt the associated costs to repair the landside crack at the toe of the levee and “redoes” should not be paid for by the taxpayers.

Director Graham joined the meeting at 2:04 p.m.

Chair Griego requested a written response be provided as an item of correspondence on the next agenda regarding the request.

CONSENT AGENDA

Upon motion of Director Graham, seconded by Director Brown, and carried with Director Nicoletti abstaining on item B due to a conflict of interest due to the employment of his wife at YCOE, the Board took the following actions:

A. Minutes: Approved the minutes of the regular meeting of October 21, 2008 as written.

B. Lease Agreement: Approved a lease agreement with Yuba County Office of Education (YCOE) for office space and authorized the Chair to execute same.
ACTION ITEMS

A. Agricultural Lease: Following a brief review from Executive Director Paul Brunner, upon motion of Director Graham, seconded by Director Brown, and unanimously carried, the Board approved awarding a draft Agricultural Lease Agreement for a five-year term with the most qualified bidder and authorized the Executive Director to negotiate final terms and execute agreement upon review and approval of Counsel.

B. Wetlands Mitigation/Feather River Setback Levee: Following a brief recap from Executive Director Paul Brunner, upon motion of Director Graham, seconded by Director Brown, and unanimously carried, the Board approved performance and construction bonds, or creating necessary escrow accounts, for the onsite wetlands mitigation area in the Feather River Setback for long-term performance monitoring of the mitigation area and authorized the Executive Director to execute bonding documents upon review and approval of Counsel.

C. GEI Consultants/Amendment No. 10/$536,765: Following a recap from Executive Director Paul Brunner regarding required explorations and Board inquiries, upon motion Director Brown, seconded by Director Crippen, and unanimously carried, the Board approved Amendment No. 10 to the agreement with GEI Consultants, in the amount of $536,764, for Phase 4 Feather River Levee Repair Project (FRLRP), additional explorations on Feather East Levee Segment 1 landside crack, permitting, design and construction management Site 2 erosion protection project, and cultural resource evaluation at the footprint of the Feather Segment 1, and authorized the Executive Director to execute upon review and approval of Counsel.

CORRESPONDENCE

The Board accepted correspondence from Hofman Ranch dated November 10, 2008, requesting public records related to the local share of grant funding from Proposition 1E.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Program Manager Ric Reinhartd:
• Yuba River Hydraulic Update and Potential Remediation along Yuba South Levee
Counsel Scott Shapiro:

- Central Valley Flood Protection Board meeting October 21, 2008 at 10:30 a.m. regarding policy decision regarding indemnification and cooperation agreement to construction of tie-ins for the Setback Levee and cooperation agreement

Executive Director Paul Brunner:

- Assessment District Survey mailed November 10, 2008
- Revenues incoming from Proposition 1E and local share
- Corps of Engineers recommendation of 408 permit approval

Chair Griego cancelled the Board meeting scheduled December 2, 2008 and advised the next meeting would be December 9, 2008 at 2:00 p.m.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority, Chair Griego adjourned the meeting at 2:53 p.m.

__________________________  
Chair

ATTEST: DONNA STOTTLEMEYER
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

__________________________  Approved: __________________________
TO: THREE RIVERS LEVEE IMPROVEMENT BOARD OF DIRECTORS

FROM: PAUL BRUNNER, EXECUTIVE DIRECTOR

DATE: December 9, 2008

SUBJECT: CONSIDER ADOPTING A RESOLUTION OF NECESSITY FOR ACQUISITION OF ADDITIONAL PROPERTY AFFECTING ASSESSOR'S PARCEL NOS. 020-360-059, 060, 061 ALONG THE FEATHER RIVER FOR THE PHASE 4 LEVEE REPAIR PROJECT

RECOMMENDATION:

That the Board of Directors adopt the attached Resolution of Necessity for the acquisition of additional property being a portion of Assessor's Parcel Numbers 020-360-059, 060, 061 owned by Trumon G. Cooper, as Trustee for the Trumon G. Cooper Family Trust dated November 12, 1998 for the Three Rivers Phase 4 Levee Repair Project (the "Project").

