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 are requested to fill out a “Request to Speak” card and submit it to the Clerk of the Board of Supervisors.

I CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones, pagers, or other electronic devices which might disrupt the meeting. Thank you.

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

III ACTION ITEMS

A. Approve minutes of the regular meeting of April 21, 2009.

B. Approve Amendment No. 7 to agreement with HDR Engineering, Inc. in the amount of $2,416,874 and authorize Executive Director to execute upon review and approval of Counsel.

IV BOARD AND STAFF MEMBERS' REPORTS

V CLOSED SESSION

A. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Davit et al

B. Conference with Counsel on potential litigation pursuant to Government Code §54956.9(b)(3)(E) - One Case

VI RECESS TO 6:00 P.M.

6:00 P.M. PUBLIC HEARING: Landowners within the proposed District will have the opportunity to make written or oral comments on the proposed assessment and to submit new or changed assessment ballots.

Hold public hearing on the proposed formation of the Special Benefit Assessment District and the levying of the special benefit assessment.

a. Process for Public Hearing

b. Staff Report

c. Hold Public Hearing

d. Collection of Ballots

e. Close Public Hearing

VII ADJOURN

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and www.trlia.org. 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

APRIL 21, 2009

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:01 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 Stottlemyer. Chair Griego presided.

PUBLIC COMMUNICATIONS

Mr. Donald Rae, Plumas Lake, expressed concerns regarding the budget for maintenance related to the assessment district and cost of the election.

Mr. Tom Eres, Hofman Ranch, expressed concerns regarding the basis for the zones of benefits, flood inundation maps, and "disconnect" between FEMA and TRLIA information.

Ms. Frances Hofman questioned the plan and estimated costs to complete projects, whether flow of Yuba River flood waters of 1950 were being addressed within the plan, and commented on documents received regarding previous requests.

ACTION ITEMS

Feather River Levee Repair Project Phase 4 Segment 2/Teichert Construction: Following a recap from Executive Director Paul Brunner, upon motion of Director Crippen, seconded by Director Nicoletti, and unanimously carried, the Board awarded a contract to Teichert Construction Inc. in the amount of $8,919,059.75 for Feather River Levee Repair Project Phase 4 Segment 2; approved Addendum No. 3 to contract with Teichert Construction for same; authorized the Chair to execute addendum; and directed the Executive Director to take necessary actions to implement the contract amendment and to issue Notice to Proceed.

CONSENT AGENDA

Minutes: Upon motion of Director Crippen, seconded by Director Nicoletti, and unanimously carried, the Board approved the minutes of the regular meeting of March 17, 2009, as written.
ACTION ITEMS CONTINUED

Proposition 1E/Yuba River Levee/Highway 70 to Yuba Goldfields: Following a recap from Executive Director Paul Brunner, upon motion of Director Nicoletti, seconded by Director Graham, and unanimously carried the Board adopted Resolution No. 2009-05, which is entitled: "A RESOLUTION BY THE BOARD OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY IN REGARD TO GRANT FUNDS FROM THE DEPARTMENT OF WATER RESOURCES," and authorizing the Executive Director to execute application and certifications as required as part of the application as it relates to the Yuba River Levee from Highway 70 to the Yuba Goldfields.

BOARD AND STAFF MEMBERS’ REPORTS

Reports were received on the following:

Director Nicoletti: Yuba County Water Agency Flood ad hoc committee meeting regarding Yuba River Basin projects

Director Griego:
- Meeting with Congressman Herger regarding flood issues
- Town Hall meeting held April 20, 2009 at the Arboga Community Center regarding the assessment districts

Counsel Scott Shapiro:
- Attending Cap to Cap trip April 24 – 30, 2009 in Washington DC
- Out of country from May through July 2009

Executive Director Paul Brunner:
- Bond sale and other funding revenues
- Progress of construction on setback levee
- State Mining and Geology Board correspondence regarding order to comply, upcoming board meeting, and approval of reclamation plan
- Segment 1 crack by Star Bend and meetings with state regarding possible solutions
- Assessment District Ballot process and meeting of May 12, 2009 to receive ballots and protests with results declared at June 2, 2009 meeting
The Board retired into closed session at 2:59 p.m. to discuss the following:


D. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Nordic Industries, Inc., YCSCCVED 08-0000236, APN No. 014-370-036

E. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Trumon G. Cooper, Trustee of the Trumon G. Cooper Family Trust dated November 12, 1998, YCSCCVED 08-0001066, APN Nos. 020-360-059, 020-360-060 and 020-360-061

F. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Naumes, Inc., et al., YCSCCVED 08-0000361, APN Nos. 014-250-027, 014-250-028, 014-240-008, 104-240-014, 23-180-007, 23-180-009

G. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Herold, et al., YCSCCVED 08-0000241, APN No. 016-010-009

H. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Hadley, et al., YCSCCVED 08-0000243, APN No. 014-370-020

The Board returned from closed session at 4:01 p.m. with all board and staff members present as indicated above.

Counsel Scott Shapiro advised the Board gave authorization to the property negotiator to take certain actions in regard to items "A, B, and C" and was updated in regard to the remainder of the items agendized.

Executive Director Paul Brunner advised a mediation hearing had been set for 9:30 a.m. on May 27, 2009 in regard to the Davit litigation.
ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority Chair Griego adjourned the meeting at 4:04 p.m.

Chair

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

______________________________  Approved: _________________
May 12, 2009

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
Ric Reinhardt, Program Manager
SUBJECT: Consider Approval of Seventh Contract Amendment to HDR Phase 4 Engineering and Construction Management Services Contract

Recommended Action

Approve a seventh contract amendment (Attachment 2) to the basic HDR contract for engineering services and authorize the TRLIA Executive Director to sign the amendment and execute once General Counsel has reviewed and approved. This amendment would increase the contract by $2,416,874 for services on a time-and-expenses basis, to a maximum amount not exceeding $7,189,233.

Background

Amendment 5 of the HDR contract initiated studies last fall to determine if the Yuba South Levee above Simpson Lane would require remediation. Results from the HDR investigative studies and MBK recently completed hydraulic modeling indicate that the southern Yuba River levee from Simpson Lane up to the Goldfields area will need major work to achieve both 100-year and 200-year flood protection. HDR work indicates that slurry walls will be required in the majority of this levee reach. Also, in order to achieve 200 year flood protection for the southern Yuba Levee from Hwy 70 to the UPRR TRLIA needs to flatten over steep waterside slopes. See attached map (Attachment 1) for graphic showing the location of both projects.

As reported at recent Board meetings, TRLIA has applied for an Early Implementation Project Prop 1E funding agreement for both of the Yuba River levee projects described above. While DWR has not reached a final decision (anticipated in June 2009), it is looking very favorably on this project. Accomplishing the waterside slope flattening project in 2009 allows the Yuba EIP Application to be considered in the DWR EIP construction category this year. TRLIA will need to maintain a fast paced schedule to complete plans and specifications and construct the waterside slope flattening project this summer and the work between Simpson Lane and Goldfields the following year in 2010. Both projects are critical to FEMAs’ accreditation of the south Yuba County levee system.
Discussion

This Amendment 7 is required now in order to maintain the aggressive schedules that are needed to demonstrate to FEMA that flood protection is being achieved as quickly as possible.

This amendment to HDR’s contract provides the engineering and environmental services needed to prepare the plans and specifications for the Waterside Slope Flattening Project and the Upper Yuba Levee Slurry Wall Project. A Scope of Work was provided for each project. The scopes of work cover six central tasks:

TASK 1 – Project Management
This task covers HDR’s project management efforts for Tasks 2 through 6 to ensure that a quality product is delivered according to the scope and within the time and budget agreements. HDR's project manager will manage the scope, schedule and budget for all project activities being performed by HDR staff and sub-consultants. This effort also includes support to the TRLIA Team in preparing the CVFPB Encroachment Permit Application and the Corps Section 408 Permit Summary Report.

