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 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.

III ACTION ITEMS

A. Adopt resolution approving application for grant funds from the Local Levee Assistance Program under the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006 (Proposition 84), as it relates to the Goldfields High Ground Evaluation Project, and authorize the Executive Director to prepare and sign all necessary documents for application.

B. Approve Selection Team decision on firm most qualified to perform geotechnical evaluations of Goldfields Dredge Tailings, and authorize the Execute Director to negotiate and execute contract upon review and approval of counsel.

IV BOARD AND STAFF MEMBERS’ REPORTS

A. Update on Feather River Levee Segment 3 fence construction and Access Corridor

B. Update on contract with Sill Geotechnical Engineering

V CLOSED SESSION:

A. Personnel pursuant to Government Code §54957.6 - Provide instructions to representative Scott Shapiro on salary or compensation of Executive Director

VI 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 Americans 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.
November 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Funding for the Goldfields High Ground Evaluation Project

Recommended Action

Approve attached Resolution by the Board of Directors of Three Rivers Levee Improvement Authority authorizing application for funding for the Goldfields High Ground Evaluation project, and authorizing Executive Director Paul Brunner to prepare the necessary data, make investigations, sign certifications required as part of the application, and sign and file the application with the Department of Water Resources.

Background

TRLIA has performed a hydraulic analysis of the Goldfields which has identified a greater flood risk than historically recognized. To reduce this risk for the coming flood season, the Board approved contracts with Western Aggregates and Cal Sierra Development to construct embankments at critical locations in the Goldfields. There remains a need to do additional geotechnical evaluations to verify that these constructed embankments are adequate to withstand the expected hydraulic loads and to evaluate the Yuba South Training Wall and existing tailing mounds within the Goldfields to determine their ability to withstand hydraulic loads from the 100 and 200-year flood events. This evaluation is necessary to provide certification of flood protection from the Goldfields to FEMA for the 100-year flood and eventually 200-year flood protection determination to the State.

TRLIA intends to apply for funding under Proposition 84, which provided funds for programs to repair and evaluate local levees and flood control facilities. The Local Levee Assistance program within Proposition 84 aims to assist local flood management agencies with the funding necessary to conduct surveys, hydrology and hydraulic studies, and geotechnical evaluations of levees that are at risk of failing. Local Levee Assistance Program funds are available Statewide for facilities that are not a part of the State Plan of Flood Control for the Central Valley, are not located within the Sacramento-San Joaquin Delta, and are not urban non-project levees eligible for evaluation under Section 5096.955(a) (2) of the Public Resources Code. The constructed embankments proposed to be evaluated in the Goldfields High Ground Evaluation project are not part of the State Plan of Flood Control, are not located within the Sacramento-San Joaquin Delta, and are not urban non-project levees eligible for evaluation under Section 5096.955(a)(2) of the Public Resources Code.
As part of the grant proposal requirements, applicants must approve a resolution authorizing the applicant to file the application with the Department of Water Resources.

Attachment:

- Proposed Resolution
RESOLUTION NO. 2011-__

A RESOLUTION BY THE BOARD OF DIRECTORS OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY APPROVING THE
APPLICATION FOR GRANT FUNDS FROM THE LOCAL LEVEE ASSISTANCE PROGRAM
UNDER THE SAFE DRINKING WATER, WATER QUALITY AND SUPPLY, FLOOD
CONTROL, RIVER AND COASTAL PROTECTION BOND ACT OF 2006 (PROPOSITION 84)

WHEREAS, the Three Rivers Levee Improvement Authority (TRLIA or the Applicant), a joint
eexercise of powers authority of which the County of Yuba (the “County”) and Reclamation District 784
(“RD 784”) are members, intends to conduct geotechnical studies (the “Goldfields High Ground
Evaluation project”) in order to evaluate protection of the Yuba Goldfields area from a 100-year flow and
to identify actions necessary to meet State requirements for providing 200-year flood protection to the RD
784 area; and