BACKGROUND:

The Three Rivers Levee Improvement Authority (TRLIA) adopted Resolution No. 2007-22 which authorized the acquisition of the fee title of approximately 0.23 acres on Assessor's Parcel No. 020-360-047, 020-360-050 and 053 (which parcels were later renumbered by the Assessor's office to 020-360-059, 060, 061). TRLIA then filed an action in eminent domain to acquire the Subject Property from owner Trumon G. Cooper. TRLIA and Mr. Cooper eventually settled the litigation through a stipulated judgment and a final order of condemnation was recorded for the 0.23 acre acquisition. TRLIA has now determined that an additional fee acquisition of 0.082 acres is needed in order to construction additional levee repair work ("Subject Property").

DISCUSSION:

The original plan for this area included a slurry wall constructed within the existing levee. During construction of this slurry wall, the trench collapsed forcing the design team to place a seepage berm next to the existing levee. The area required from the Cooper property is required for the operation and maintenance corridor to go around the berm. The resolution being considered would authorize the acquisition of the Subject Property as described.

FISCAL IMPACT:

The appraised value for this parcel is within the TRLIA Board approved (May 6, 2008) land acquisition plan for this parcel. The funding to acquire the Subject Property is in the TRLIA cash flow and is available to be deposited to the State Treasurer's Condemnation Fund.
RESOLUTION NO. __________

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR REPAIR, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE THREE RIVERS LEVEE IMPROVEMENT PROJECT (CODE CIV. PROC. § 1245.230)

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") proposes to repair, construct, install, and maintain the Three Rivers Phase IV Levee Repair Project (the "Project") affecting a portion of Assessor's Parcel Nos. 020-360-059, 060 and 061, in the County of Yuba, California (the "Property"); and

WHEREAS, TRLIA has advised the owner of the Property of the need for the Project and offered said owners an opportunity for a hearing before the TRLIA Board on December 9, 2008 pursuant to section 1245.235 of the Code of Civil Procedure, State of California; and

WHEREAS, the Board of Directors of TRLIA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW THEREFORE, THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY HEREBY RESOLVES AS FOLLOWS:

SECTION 1. The Property to be acquired is for the repair, construction, installation and maintenance of the Project.

TRLIA is authorized to acquire property for the Project pursuant to, among others, the following statutes: Government Code section 25350.5; Code of Civil Procedure section 1250.140; and Water Code section 50930.

SECTION 2. The general location and extent of the Property to be acquired is as set forth in the legal description attached hereto as Exhibit A and accompanying map attached hereto as Exhibit B, and incorporated herein by reference.

SECTION 3. The Board of Directors declares that it has found and determined as follows:

a. The public interest and necessity require the proposed Project.

b. The proposed Project is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.

c. The Property described in Exhibits A and B is necessary for the proposed Project.

d. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.

e. The use of the property for its stated use is scheduled to begin within two years of its acquisition.
PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 9th day of December, 2008 by a two-thirds (2/3) or greater vote as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

________________________
CHAIRPERSON

ATTEST:

Donna Stottlemeyer, Secretary

APPROVED AS TO FORM
SCOTT L. SHAPIRO
GENERAL COUNSEL
Exhibit 'A'

APN 020-360-059, 060 & 061
LEGAL DESCRIPTION
FEE TITLE ACQUISITION

All that Real property situated in the County of Yuba, State of California, being a portion of the real property conveyed to the "Trumon G. Cooper Family Trust Dated November 13, 1998", hereinafter referred to as "Cooper" property, lying within a portion of Parcel 1 of Parcel Map No. 6.35 filed in the Office of the County Recorder of said County in Book 21 of Maps at Page 37, being more particularly described as follows:

Beginning at a point on the North line of said "Cooper" property, said point being the Northeast corner of Parcel 'A' as described in the Amended Final Order of Condemnation, filed for record as Document No. 2007-17710, records of said County; thence leaving said North line and along the East line of said Parcel 'A', South 00°57'46" West, 41.04 feet; thence leaving the East line of said Parcel 'A', South 89°12'44" East, 86.51 feet; thence North 02°14'57" East, 41.05 feet to a point on the North line of said "Cooper" property; thence along said North line, North 89°12'44" West, 87.43 feet to the Point of Beginning, containing an area of 0.082 acres, more or less.

See Exhibit B attached hereto and made a part of this description.

End of Description

The Basis of Bearings for this description is the California Coordinate System Zone 2.

This description has been prepared by me or under my direct supervision.