TASK 2 – Levee Design Geotechnical Investigations and Geotechnical Basis of Design Report
HDR with its sub-consultant Kleinfelder will acquire additional geotechnical information to be used in the final design of repairs. An alternative analysis will be accomplished and results provided in a report and a Geotechnical Basis of Design Report will be prepared. This information will guide the preparation of the final plans and specifications for the Upper Yuba Slurry Wall Project.

TASK 3 – Plans and Specifications for the Waterside Slope Flattening Project and for the Upper Yuba Slurry Wall Project
Construction bid documents (Plans and specifications) will be prepared for each of the two projects. The Waterside Slope Flattening project is to be ready for bid in the summer of 2009. The Upper Yuba Slurry Wall Project is to be ready for bid in the summer of 2010.

TASK 4 – Real Estate Engineering Support
HDR will identify area required for construction of the two projects. This information will result in acquisition lines which will be provided to TRLIA’s real estate consultant for acquisition of adequate and appropriate real estate rights to construct the two projects.

TASK 5 – Pre-Bid Assistance and Pre-Construction Support
HDR will prepare documents needed to place the projects out for competitive bid. They will prepare any bid addendums and provide answers to requests for information during the bid process. HDR will assist in the evaluation of all submitted bids to help identify the least cost, responsible bidder to accomplish the construction of the projects.
TASK 6 – Environmental Permitting of the Upper Yuba Slurry Wall Project

HDR will accomplish the complete range of environmental evaluations, consultations, document preparation, and permit development to satisfy project NEPA and CEQA requirements, and Local, State, and Federal permitting requirements.

TRLIA staff has reviewed the proposal and found it complete and the proposed budget reflects prices for similar type of work in the past in this area. See attached scopes of work for additional detail (Attachment 3).

**Fiscal Impact**

This amendment would increase the contract by $2,416,874 for services on a time-and-expenses basis, to a maximum amount not exceeding $7,189,233. The costs of Amendments 5, 6, and 7 are all included in the proposed EIP Yuba River Levee project in which DWR is anticipated to pay 70%. TRLIA has sufficient funding in the TRLIA program to allow HDR to proceed on critical tasks for the next 2 to 3 months in order to maintain the needed schedules. Should the DWR Prop 1E funding agreement not be approved, then HDR will be asked to stop work until funding can be obtained. As a time and expenses contract TRLIA is only obligated to pay for work that has been performed. This contract can be terminated at TRLIA’s convenience.

Attachments:
1. Location map
2. HDR Amendment 7
SEVENTH AMENDMENT
TO
AGREEMENT FOR PROFESSIONAL SERVICES
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
HDR ENGINEERING, INC.

THIS SEVENTH AMENDATORY AGREEMENT is made and entered into this ___ day of May 2009, by and between the Three Rivers Levee Improvement Authority, ("TRLIA"), a California Joint Powers Authority, and HDR Engineering, Inc. ("CONSULTANT").

WHEREAS, TRLIA and CONSULTANT entered into an agreement on December 13, 2005 to provide professional services for Engineering Design and Environmental Studies for Phase 4 Levee Repairs - Upper Yuba River, Continuation of Phase 2 Construction Management (2006), and FEMA Certification of Contract Work ("Agreement");

WHEREAS, a FIRST AMENDATORY AGREEMENT, executed February 14, 2006, increased the maximum not to exceed contract fee from $2,580,038 by $118,955 to $2,698,993; and

WHEREAS, a SECOND AMENDATORY AGREEMENT, executed March 7, 2006, increased the maximum not to exceed contract fee from $2,698,993 by $117,649 to $2,876,642; and

WHEREAS, a THIRD AMENDATORY AGREEMENT, executed August 8, 2006, increased the maximum not to exceed contract fee from $2,876,642 by $661,193 to $3,537,835; and

WHEREAS, a FOURTH AMENDATORY AGREEMENT, executed October 16, 2007, increased the maximum not to exceed contract fee from $3,537,835 by $280,000 to $3,817,835; and