WHEREAS, TRLIA wishes to seek funding for its Goldfields High Ground Evaluation project
through DWR’s Local Levee Assistance Program; and

WHEREAS, TRLIA, if selected as a grantee under this program, will enter into an agreement
with the State of California to carry out its Goldfields High Ground Evaluation project.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Three Rivers
Levee Improvement Authority that pursuant to and subject to all of the terms and provisions of California
Public Resources Code Section 75032 application by the Three Rivers Levee Improvement Authority be
made to the California Department of Water Resources to obtain funding for the Goldfields High Ground
Evaluation project. Paul Brunner is hereby authorized and directed to prepare the necessary data, make
investigations, sign certifications required as part of the application, and sign and file such application
with the California Department of Water Resources.

* * * * * *

PASSED AND ADOPTED this 15th day of November, 2011, by the Board of Three Rivers
Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:
TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Ric Reinhardt, Program Manager
SUBJECT: Goldfields High Ground Evaluation, Selection of Geotechnical Firm to Accomplish Geotechnical Evaluation of Tailing Mounds in Goldfields

Recommended Action:

Approve Selection Team decision on firm most qualified to perform the geotechnical evaluation of dredge tailing mounds as high ground in the Goldfields and authorize Executive Director to negotiate contract amount, sign, and then execute a contract for the geotechnical evaluation once General Counsel has reviewed and approved.

Background:

TRLIA has performed a hydraulic analysis of the Goldfields which has identified a greater flood risk than historically recognized. To reduce this risk for the coming flood season, the Board approved contracts with Western Aggregates and Cal Sierra Development to construct embankments at critical locations in the Goldfields. There remains a need to do additional geotechnical evaluations to verify that these constructed embankments are adequate to withstand the expected hydraulic loads and to evaluate the Yuba South Training Wall and existing tailing mounds within the Goldfields to determine their ability to withstand hydraulic loads from the 100 and 200-year flood events. This evaluation is necessary to provide certification of flood protection from the Goldfields to FEMA for the 100-year flood and eventually 200-year flood protection determination to the State. Evaluation of dredge tailings is not a common analysis and TRLIA is seeking an experienced firm with a knowledgeable team that can apply innovative approaches to this geotechnical evaluation.

TRLIA released a Request for Proposals (RFP) on September 29, 2011. A briefing and tour of the Goldfields was held for interested applicants on October 13, 2011. Proposals were due on October 28, 2011.

Discussion:

TRLIA received four responses to the RFP. Proposals were submitted by ENGEO Incorporated, Kleinfelder Incorporated, URS Corporation, and the Team of HDR Engineering Incorporated and GEI Consultants Incorporated.

It was determined that all four firms would be asked to present their proposals to a selection committee and be interviewed by the committee. Presentations and interviews were conducted on November 9, 2011. The selection committee was composed of: Paul Brunner, TRLIA
Executive Director; Ric Reinhardt, TRLIA Program Manager; and George Sills, TRLIA Consultant.

Criteria used to make the selection included; the firm’s experience with dredge tailing materials, qualifications of key evaluation team members, and the approach proposed for the evaluation.

After all presentations and interviews had occurred, the selection committee discussed the relative merits of each firm based on the criteria above and ranked each firm. The selection committee’s decision will be presented to the Board at the November 15 meeting.

**Fiscal Impact:**

Local share funds will be initially used for this effort. TRLIA is preparing an application for a Local Levee Evaluation DWR Grant which could eventually cost share in this effort.
November 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Update on Landside Levee Toe Access Corridor and Fence Construction along Segment 3 of the Feather East Levee

**Recommended Action:**
No recommended action. This is an update to actions taken and proposed.

**Discussion**
The TRLIA Staff is working to establish adequate landside toe access corridors for the RD 784 levee system. During this process it was discovered that parcel owners along the east levee of the Feather River north of Island Avenue (Segment 3) have encroached onto lands owned by the Sacramento and San Joaquin Drainage District (SSJDD). The Central Valley Flood Protection Board (CVFPB) oversees the SSJDD. In August 2011 the CVFPB issued a Notice of Violation to the property owners requesting the encroachments be removed.