Kevin A. Heneen, P.L.S. 5914
Dated: 03-29-08
December 9, 2008

TO: Three Rivers Board of Directors

FROM: Paul Brunner, Executive Director
       Scott Shapiro, Three Rivers General Counsel

SUBJECT: Central Valley Flood Protection Board Requirement of Indemnification

**Requested Action:** Approve Cooperation Agreement (in form attached as “Attachment I”) through which Three Rivers would be agreeing to indemnify the State for liability which may arise out of the Feather River Levee Setback so that Three Rivers can proceed to finish constructing that segment, and approve Executive Director to sign and execute the MOA. Yuba County Board of Supervisors, Reclamation District 784 Board of Trustees, and CVFPB President will also be requested to sign the MOA at their respective meetings.

**Background:** Three Rivers has been constructing levee improvements for substantially all of the RD 784 levees. As part of the previous work on Phases 2 and 3 (Western Pacific Interceptor Canal Levee and Yuba and Bear River Levees) and on segments 1 and 3 of Phase 4 (Feather River Levees) the State Reclamation Board (now the Central Valley Flood Protection Board) required that the County, Three Rivers, and RD 784 agree to indemnify the State for any liability that may arise as a result of the work being done. The explicit purpose of the requirement has been a symbolic effort to get land use authorities to "sign on" to the liability that could exist as a result of approving flood plain development and to "shift any liability" away from the State. In the past the County and RD 784 ultimately agreed to the requirement because both wanted to see levee construction proceed, and because of a promise made by some Reclamation Board Members that all future JPA members for other projects would similarly be required to provide such an indemnification. However, since that time both SAFCA and West Sacramento's JPA were issued permits which did not seek indemnification from the member agencies.

As a result of this inconsistent practice, Board Member Butch Hodgkins asked Board staff to recommend a policy for whether the Board should require JPA member agencies to provide an indemnity to the State when the JPA is receiving a permit from the Board. At its November Board meeting the Board considered this issue. One of the items of interest to the Board was the recent passage of David Jones' AB 70 which created standards for the liability of cities and counties for approving development in floodplains.
At its November Board meeting the Board considered this issue. One of the items of interest to the Board was the recent passage of David Jones’ AB 70 which created standards for the liability of cities and counties for approving development in floodplains, arguably preempting any contrary policy by the Board. After an extensive debate on the issue, the Board was not able to muster a majority for any position, and asked staff to further research issues for presentation to the Board at its December meeting.

Unfortunately, the next item on the agenda was the Cooperation Agreement requested by Three Rivers which will allow Three Rivers to complete construction of the Feather River Setback Levee. Because of its failure to adopt a policy, the Board approved the Cooperation Agreement with a full indemnity requirement, but with the agreement that if the Board subsequently adopts a policy on indemnification inconsistent with the Cooperation Agreement it will allow Three Rivers (and its member agencies) to renegotiate the Agreement.

**Discussion:** Without a Cooperation Agreement signed by Three Rivers, the County, and RD 784, Three Rivers cannot complete construction of the Setback Levee. As with the previous indemnifications agreed to by RD 784 and the County, this indemnification applies to damages that may result out of the Setback Levee. The most likely scenario generating liability (although frankly not a terribly likely scenario at that) would be from failure of this levee. Under that scenario, any liability held by the State could be transferred to the County.

This MOA is both a legal and policy decision for the Board of Supervisors. As to Three Rivers and RD 784, both has already provided indemnities to the State for the RD 784 levees, so signing this agreement does not create any new potential liabilities.

**Fiscal Impact:** The MOA approved by this action allow the Three Rivers to complete the Feather River Setback Levee, which was previously approved by this Board.
COOPERATION AGREEMENT
BETWEEN
THE CENTRAL VALLEY FLOOD PROTECTION BOARD
THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY,
THE COUNTY OF YUBA, AND
RECLAMATION DISTRICT NO. 784
FOR ALTERATION OF THE FEDERAL PROJECT LEVEES
ON THE FEATHER RIVER

THIS AGREEMENT is entered into this ______ day of ______, 2008, by
and among the Central Valley Flood Protection Board (hereinafter “Board”), the Three
Rivers Levee Improvement Authority (hereinafter “Three Rivers”), the County of Yuba
(hereinafter “County”) and Reclamation District No. 784 (hereinafter “District”).

