THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
Yuba County Government Center, Board Chambers
915 Eighth Street, Suite 109A
Marysville, California

JANUARY 19, 2010 – 2:00 P.M.

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.

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

II ELECTION OF OFFICERS – Chair and Vice Chair

III CLOSED SESSION

Pending litigation pursuant to Government Code §54956.9(a) regarding TRLIA versus the following:

A. Naumes YCSCCVED 08-0000361
B. S. Nieschultz YCSCCVED 08-0000289
C. L. Nieschultz YCSCCVED 08-0000290
D. Foster Bar Mitchell YCSCCVED 08-0000327
E. Foster House YCSCCVED 08-0000326
F. Foster Ranch YCSCCVED 08-0000364
G. Anderson YCSCCVED 08-0000245
H. Heir Family YCSCCVED 08-0000242
I. Heir Trust YCSCCVED 08-0000244
J. Hadley YCSCCVED 08-0000243
K. Herold YCSCCVED 08-0000241
L. Mann YCSCCVED 07-0000438
M. Davit YCSCCVED 07-0000437 Appeal Case No. C060898
N. Khang YCSCCVED 07-0000313
O. Rice YCSCCVED 07-0000633
P. Danna YCSCCVED 08-0000240

IV PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today’s agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 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.

V ACTION ITEMS

A. Adopt resolution declaring the public necessity for acquisition of the oil, gas, mineral and other hydrocarbons and substances lying below a depth of 500 feet from the surface of the property identified as APN 013-010-013-000 (Mann) for the Three Rivers Phase 4 Levee Repair Project.

B. Approve minutes of the meeting of December 15, 2009.

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, 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

DECEMBER 15, 2009

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:53 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, and Mary Jane Griego. Director John Nicoletti was absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

CLOSED SESSION

The Board retired into closed session at 3:54 p.m. to discuss the following:

Pending litigation pursuant to Government Code §54956.9(a) regarding the following:

a. TRLIA vs Naumes, Inc. YCSCCVED 08-0000361
b. TRLIA vs. Davit, et al., YCSCCVED 07-000437, Court of Appeal Case No. C060898, APN No. 013-010-014
c. TRLIA vs. Thomas A. Rice, et al., YCSCCVED 07-0000633
d. TRLIA vs. Jourbee Khang, et al., YCSCCVED 07-000313
e. TRLIA vs. Danna Investment Company, et al., YCSCCVED 08-00024
f. TRLIA vs. Mann YCSCCVED 07-0000438, APN 013-010-013

Director Griego left closed session at 4:54 p.m.

The Board returned from closed session at 5:03 p.m. with all Board members present as indicated above.

PUBLIC COMMUNICATIONS

No one came forward.

ACTION ITEMS

Amendment No. 14/MBK Engineers/$569,020: Following Executive Director Paul Brunner advising of continued project management with inclusion of the Goldfields area, upon motion of Director Crippen, seconded by Director Brown, and carried with Director Nicoletti being absent, the Board approved Amendment No. 14 to agreement with MBK.
Engineers in the amount of $569,020 for project and design management and authorized the Executive Director to execute same.

Riparian Restoration Planting/Feather River Setback Mitigation and Design Features/Request for Qualifications: Following Executive Director Paul Brunner and Anja Raudabaugh recapping the design plan which would include walnut orchards and Board inquiries, upon motion of Director Crippen, seconded by Director Brown, and carried with Director Nicoletti being absent, the Board authorized the Executive Director to release request for qualifications for Riparian Restoration Planting of the habitat mitigation and restoration components of the Feather River Levee Repair Project.

Amendment No. 4/Handen Co./$254,730: Following a brief recap from Executive Director Paul Brunner, upon motion of Director Crippen, seconded by Director Brown, and carried with Director Nicoletti being absent, the Board approved Amendment No. 4 to agreement with Handen Co., Inc. in the amount of $254,730 for construction management services and authorized the Executive Director to execute same.

CONSENT AGENDA
Minutes: Upon motion of Director Graham, seconded by Director Crippen, and carried with Director Nicoletti being absent, the Board approved the minutes of November 17, 2009, as written.

CLOSED SESSION
The Board returned to closed session at 5:17 p.m. to continue discussion on the above listed matters.

Director Nicoletti joined closed session discussion at 5:59 p.m.

The Board returned from closed session at 6:43 p.m. with all Board and staff members present including Director Nicoletti.

Counsel Scott Shapiro advised the Board gave counsel direction on the matters of Naumes Inc. and Danna Investment Company and other matters were information only. There were no further announcements.
ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority Chair Griego adjourned the meeting at 6:44 p.m.

______________________________
Chair

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

______________________________
Approved: ______________________
TO: Three Rivers Levee Improvement Authority Board of Directors

FROM: Paul Brunner, Executive Director
Scott D. McElhem, Special Counsel

DATE: January 19, 2010

SUBJECT: Consider Adopting a Resolution of Necessity for Acquisition of Mineral Rights Below the Property Owned by Joga and Rikki Mann Along the Feather River for the Phase 4 Levee Repair Project

RECOMMENDATION:

That the Board of Directors hold a hearing and adopt the attached Resolution of Necessity for the acquisition of the oil, gas, minerals and other hydrocarbons and substances lying below a depth of 500 feet from the surface of the property owned by Joga and Rikki Mann located at 631 Murphy Road, Assessor’s Parcel Number 013-010-013, for the Three Rivers Phase 4 Levee Repair Project (the “Project”).