WHEREAS, a FIFTH AMENDATORY AGREEMENT, executed August 5, 2008, increased the maximum not to exceed contract fee from $3,817,835 by $954,524 to $4,772,359; and

WHEREAS, a SIXTH AMENDATORY AGREEMENT, executed September 9, 2008, extended the time of services rendered to December 31, 2009; and

WHEREAS, TRLIA and CONSULTANT desire to amend Agreement;

NOW, THEREFORE, TRLIA and CONSULTANT desire to amend Agreement;

NOW, THEREFORE, TRLIA and CONSULTANT agree as follows:

1. Exhibit A of AGREEMENT shall be amended to perform those additional services as described in Exhibit A to this SEVENTH AMENDMENT.

2. Article 2 of AGREEMENT shall be amended to extend the Termination Date of the Agreement to December 31, 2010.

3. ATTACHMENT A, Provision A.2 of the Agreement shall be revised to increase the time of services rendered to December 31, 2010.
4. Attachment B, Provision B.1 of the Agreement shall be revised to increase the maximum not to exceed contract fee by $2,416,874 from $4,772,359 to

$7,189,233

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

This Amended agreement is hereby executed on this ___ day of May, 2009.

“TRLIA”

__________________________
Paul G. Brunner
Executive Director

“CONSULTANT”

__________________________
Tim Fleming
Senior Vice President

ATTEST:

DONNA STOTTLEMEYER
CLERK OF THE BOARD

__________________________

APPROVED AS TO FORM:

__________________________
ANDREA CLARK
GENERAL COUNSEL
EXHIBIT A-1

Scope of Work
February 23, 2009

Phase 4 Levee Improvements – Yuba River South Levee
Slope Flattening Project (HWY 70 to UPRR)

Three Rivers Levee Improvement Authority (TRLIA)
Marysville, California

Attachment 3
PROJECT OVERVIEW

1.0 Project Background

Subsequent to the 1997 flood, it was determined that the Yuba River South Levee in the reach between Highway 70 and the Union Pacific Railroad (PLM 0.3 to 0.9) required remediation to enhance levee stability and reduce through and under seepage. During construction of the remediation project (primarily slurry walls and seepage berms), it was noted that the waterside slope of the levee was steeper than 3 on 1 in several locations while other sections where flatter than 3 on 1.

Current DWR criteria requires levees providing protection to urban areas to have 3 on 1 waterside slopes. To comply with this standard, the sections of waterside levee slope that are currently steeper than 3 on 1 in this reach need to be modified.

2.0 Project Services

The services to be provided to the TRLIA under this Task Order include: topographic data acquisition, preliminary engineering and analysis; preparation of Technical Memo; development of final construction documents (plans, specifications, and construction cost estimate); preparation of Basis of Design documents; and support during bidding.

3.0 Project Requirements (HWY 70 to UPRR - Flatten Waterside Levee Slope)

3.1. Research and Acquire Existing Levee Topographic Data - CONSULTANT to research availability of and acquire existing levee topographic data for subject levee reach (potential sources: USACE Comprehensive Study and project O&M files; DWR / CVFPB project files; RD 784 files; County files). COMPLETED

3.2. Identify Levee Sub Reaches with WS Slopes steeper than 3 on 1 - CONSULTANT to review topographic data acquired to determine sub reaches that have water side levee slopes steeper than 3 on 1. COMPLETED

3.3. Develop Technical Memo Addressing Findings and Recommendations - CONSULTANT to develop a TM citing topographic data found, specifically identify areas that require slope flattening in narrative format and on a plan view of the levee reach, recommended approach to flatten levee slope, parametric cost estimate to accomplish the flattening, and any follow on actions required to support development of PS&E for a levee flattening contract. COMPLETED

3.4 Acquire Detailed Surveys of Levee Sub Reaches Identified in 3.2. - CONSULTANT to acquire detailed surveys of the areas in which levee water side slope flattening is required. TO BE ACCOMPLISHED
3.5 Develop PS&E to Provide 3 on 1 WS Levee Slopes - CONSULTANT to develop PS&E for a construction contract to accomplish required waterside levee slope flattening.