WHEREAS, the County and District are member agencies of Three Rivers
(hereinafter collectively “Local Agencies”);

WHEREAS, Three Rivers has requested that the Board approve the Project to
modify a portion of the Sacramento River Flood Control Project;

WHEREAS, Three Rivers has further requested that the Board request
permission of the United States Department of the Army (hereinafter Government) for
permission to alter a portion of the Sacramento River Flood Control Project pursuant to
33 U.S.C. section 408;

WHEREAS, the Board has issued Permit No. 18227BD to Three Rivers to
authorize certain levee construction, but receipt of the Government’s approval under 33
U.S.C. section 408 is a precondition to Three Rivers being permitted to alter the
Sacramento River Flood Control Project;

WHEREAS, in order for the Board to give assurances of indemnification for and
operation and maintenance of the Project required by and satisfactory to the
Government, the Board requires that the Local Agencies satisfy certain criteria which are
addressed by this Agreement; and

WHEREAS, the Board and the Local Agencies have the power and authority to
do all things required of each of them, as specified below.

NOW, THEREFORE, IT IS HEREBY AGREED:

SECTION I: Definitions

“Project” shall mean modifications to Segment 2 of the Feather River left bank
levee (PLM 17.1 to PLM 23.3 Feather River. The project consists of constructing
5.7 miles of setback levee approximately half a mile to the east of the existing
levee, a new Pump Station No. 3, a toe ditch, and stability berms. Cutoff walls
will be constructed in the new levee where underseepage and stability analyses
identified the need, as described in Board Permit No. 18227BD.
“Completion of the Project” shall occur when, upon completion of the Project works by Three Rivers, the Government formally accepts and designates the Project facilities as a federal project.

SECTION II: Obligations of the Board and the Local Agencies

A. The Board shall request approval from the Corps of Engineers for modification of a federal flood control project for all work of the Project to proceed.

B. Upon Completion of the Project the Board shall provide the assurance of nonfederal cooperation required by the Government for the Project.

C. As more fully provided in Section III below, the District shall operate and maintain the facilities and related features constructed as part of the Project. This obligation shall not diminish Three Rivers' obligation to operate and maintain the facilities and related features constructed as part of the Project described in Board Permit No. 18227BD.

D. As more fully provided in Section IV below, the Local Agencies shall hold and save the State and the United States free from damages.

E. If requested by the Board, Three Rivers shall assign and record fee title or easements, as appropriate, for all parcels obtained for the Project in the name of the Sacramento and San Joaquin Drainage District. The Board shall ensure that the District is able to maintain the Project, including any environmental mitigation, restoration, and enhancement by, as needed, either granting an easement for operation and maintenance to the District or its designees, or entering into a joint-use agreement with the District or its designees.

SECTION III: Obligations to Operate and Maintain

A. Upon Completion of the Project or any functional portion thereof as determined by the Government, the Board shall turn the completed Project over to the District for operation and maintenance. The turnover shall be accompanied by a copy of the Government's Interim Manual for the Operation and Maintenance of the Project.

B. If the District and Three Rivers have failed or refused to perform the obligations set forth in this Section and that failure or refusal constitutes, in the opinion of the Government or the Board, a threat to the continued ability of that unit of the Project to meet design specifications or the requirement of the Manual, then the Board or Government may perform the necessary work either with their own forces or by contract.

C. Nothing in this Agreement shall prohibit the District from contracting with another public agency to perform the actual operation and maintenance required under this Section, nor from assigning this Agreement to another public agency if approved by the Board.
SECTION IV: Indemnification

A. Three Rivers, County, and District shall jointly and severally hold, defend, indemnify and save the State and the Board, their officers, agents, and employees, and successors or assigns, to the extent allowed by State law, free and harmless from any and all claims or damages arising out of the Project, including any responsibility for claims or damages arising out of work performed by the Government. Three Rivers, County, and District each agrees that it will levy and collect assessments or user charges as may be necessary and permissible under State law to satisfy its obligations to the State and the Board as required by this Agreement.

B. Three Rivers, County, and District shall each hold, defend, indemnify and save the Government, its officers, agents, and employees, and successors or assigns, to the extent allowed by law, free and harmless from any and all claims or damages arising out of the Project, except for any responsibility for claims or damages arising out of work performed by the Government.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement as of the day and year first above written.