On August 22, 2011 TRLIA and CVFPB staff held a community meeting with the impacted residents. Attachment 1 provides the questions and answers (Q&As) from the community meeting.

TRLIA wishes to construct a new fence on the true property line to delineate the property line and manage access onto the levee. In order to construct this fence, TRLIA must apply for an encroachment permit. The CVFPB will consider TRLIA’s fence encroachment permit application at its December 2, 2011 Board meeting.

Several impacted residents have objected to the CVFPB enforcement action and have stated that the basis of the enforcement action is not correct. Specifically, the impacted residents believe that the CVFPB and TRLIA are wrong based on historical actions taken by the prior railway company and improper surveys of their property lines. Two residents have permanent structures that are impacted. At least one of the structures received a building permit from the County in the 1980s.

CVFPB and TRLIA staff believe: 1 - the contested property is owned by the State as described in the Q&A’s from the August 22, 2011 meeting; and 2 – the property lines are correctly surveyed (see attached memo from surveyor). TRLIA’s legal counsel has stated that TRLIA cannot help pay for the relocation or replacement of the impacted unauthorized encroached permanent structures.
The clearing of the encroachments and installation of the new levee toe access corridor fence was originally planned to occur this calendar year, but is now planned to be accomplished in spring 2012.

3 Attachments:
   1. August 22, 2011 Community Meeting Q&As
   2. CTA Surveyor Memo, October 1, 2011
   3. Fence details
Questions & Answers

Q: How long will it take to remove encroachments and build the new fence?
A: We estimate the project will take two to three months, start to finish.

Q: We own a rental property, and our tenants have a dog. What is the timing between removal of the old fence and construction of the new fence?
A: Construction manager will be working with individual property owners to determine whether or not temporary fencing will be needed during the construction process.

Q: Is TRLIA going to install a new fence that is of the same quality as my existing fence?
A: TRLIA will be installing a 6-foot high chain link fence with concrete blocks on the SS1DD side of the fence, see fence detail. In most cases the installed fence exceeds the quality of the existing fence. If a landowner does not think the proposed fence meets the current quality of their existing fence, TRLIA will discuss with the landowner on a case by case basis.

Q: When did TRLIA conduct the survey of our properties?
A: TRLIA conducted two surveys within the past four months to cross-check data and validate the property lines.

Q: Will the new maintenance road be level with our properties, or higher than our properties?
A: We will grade the existing land to create the new road and remove potholes and bumps, but will not add fill to raise the road.

Q: Will the new maintenance road be paved?
A: No.

Q: Where is the toe of the levee? Are you measuring for the 20 feet from the toe, or from our property?
A: The levee toe is located somewhere beneath the prism of the levee. We are not measuring 20 feet from that location. We are reestablishing existing property lines, and the location of the levee toe has no bearing on the location of property lines.

Q: We would like to remove our fence and salvage the materials, but we don’t want to be stuck without a fence in the event someone files a lawsuit and stops the project. What happens if there’s a lawsuit?
A: TRLIA would set temporary fencing around the property involved in the suit and complete the other portions of the project. In that case, however, the property owner engaged in the lawsuit
may lose his/her opportunity to have TRLIA pay for the removal of the existing fence and construction of a new fence.

Q: Will the fences be constructed in a way that allows access to the levee at a later time?
A: The intent is to prohibit access to the levee from these areas. However, access to the levee will be available at Island Avenue and other designated places along the levee system.

Q: Have the property sizes and lot lines always been the same?
A: Yes, according to subdivision maps on file with the County, along with title and ownership records. Some of the properties have been subdivided, but the depth of the properties (280 feet) has remained unchanged.

Q: Is this project for levee maintenance?
A: Yes. The maintenance access corridor is needed for levee monitoring, maintenance, and flood fighting.