TO BE ACCOMPLISHED

The levee slope flattening project will stretch over approximately 3,050 feet (exact reshaping limits to be determined by consultant based on the detailed survey information to be acquired). The areas of levee slope to be reshaped shall be cleared and grubbed of all vegetation. These surfaces shall then be appropriately prepared (over excavated, to allow sufficient width for efficient construction placement, and disked, to allow for integration of existing levee material with new fill material) to ensure effective placement of fill material to allow for a fully integrated composite levee section when construction is complete. Material similar to that comprising the existing levee section will be used to reshape the slopes requiring modification. Completed areas of slope reshaping will be hydroseeded. Following the levee reshaping effort, the levee crown access road will be resurfaced with a minimum of 4 inches of AB material.

Deliverables:

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<th>30% PS&amp;E Documents (6 copies)</th>
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<td>90% PS&amp;E Documents (6 copies)</td>
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<td>100% PS&amp;E (RTA) Documents (6 copies)</td>
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4.0 Project Schedule

30% Design Submittal - April 24, 2009
90% Design Submittal - June 26, 2009
100% Design Submittal (RTA Documents) - July 31, 2009
### Proposed Fee

**Yuba River South Levee**

**Slope Flattening Project (HWY70 to UPRR)**

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**Additional Fee Requirement**

- Prior to Expedition Fee: $37,000
- Current Proposed Fee: $37,000
- Additional Fee: $37,000

**Note:** Total cost is subject to change.

---

*All amounts listed are in USD.*
EXHIBIT A-2

Scope of Work
April 16, 2009

Phase 4 Levee Improvements – Yuba River South Levee
Levee Improvement Project
(Simpson Lane to the Yuba Goldfields)

Three Rivers Levee Improvement Authority (TRLIA)
Marysville, California
PROJECT OVERVIEW

1.0 Project Background and Purpose

Subsequent to the 1997 flood, it was determined that the Yuba River South Levee in the reach between Highway 70 and Simpson Lane (PLM 0.3 to 2.2) required immediate remediation to enhance levee stability and reduce through and under seepage in order to preclude a future levee breach similar to the one that occurred in 1986 in this area. The needed levee remediation in this reach was completed in 2006. From Hwy 70 to the Union Pacific Railroad, shallow slurry walls and extensive seepage berms were placed. From the Union Pacific Railroad to Simpson lane, a 75 foot deep slurry wall was constructed. Considering the type of material used to construct the entire Yuba River South Levee, it is generally considered likely that the remainder of the levee that has not been remediated will require similar upgrades in some reaches. Insufficient analyses have been accomplished to date along the remainder of the levee (Simpson Lane to the Yuba Goldfields; PLM 2.2 to 6.1, approximately 20,159 feet) to specifically identify remediation reaches, support development of the necessary decision documents and subsequent construction documents required to move forward with any required repairs. The purpose of this tasking is to accomplish the necessary geotechnical explorations and analyses and the follow on plans and specifications to support construction of a levee remediation / improvement project in this reach.

To remediate the levee from Simpson Lane to the Yuba Goldfields, a target project is proposed that would provide for a minimum of 200 year level of protection (level of protection currently required by the California Department of Water Resources [DWR] for levees protecting urban areas). The project will include construction of a 75 foot deep slurry wall through the levee and the underlying sand and gravel layers in the foundation to preclude levee through and under seepage. The crown of the levee will be replaced with a clay cap covering the slurry wall; it will be topped with a trafficking layer of aggregate base rock. Additionally, where existing waterside and landside levee slopes are encountered that are steeper than 3 on 1 and/or with crests narrower than 20 feet, these sections will be reshaped to 3 on 1 with a minimum crest width of 20 feet (current DWR criteria requires levees providing protection to urban areas to have a crown width of 20 and a minimum of 3 on 1 side slopes). An erosion resistant mulch with grass seed will be sprayed over the reshaped levee slopes. An erosion protection system will also be placed along the toe of the waterside slope for approximately 1,500 feet at the upstream end of the levee (this reach experienced erosion damage from flows escaping the Yuba Goldfields during the 1997 flood). The Levee Improvement Project will extend over approximately a 20,159 foot reach (3.8 miles).
2.0 Project Criteria / Standards