THE CENTRAL VALLEY FLOOD PROTECTION BOARD OF THE STATE OF CALIFORNIA

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By ________________________________  By ________________________________
Benjamin Carter, President                Virginia A. Cahill, Deputy Attorney General

Date __________________________  Date __________________________

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By ________________________________  By ________________________________
Paul Brunner, Executive Director         Scott Shapiro, General Counsel

Date __________________________  Date __________________________

COUNTY OF YUBA

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By ________________________________  By ________________________________
RECLAMATION DISTRICT 784

APPROVED AS TO LEGAL FORM AND SUFFICIENCY

By ________________________

By ________________________

Date ________________________

Date ________________________
TO: Three Rivers Levee Improvement Board
FROM: Paul G. Brunner, Executive Director
Robert Bendorf, County Administrator
SUBJECT: Consider Approving Amendment No. 2 to Existing Contract with Lucy & Co. for Flood Insurance Public Outreach Services

Recommended Action:
Approve Amendment No. 2 to the current Lucy & Company contract in the amount of $37,485 for public flood insurance outreach services for TRLIA and Yuba County, and authorize Executive Director to execute upon review and approval of General Counsel.

Background: On August 7, 2007 the TRLIA Board awarded a Public Outreach contract to Lucy and Company in the amount of $124,935. This contract was modified on September 9, 2008 by amendment No. 1 ($98,815) for additional outreach services.

Discussion: This amendment is a joint effort between TRLIA and Yuba County. Yuba County is in the process of being remapped by the Federal Emergency Management Agency (FEMA) under its Map Modernization Program. As a part of that process, the County and TRLIA wish to inform Yuba County residents and those living within RD 784's boundaries about the importance of acquiring and maintaining flood insurance. Although TRLIA plans to complete and certify levee improvements before FEMA's flood maps are finalized, all Yuba County residents should be encouraged to purchase and maintain flood insurance policies. Public outreach on flood insurance and mapping will complement public information activities related to TRLIA's proposed benefit assessment district, although the range of the overall messaging will be expanded to serve all county residents.

The purpose of the amendment is to be able to create clear and concise key messages regarding FEMA remapping process, levee improvements and flood insurance. Key messages will serve as the basis for all flood insurance outreach materials (e.g. Direct Mail & Bill Inserts; Counter Cards, Radio Advertising, Web Site, Insurance Agent Outreach), and be used for communicating with the general public, media interests and other stakeholders. These messages will be provided to staff and elected officials and updated as needed.

Fiscal Impact: The funding for this amendment is proposed to come from the following sources: TRLIA $11,000, Yuba County OES $10,000, and Yuba County ($16,485). The approved 2008/2009 TRLIA budget currently has the funding for this agreement. This is a time and material contract and can be terminated at any time, with TRLIA and the County only being obligated to pay for the work completed up to the time of termination.
SECOND AMENDMENT 
TO 
AGREEMENT BETWEEN 
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY 
AND 
LUCYCO, INC.

THIS SECOND AMENDATORY AGREEMENT is made and entered into this ____ day of ____ 2008, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and THE EIDAM CORPORATION, A California Corporation ("CONTRACTOR").

RECITALS:

WHEREAS, TRLIA and CONTRACTOR entered into an agreement to provide Professional Services dated August 7, 2008 ("AGREEMENT");

WHEREAS, a FIRST AMENDATORY AGREEMENT executed September 9, 2008, amended the Agreement to increase the maximum not to exceed contract fee by $98,815 from $124,935 to $223,750; and

WHEREAS, TRLIA and CONTRACTOR desire to further amend the AGREEMENT;

NOW, THEREFORE, TRLIA and CONTRACTOR agree as follows:

1. Appendix of the AGREEMENT shall be amended to include those additional services as described in Exhibit A to this SECOND AMENDMENT.
2. Attachment B, Provision B.1 of the Agreement shall be amended to increase the maximum not to exceed contract fee by $37,485 from $223,750 to $261,235

All other terms and conditions contained in the AGREEMENT shall remain in full force and effect.

This SECOND AMENDATORY AGREEMENT is hereby executed on this ____ day of ____ 2008.

Three Rivers Levee Improvement Authority

The EIDAM CORPORATION
Dba LUCY & CO, INC.
Dba LucyCo, Inc.