BACKGROUND:

The Three Rivers Levee Improvement Authority (TRLIA) has completed improvements along certain sections of the flood control levees along the Feather River in Yuba County. A major portion of the levee improvements included a new setback levee extending North from just North of the Star Bend boat ramp, at about PLM 17.2.

On June 19, 2007, the Board adopted a Resolution of Necessity (“RON”) to acquire for the Project all of the property owned by Joga and Rikki Mann located at 631 Murphy Road, Assessor’s Parcel Number 013-010-013 (the “Property”). Counsel for TRLIA subsequently filed an eminent domain lawsuit that is currently pending in the Yuba County Superior Court and obtained possession of the property pursuant to an order for possession before judgment.

The RON adopted by the Board on June 19, 2007 excepted all oil, gas, minerals and other hydrocarbons and substances lying below a depth of 500 feet from the surface of the Property (the “Additional Property Rights”). Jarnail S. Dhaddey, Perminder K. Dhaddey, and Balbir Singh Dhaddey are the owners of record of the Additional Property Rights.
Subsequent to adopting the RON to acquire the Property on June 19, 2007, TRLIA determined that the Project requires the acquisition of the Additional Property Rights.

In attempting to contact the Dhaddeys regarding acquisition of the Additional Property Rights for the Project, TRLIA’s counsel learned that Perminder K. Dhaddey and Balbir Singh Dhaddey are deceased. TRLIA’s counsel has not been able to ascertain the identity or location of their heirs and devisees, other than Jarnail S. Dhaddey.

DISCUSSION:

Pursuant to TRLIA’s Procedure to Waive Appraisal in Cases Involving Acquiring Property of a Low Fair Market Value, TRLIA has obtained a waiver valuation of the Additional Property Rights. Based on the waiver valuation, TRLIA offered to purchase Jarnail Dhaddey’s interests in the Additional Property Rights for $1,322.00.

FISCAL IMPACT:

The funding to acquire the Additional Property Rights is in the TRLIA cash flow and is available to be deposited with the State Treasurer’s Condemnation Fund.
RESOLUTION NO. 2010--

A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY
INTERESTS 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 4 Levee Repair Project (the "Project") affecting the property located
at Assessor's Parcel No. 013-010-013 (the "Property"); and

WHEREAS, on June 19, 2007, TRLIA adopted a Resolution of Necessity for the acquisition of the
Property for the Project and TRLIA's counsel subsequently filed an action in Eminent Domain that is
currently pending in the Yuba County Superior Court as Case No. YCSCCEVD 07-0000438; and

WHEREAS, the Resolution adopted on June 19, 2007 excepted all oil, gas, minerals and other
hydrocarbons and substances lying below a depth of 500 feet from the surface of the Property (the
"Additional Property Rights"); and

WHEREAS, TRLIA has determined that the Project requires acquisition of the Additional Property
Rights; and

WHEREAS, Jarnail S. Dhaddey, Perminder K. Dhaddey, and Balbir Singh Dhaddey are the owners of
record of the Additional Property Rights; and

WHEREAS, Perminder K. Dhaddey and Balbir Singh Dhaddey are both deceased and TRLIA has not
been able to ascertain the identity or location of their heirs and devisees, other than Jarnail S. Dhaddey;
and

WHEREAS, TRLIA has made the offer required by Section 7267.2 of the Government Code to Jarnail S.
Dhaddey; and

WHEREAS, no notice is required by Section 1245.235 of the Code of Civil Procedure; 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 Additional Property Rights to be acquired are 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:
1240.150.

SECTION 2. The general location and extent of the Additional Property Rights to be acquired is set
forth in the legal description attached hereto as Exhibit A, 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 offer of just compensation required by Government Code Section 7267.2 has been made to the only surviving owner of record of the Additional Property Rights.

e. The use of the Additional Property Rights for their stated public use is scheduled to begin within two years of their acquisition.

f. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property described herein have been complied with by TRLIA.

SECTION 4. Legal counsel retained by TRLIA is hereby authorized and empowered to take appropriate legal action, in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California, to acquire the property rights described in Exhibit A and depicted in Exhibit B.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority this 19th day of January, 2010 by a two-thirds (2/3) or greater vote as follows:

AYES:
NOES:
ABSTAIN:
ABSENT:

_________________________
CHAIRPERSON

ATTEST:

_________________________
Donna Stottlemeyer, Secretary

APPROVED AS TO FORM
GENERAL COUNSEL

By: ________________________
January 19, 2010

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
        Kim Floyd, Public Outreach
        Sarah Kennedy, Public Outreach
SUBJECT: Update – TRLIA Web Site

Background
The Three Rivers Levee Improvement Authority website (www.trlia.org) was developed to serve as a central repository of program information and technical documents. The site, which is “housed” and managed on the County’s servers, has allowed TRLIA to maintain transparency in operations by providing interested parties with highly detailed program materials. As TRLIA evolved, staff populated the web site with hundreds of documents with assistance from the County’s Information Technology (IT) Department. Over the years, the volume of content outgrew the original website structure.

A comprehensive redesign is underway, prompted in part on feedback from community members and consultants who reported difficulty in using the website. The primary objectives include:

- Improving navigation (links and sub-links)
- Better organizing and cross-linking documents
- Adding content-management features that can be controlled by staff

Before initiating the project, staff met to thoroughly review the current site and develop concepts for improved navigation. A follow up meeting was held with County IT to ensure the redesign would not conflict with the County’s systems.

Project Status
A concept design was developed for staff review and input. Once input was incorporated, the site went into “full design.” Features of the new website include a fresh design, with all links located in a vertical navigation bar. Subpages are well-organized with documents grouped by similar characteristics or by project/program area.

The site is expected to be completed by the end of January.