The analyses, studies and designs to be performed under this tasking shall be accomplished in accordance with the standards and practices of the following agencies and laws:

a. USACE
b. California Department of Water Resources (DWR)
c. California Central Valley Flood Protection Board (CVFPB)
d. USFWS
e. California Department of Fish and Game (DFG)
f. NEPA and CEQA guidelines

3.0 Project Services

The services to be provided to TRLIA under this Task Order include: topographic data acquisition (as required); geotechnical explorations and lab testing; geotechnical analyses and recommendations; Geotechnical Problem Identification Report (PIR); Geotechnical Alternatives Analysis (AA) Report; Geotechnical Basis of Design Report (GBODR); preliminary engineering studies and analyses; development of preliminary and final construction documents (plans, specifications, and construction cost estimate); development of the Basis of Design Report (BODR); support during bidding; and development of all environmental evaluations, consultations, documents, and permits to satisfy project NEPA and CEQA requirements and State and Federal permitting requirements. All deliverables to undergo internal Quality Control (QC) and Independent Technical Review (ITR) procedures performed by the consultant prior to submission to TRLIA and other agencies for their external review. The QC and ITR procedures are to be similar to those followed by the USACE.

4.0 Project Requirements (Simpson Lane to Yuba Goldfields - Levee Improvements)

4.1. Research and Acquire Existing Levee Topographic Data - Consultant to research availability of and acquire existing levee topographic data for subject levee reach as required (potential sources: USACE Comprehensive Study and project O&M files; DWR / CVFPB project files; RD 784 files; County files). COMPLETED, prior tasking

4.2 Geotechnical Explorations, Lab Testing and Problem Identification Report (PIR) - CONSULTANT to drill and log exploration holes every 1,000 feet along the levee alignment (at centerline and landside toe), perform required labs testing, analyze data, and prepare a PIR citing levee and foundation problems identified and defining alternative corrective methods. IN PROGRESS, prior tasking

4.3 Geotechnical Alternatives Analysis (AA) - Consultant to perform additional geotechnical explorations and lab testing identified as needed in the PIR. Perform detailed analyses of potential alternative levee remediation methods. Propose best alternatives to be further analyzed and defined in follow on GBODR. REQUIRED
4.4 Geotechnical Basis of Design Report (GBODR) - Consultant to perform final detailed geotechnical analyses on recommended levee remediation measures and provide the detailed geotechnical documentation and criteria to be followed during preparation of the construction Plans and Specifications. **REQUIRED**

4.5 Prepare Plans, Specifications and Cost Estimates (PS&E) - Consultant to prepare 30%, 90% and 100% (RTA) PS&E documents for the project. This effort to include identifying impacted utilities and encroachments and incorporating required relocation plans in the construction documents. This effort is also to include identification of Real Estate take requirements necessary to allow the project to be constructed (Real Estate appraisal and acquisition efforts to be accomplished by others). **REQUIRED**

4.6 Environmental Studies, Documents and Permits - Consultant to accomplish the complete range of environmental evaluations, consultations, document preparation, and permit development to satisfy project NEPA and CEQA requirements and State and Federal permitting requirements. **REQUIRED**

**Deliverables:**
- Geotechnical AA (6 copies)
- Geotechnical GBODR (6 copies)
- 30% PS&E Documents (6 copies)
- 90% PS&E Documents (6 copies)
- 100% PS&E (RTA) Documents (6 copies)
- Environmental Documents (Copies as required)
  - EIS/EIR
  - Section 404 Permit
  - Section 408 Permit
  - Section 401 Permit
  - Streambed Alteration Agreement