Paul G. Brunner
Executive Director

Lucy Eidam, President

APPROVED AS TO FORM:
SCOTT L. SHAPIRO
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY GENERAL COUNSEL
Yuba County
Public Outreach – Flood Insurance
Scope/Budget 11.17.08

Yuba County is in the process of being remapped by the Federal Emergency Management Agency (FEMA) under its Map Modernization Program. As a part of that process, the County and TRLIA wish to inform Yuba County residents and those living within RD 784's boundaries about the importance of acquiring and maintaining flood insurance. Although TRLIA plans to complete and certify levee improvements before FEMA's flood maps are finalized, all Yuba County residents should be encouraged to purchase and maintain flood insurance policies.

Public outreach on flood insurance and mapping will complement public information activities related to TRLIA's proposed benefit assessment district, although the range of the overall messaging will be expanded to serve all county residents.

Public Outreach Tasks

Key Messages
Create clear and concise key messages regarding FEMA remapping process, levee improvements and flood insurance. Key messages will serve as the basis for all outreach materials and be used for communicating with the general public, media interests and other stakeholders. These messages will be provided to staff and elected officials and updated as needed.

Cost: $1,120

Direct Mail & Bill Inserts
LucyCo Communications will develop the content and design for one 7"x3.5," full-color, double-sided direct mail piece. The agency will also coordinate printing and work with the County on distribution logistics (quantity 30,000; assumes County will pay for envelopes and mailing). An additional 60,000 pieces will be printed to be used as bill inserts throughout the year through partnerships with local utilities.

Cost: $5,390

Counter Card
A 4"x6" full-color, double-sided counter card will be designed, produced and distributed via business, government and community partners throughout Yuba County. LucyCo will work with the Yuba County Economic Development Department to identify partners. The agency will conduct outreach with selected businesses to secure placement of counter cards.

Cost: $7,735

Radio Advertising
LucyCo will develop the content for a 15-second traffic spot (a paid sponsorship of the daily traffic report) on KUBA and coordinate the purchase of a 12-week run (5 spots per week for 12 weeks).

Cost: $3,055
**Web Site**
Web pages specific to the program will be useful for providing the public with detailed information, resources and contact information. LucyCo will develop the framework, content and graphics for up to six Web pages. Postings and updates will be coordinated with the County’s IT staff. The Web URL will be included on all communication and program materials. Links to TRLIA will be included, along with other flood protection resources.

New media is becoming increasingly popular among news “integrators,” or those who get their news from a blend of traditional sources and the Internet. LucyCo may recommend additional interactive tools (flood insurance calculator, podcasts and vid-casts) to connect with integrators and hard to reach audiences.

**Cost:** $8,325

**Insurance Agent Outreach**
LucyCo will develop a database of local insurance agents/brokers for the purpose of providing information about FEMA remapping, timelines and implications as they relate to Yuba County. The agency will develop content for a direct mail piece targeted to insurance agents to ensure they have up-to-date information about flood insurance issues and resources.

**Cost:** $2,060

**Project Management**
LucyCo will develop a project schedule and activity timeline, create monthly activity reports and manage the public outreach budget. Other project management tasks may include providing strategic advice and counsel, attending other project-related meetings, monitoring client and team communications and reviewing project materials and reports.

**Cost:** $7,800

**Incidentals**
Applies to direct costs such as mileage, copies, etc. The client will be billed only for those costs that are actually incurred.

**Cost:** $2,000

**Total Program Cost:** $37,485*

*Costs will be billed on time and materials basis. Total costs will not exceed estimate without advance notice to and approval from client.
December 02, 2008

TO: Three Rivers Levee Improvement Authority Board

FROM: Paul Brunner, Executive Director
Ric Reinhardt, Program Manager

SUBJECT: TRLIA 200-year Design Standard

**Purpose of Memo:** This memorandum presents information on the standard used by TRLIA and others to set the height of levees to provide certain levels of protection.

**Discussion:** TRLIA has been designing all of the levee repairs done in RD 784 to provide a 200-year level of protection. The question has been asked as to what is meant by 200-year flood protection. Two approaches are in use today, and DWR is creating a third.

TRLIA has used the historic “deterministic” approach in setting the design heights for its levees. This consists of calculating the 200-year water surface using the currently-accepted hydrology/hydraulics for the river system and then setting the levee height based on a need for 3 ft of freeboard above the 200-year water surface. Once the height is determined, TRLIA then uses Corps of Engineers engineering criteria for geotechnical evaluation and design. This “deterministic” approach is consistent with FEMA’s criteria and methodology for certifying levees, although FEMA’s certifications are for a lower water surface – the 100-year (Base Flood) event. The water surface elevations determined by TRLIA also took into account the setting-back of the Bear River north levee which lowered water surface elevations in the WPIC approximately 1.5 feet for the 200-year event.