Q: In 2001, they tore down and put up a new levee behind 5578 Feather River Boulevard. When they rebuilt it, they left a gap in the slurry wall at this location.
A: The Corps of Engineers installed a cutoff wall in this reach of the levee in 1997. TRLIA flattened the waterside slope of the levee to 3 horizontal to 1 vertical in 2008. TRLIA has reviewed the Corps of Engineers' as-built drawings for this 1997 work. The as-built drawings do not show any gap in the cutoff wall. Normal procedure when installing a cutoff wall and encountering an obstruction is to suspend cutoff wall installation, excavate the levee enough to remove the obstruction, rebuild the levee to previous geometry, and then continue cutoff wall installation through the rebuilt levee reach. This is what the as-built drawing show the Corps of Engineers did at this location.

Q: There is a two-level system behind Wal-Mart: the levee, and then another "shelf" below the levee. Is that what you'll do with the maintenance road behind our property?
A: The "shelf" behind Wal-Mart is a 300-foot seepage berm. We are not altering the levee behind your property. Our project reestablishes correct property lines and clears an access corridor for levee maintenance and flood fighting.

Q: Will TRLIA remove the old fence, build the new fence and remove vegetation at its own cost?
A: Yes. Property owners are only responsible for relocating belongings onto their property by September 30.

Q: Will TRLIA stake our property so that we know the location of our lot line?
A: Yes. Property owners who want their lot line staked can contact the TRLIA construction hotline at 530-763-7912.

Q: Will people still be able to run their four-wheelers up and down the levee?
A: TRLIA will establish a line of concrete block behind the new six-foot tall chain link fence to discourage this type of activity.

Q: Who is responsible for maintaining the new fence? Who do we call if there's a hole in it, for example?
A: Reclamation District RD 784 is the responsible agency. Property owners who notice damage to the fence should call 530.742.0520.
Q: When did the property ownership transfer from the railroad to the State? The fence line was already established before the railroad abandoned the property, and before the property was transferred to the State. Doesn't that mean that residential property owners acquired a legal property interest in the land before it was acquired by the State?

A: The following represents the results of a review of the issue by TRLIA's legal counsel:

One topic that was discussed at the meeting pertained to the legal theory of adverse possession and how that related to the claim that the fence existed prior to the State acquiring the property from a railroad company. In other words, if the fence existed in its current location for many years prior to the State obtaining ownership, could property owners have obtained a legal right to the property located between the legally described property line and the fence?

A person can obtain prescriptive rights to the property of another so long as the person proves the following elements: (a) open and notorious use; (b) continuous and uninterrupted use; (c) hostile to the true owner; (d) under a claim of right; and (e) for the statutory period of five years. Twin Peaks Land Co. v. Briggs (1982) 130 Cal.App.3d 587, 593. To establish fee title by adverse possession, in addition to the above elements, the property owners need to show that they paid all property taxes validly assessed and levied on the property they seek to acquire. Code of Civil Procedure section 325.

One exception to the above rule relates to property owned by a public entity or public utility. Civil Code section 1007 provides in relevant part: "no possession by any person, firm or corporation no matter how long continued of any land, water, water right, easement, or other property whatsoever dedicated to a public use by a public utility, or dedicated to or owned by the state or any public entity, shall ever ripen into any title, interest or right against the owner thereof." [emphasis added]. This statute acts as an absolute ban on acquiring rights to property owned by a public entity or property owned by a public utility that is dedicated to a public use.

The State purchased the property at issue from the Sacramento Northern Railway in 1958. Pursuant to Civil Code section 1007, an adjacent property owner cannot acquire prescriptive rights to land owned by the State.