5.0 Project Schedule

- Geotechnical AA - July 24, 2009
- Geotechnical GBODR - August 28, 2009
- 30% PS&E Submittal - October 10, 2009
- 90% PS&E Submittal - March 26, 2010
- 100% PS&E Submittal (RTA Documents) - June 4, 2010
- Final Environmental Documents and Permits - June 2, 2010
## Levee Improvement Project (Simpson Lane to Goldfields)

### PROPOSED FEE

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### ADDITIONAL FEE REQUIREMENT

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<tr>
<td>Prior Appropriated Fee, Include in this Work</td>
<td>$1,327,585</td>
</tr>
<tr>
<td>Current Proposed Fee</td>
<td>$2,494,195</td>
</tr>
<tr>
<td>Total</td>
<td>$3,821,780</td>
</tr>
</tbody>
</table>

### Table

| Task | Task Description | Labor | PM | LT | FM | LM | H | PM | LT | FM | LM | H | PM | LT | FM | LM | H | PM | LT | FM | LM | H | PM | LT | FM | LM | H | Total | Total Labor | Task Change |
|------|------------------|-------|----|----|----|----|---|----|----|----|----|---|----|----|----|----|---|----|----|----|----|---|----|----|----|----|----|---|-----------------|-------------|--------------|
| Task 1 | Task Description |       |    |    |    |    |   |    |    |    |    |   |    |    |    |    |   |    |    |    |   |    |    |    |    |    |    |     |                |             |              |
| Task 2 | Task Description |       |    |    |    |    |   |    |    |    |    |   |    |    |    |    |    |   |    |    |    |   |    |    |    |    |    |    |     |                |             |              |
| Task 3 | Task Description |       |    |    |    |    |   |    |    |    |    |   |    |    |    |    |    |   |    |    |    |   |    |    |    |    |    |    |     |                |             |              |
| Task 4 | Task Description |       |    |    |    |    |   |    |    |    |    |   |    |    |    |    |    |   |    |    |    |   |    |    |    |    |    |    |     |                |             |              |
| Task 5 | Task Description |       |    |    |    |    |   |    |    |    |    |   |    |    |    |    |    |   |    |    |    |   |    |    |    |    |    |    |     |                |             |              |

### Notes
- The subtotal of subtotal must be up to FPR.
- The subtotal of total must be up to FPR.
- The subtotal of total labor must be up to FPR.
- The subtotal of task changes must be up to FPR.
May 12, 2009

TO: Three Rivers Board of Directors
FROM: Paul Brunner, Executive Director
SUBJECT: Public Hearing on Formation of Assessment District

Requested Action:
To accept ballots and testimony from members of the Public and officially close the submittal of ballots period. The certification of the results of the assessment balloting will be considered at the June 2, 2009 meeting at which time the Board may consider a resolution to levy the assessments for the Fiscal Year 2009/2010.

Discussion:
On March 10, 2009 the TRLIA Board adopted a resolution to form a Benefit Assessment District pursuant to the Benefit Assessment Act of 1982. The formation of such an Assessment District is subject to the procedures outlined within Proposition 218 – Right to Vote on Taxes Act.

A Benefit Assessment District has these characteristics:
- Assessment must be based on benefit to the property
- Voted on by property owners
- Votes are weighted by the proposed assessment
- Approval requires support of 50 percent of returned ballots, weighted by proposed assessment
- Procedure and most requirements governed by Proposition 218
- Benefit calculation and assessment methodology described in an Engineer’s Report which is available for public review on TRLIA web site (www.trlia.org) and Clerk of the Board office. Many other documents, and questions and answers are also available for review.