The Corps of Engineers has recently begun using a “probabilistic” (risk-based) approach instead of the “deterministic” approach it previously used. The probabilistic approach is based on estimates of hydrologic frequencies and water surface elevations along with upper and lower confidence limits based on a statistical analysis. This method does not develop a design water elevation for a levee. Instead it determines the probability for a certain project to pass floods of certain magnitudes. The information presented for a particular design might say that Design A has a 95% probability to pass the 50-year storm, an 85% probability to pass the 100-year storm, and a 70% probability to pass the 200-year storm. Information would also be given on the probabilities of this design for providing certain
benefits. It would be up to the decision makers to determine if these probabilities (risks) were acceptable.

DWR is in the process of creating 200-year design standards for use by the State as required by SB5. DWR’s current draft standards allow use of both deterministic and probabilistic methods. When the DWR standards are finalized, TRLIA will evaluate past work against the final standards to determine compliance with the new standard.
December 02, 2008

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Ric Reinhardt, Program Manager

SUBJECT: WPIC Trenching

Purpose of Memo: This memorandum presents information on the trenching accomplished along the WPIC to try and locate a historic culvert.

Discussion: On September 17, 2008 TRLIA conducted a field investigation to attempt to locate a historic culvert in the west levee of the WPIC in Reclamation District (RD) 784. This investigation was conducted at the request of the Corps of Engineers (Corps). Equipment and operators from Nordic Industries were utilized in this effort. Equipment present was a rubber tired backhoe and a water truck. The water truck was on site for fire safety. Personnel present included Erik James of the Corps, Doug Handen (Construction Manager for TRLIA), Larry Dacus (Design Manager for TRLIA), the two equipment operators for Nordic, and for a short time, Jens Karlshoej of Nordic.

Trenching was accomplished without any accidents. No evidence of the historic culvert was found. Trenching was done at the landside toe of the levee from Station 262+60 to 264+60. See the attached plan of the area. A 1941 map shows the culvert in the location shown on the attached plan sheet connecting a channel of Reeds Creek with a channel on the west side of the levee. The trenching occurred between two reaches of slurry wall (Station 255+00 to 260+00 and 277+00 to 287+00) installed in the WPIC levee as part of Phase 2. Geotechnical analysis determined that the slurry wall did not need to be continuous in this reach because computed seepage exit gradients at the toe of the levee under design conditions were found to not exceed design criteria. The exploration trench was excavated to approximately 6 feet below ground level. The bottom of the trench was saturated due to the presence of a permanent lake on the waterside (east) of the WPIC west levee, see photos. All soils will convey water, but different soils convey water at different rates of speed. The purpose of slurry walls and other repairs where seepage is a problem is to slow the rate of seepage so that it does not remove soil material. A permanent pool such as exists on the east side of this levee will over time saturate soils under and on the landside of the levee as the water flows from the permanent pool of water to the groundwater table below. This would occur even if a slurry wall did exist at this location. The slurry walls installed in levees to reduce exit gradients will allow water through them but at a much
slower rate than the soils in which they are installed. As described above, a slurry wall is not present where the historic culvert crossed the levee and where the trenching occurred.

Some pools of water did form in the bottom of the trench; but to no more than a depth of 1 to 2 inches. The trench did not fill with water, only the bottom of the trench was saturated with some shallow pools of water forming. It is normal to encounter these types of saturated conditions in soils close to standing bodies of water. The saturated conditions do not diminish the levee integrity. Photos of the trench and trenching operation are attached. Excavated material was mixed and used to backfill the trench. The backfilled material was compacted in the trench with a small sheepfoot roller attached to the backhoe.

From close inspection of the trench walls, no evidence of the suspect culvert was found. It appears that the culvert was removed in the past with no record being made of the removal. Similar levee work as performed in this reach was done at other locations of the WPIC where historic culverts were found and either removed or filled with concrete. This location will be noted and given extra inspection during high water events.
INITIAL TRENCH EXCAVATION
SATURATED CONDITIONS IN TRENCH BOTTOM

EXCAVATION UNDERWAY
TRENCH EXTENT
WATER TRUCK ON SITE

PERMANENT LAKE ON WATERSIDE OF LEVEE