Prior to 1958, the property was owned by the Sacramento Northern Railway. The section of the Railway that was adjacent to the properties in question was abandoned in 1956. The California Public Utilities Code provides that every railroad performing a service for, or delivering a commodity to, the public or any portion thereof for which any compensation or payment whatsoever is received is a public utility. Public Utilities Code sections 211 and 216. Because a railroad is a public utility, an adjacent landowner cannot obtain property rights, through prescription or adverse possession, to land owned by a railroad company that is dedicated to a public use. A railroad right of way is such a public use, and it was not abandoned until 1956. Two years later, the property was sold to the State. Therefore, no property rights could have been acquired prior to the Sacramento Northern Railway deeding the property to the State. This is because a claim for a prescriptive easement or title through adverse possession requires a five year period of use against an owner whose property is subject to acquisition, and only two years passed between railroad abandonment and transfer to the State.

There were also discussions at the August 22, 2011, meeting about the alleged payment of taxes on the disputed property. The Yuba County Assessor's Parcel Map for this subdivision shows the depths of the lots being the same as what is referenced in the recorded subdivision map. We have not seen any evidence that the Yuba County assessor's office taxed any property owner on the additional property between the existing fence and the property line. Furthermore, even if
taxes were paid, it would not create a property right given that the property at issue was owned by a public utility and then sold to a public entity.

Finally, there have been allegations that the Sacramento Northern Railway constructed the fence at its current location based on an agreement between the property owners and the Railway that the fence line would be the property line. However, TRLIA has not been shown any written agreement between the Railway and the property owners in which the Railway agreed that the fence line constituted the property line. The legal description contained in the grant deed for these properties specifies the precise legal boundary. Regardless of whether the Railway constructed a fence that was set back onto its property, the legally defined property line is what governs.
To: Paul Brunner  
Larry Dacus  

Date: October 31, 2011  

Project No.: 06-008-005  

Project Name: Three Rivers Levee Improvement Authority  
Feather River Levee, Segment 3  

Subject: Survey of Subdivision of Tract No. 8, Yuba Gardens, R.S. 3-45  

The purpose of this memo is to identify the surveying procedures and analysis used in connection with the boundary determination along the Sacramento San Joaquin Drainage District (SSJDD) property adjacent to, and West of the Subdivision of Tract No. 8, Yuba Gardens (Book 3 of Surveys, Page 45), located in Yuba County, California. Our survey has identified substantial encroachments along the common boundary of these properties and a subsequent Record of Survey submitted to the County Surveyor's office identifies these encroachments as well.

All field surveys performed in this area have been based on the initial project control established for the T.R.L.I.A. projects from U.S. Army Corps of Engineers control stations. A combination of GPS (Global Positioning System) and conventional surveying equipment were utilized in the performance of these surveys. Supplemental control points were established within the proximity of this survey and verified against the initial project control.

Prior to dispatching a field crew to this area, a search of available record maps, surveys and documents was performed and copies obtained for their use. Our field personnel located numerous monuments within the Subdivision of Tract No. 8, as shown on prior surveys. Those monuments are indicated on the above mentioned Record of Survey and are further identified herein as follows:

1. 5/8" rebars found along the East side of Feather River Blvd. at the South line of Parcel 3 and North line of Parcel 2, as shown on Parcel Map filed February, 1992 in Book 58 of Surveys, Page 22. It should be noted that these monuments were found to be slightly out of position, lying to the East approximately 0.7 to 0.88'.

2. A 5/8" rebar tagged RCE 16000 found on the East side of Riverside Avenue on the line between Parcels 1 and 2, as shown on the Parcel Map filed January, 1993 in Book 61 of Surveys, Page 2.

3. 1/2" rebars tagged LS 3898, found along the East side of Riverside Avenue at the North and South line of Parcel 2, as shown on the Parcel Map filed June, 1989 in Book 50 of Surveys, Page 26.

4. An iron pipe set in concrete along the East side of Riverside Avenue at the North line of Parcel 1, as shown on the Parcel Map filed June, 1989 in Book 50 of Surveys, Page 26.

5. 1/2" rebars found along the West side of Riverside Avenue at the North and South line of Parcel 2, as shown on the Parcel Map filed December, 2007 in Book 88 of Surveys, Page 26.
6. 1/2" rebar tagged LS3649 found at the Northwest corner of Parcel 2, as shown on the Parcel Map filed December, 2007 in Book 88 of Surveys, Page 26. This corner is on the common boundary with Sacramento San Joaquin Drainage District.