Ballots were mailed in late March and are due on May 12, 2009 at the close of the Public hearing. On May 12, 2009 at 6:00 pm, the Board will hold a public hearing on the proposed formation of the District and the levying of the special benefit assessment. The hearing will be held in the chambers of the Yuba County Board of Supervisors, located at 915 8th Street, Suite 109, Marysville, California. At the hearing, landowners within the proposed District will have the opportunity to make written or oral comments on the proposed assessment and to submit new or changed assessment ballots. Following the public hearing, the assessment ballots will be tabulated over the next several weeks by an independent third party. On June 2, the results of the assessment ballot proceeding will be announced, and the Board will take final action regarding the formation of the District and levying of the special benefit assessment.
Below are important facts about the proposed Benefit Assessment District:

Fact: The proposed TRLIA benefit assessment will pay for levee maintenance that will be performed by RD784.

Fact: The proposed TRLIA benefit assessment will pay for levee maintenance.

Fact: TRLIA Assessment revenues will not be used to pay for drainage services.

Fact: RD784 currently receives approximately $600,000 per year for both levee maintenance and drainage services. About half is used for levee maintenance.

Fact: RD784 needs an additional $800,000 per year for levee maintenance needs. This was determined through professional analysis.

Fact: RD 784 needs these additional funds to maintain levees to strict state and federal guidelines.

Fact: TRLIA has helped RD784 pay for levee maintenance needs the last two years because RD784 does not have sufficient funding. TRLIA used funds from developers that were provided in earlier funding agreements. TRLIA will not have the ability to provide RD784 with levee maintenance funds into the future.

Fact: TRLIA will receive 1-2% of assessment revenues for management of the assessment district, to include the cost of the annual audit. TRLIA is a pass through organization that provides revenues to RD784 for levee maintenance.

Fact: TRLIA is proposing the assessment district for one primary reason: TIMING.

1. The Assessment is needed “now” due to RD784 financial needs, funding agreement requirements, and FEMA accreditation.
2. RD784 does not have time to annex properties outside its boundaries that receive benefit, but pay nothing toward levee maintenance.
3. TRLIA has the authority to propose a district larger than RD784 to capture all that receive benefit from improved levees.
4. RD 784 will pursue annexation in coming years.

Fact: The proposed assessment rate for Central B is higher than Central A because properties in Central B do not currently pay a levee maintenance assessment. When the current RD 784 assessment is included, Central A will pay more toward levee maintenance than Central B.

Fact: Assessment revenues will not be used to complete levee construction and improvements. That program is being funded by state and local sources.

Fact: The proposed benefit assessment is not a tax. Unlike a tax, the assessment is based upon benefit; in this case, the benefit is the flood protection each property receives from the improved levees.

Fact: By state law, every property that receives benefit is assessed accordingly. This includes public properties.

Fact: The benefit assessment has an annual cap. The only increase allowed is a small cost of living increase tied to the US Department of Labor Consumer Price Index (CPI). The increase is not automatic, and is capped at a maximum of four percent each year.
Fact: Returned ballots are collected and held by the County Clerk. They will be counted by an independent third-party.

Fact: If RD 784 does not have the funds it needs for required levee maintenance; the state could impose a maintenance district. The state would set the rate and bill property owners for the cost. Property owners would not be allowed to vote.

Fact: The Federal Emergency Management Agency (FEMA) will not accredit levees without a properly funded maintenance program. If levees aren’t accredited, South Yuba County will be mapped into a high-risk flood zone. Flood insurance will become mandatory, and development would be severely restricted.

Fact: Mandatory, high-risk flood insurance can cost up to $2,700 per year, which is much higher than $350 per year low-risk flood insurance.

Fact: TRLIA and RD 784 are partnering to provide 200-year flood protection for South Yuba County. They are not duplicating efforts.

Fact: These points were shared in the ballot information guide, at every public meeting (5), stakeholder meetings (10), in TRLIA’s Assessment District newsletter, on TRLIA’s Web site at www.trlia.org, in responses to questions and comments (130 formally answered in writing), and with callers to the TRLIA hotline (60+).

**Fiscal Impact:**

If passed the TRLIA Benefit Assessment is anticipated to generate $800,000/yr levee maintenance beginning Fiscal Year 2009/2010.