7. Yuba County standard monument well and disk found at the intersection of the centerline of Alicia Avenue and Forest Drive and the intersection of the centerline of Alicia Avenue and Kimerer Drive as shown on the plat of “Tract No. 137” filed December, 1965 in Book 8 of Surveys, Page 16.

In addition to the monuments listed above additional street centerline monuments were located in several locations throughout the Subdivision of Tract No. 8 (RS 3-45).

The field locations of these monuments were then reconciled with the record data of the maps listed above and other prior surveys and deeds. The right of way for Feather River Blvd. and Riverside Avenue was established at a width of 80 feet or more, based on the recorded surveys and the located monuments. Our analysis determined that the monuments in the field matched the prior surveys with the minor exception noted in No. 1 above. Once we established the right of way of Feather River Blvd. and Riverside Avenue, we set the Westerly line of Subdivision of Tract No. 8 at a distance of 280 feet West and parallel of the Westerly right of way line, as shown on the final map. This line represents the common boundary between this subdivision and the SSJDD property.

Upon our discovery that this analysis resulted in numerous encroachments, we made a visit to the Yuba County Surveyor’s office where we spoke with the County Surveyor, Gary Lippencott and his assistant surveyor, Jeff Olsen. We reviewed our findings with both gentlemen and inquired into any “unrecorded” surveys or corner records they may have in this area. They indicated they had no additional information other than providing us with copies of Railroad Right of Way maps. The railroad maps conformed with the properties described in the deed to SSJDD (Book 267, Page 509, Official Records) and conformed to the common boundary shown on RS 3-45.

Because of the numerous encroachments, we took it upon ourselves to investigate a little further and made a physical location of the Western Pacific railroad tracks along the Easterly side of Subdivision of Tract No. 8. We also tied monuments shown on the Record of Survey along the Western Pacific Railroad and State Highway Route 70 filed March, 2005 in Book 82 of Surveys, Page 23. These additional ties allowed us to check the total distance across Subdivision of Tract No. 8 based on prior surveys and found that this distance checked within approximately 1 foot. We therefore held the monuments found along Feather River Blvd. and Riverside Avenue and established the common boundary 280 feet West of and parallel to the roadways as described above.

The resultant encroachments are predominately old fence lines, sheds and other out buildings. However there were two substantial, permanent structures which encroach approximately 2.5 to 5.0 feet onto the SSJDD property.

Respectfully submitted,

Kevin A. Heeney, PLS 5914

Attachment 2 Page 2 of 2
November 15, 2011

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Andrea Clark, TRLIA Counsel
SUBJECT: Update on Contract with George Sills Geotechnical Engineering Consultant, L.L.C. for Geotechnical Assistance for TRLIA Evaluations in the Goldfields

Recommended Action

No recommended action. This is simply an update on the contract that the board approved during its last regular meeting with George Sills Geotechnical Engineering Consultant, L.L.C. for engineering services (the contract is for $24,000).

Discussion

As covered during the October 18 board meeting, TRLIA has requested proposals from geotechnical engineering firms to evaluate dredge tailing mounds in the Goldfields. These proposals will need to be evaluated and an engineering geotech firm selected this month. TRLIA will be utilizing Mr. Sills to provide geotechnical review of the proposals and to help select the best firm to do these evaluations.

Mr. Sills operates as a LLC company, and the company is a sole proprietorship. Staff reported to the board on October 18 that the TRLIA contract’s requirement for workers compensation insurance should be waived in this instance because Mr. Sills does not have any employees.

After board approval of the contract on October 18, Mr. Sills requested that TRLIA waive the requirement that TRLIA be listed as an “additional insured” in his insurance policies. The purpose of the additional insured requirement is to protect TRLIA in the event of an occurrence that triggers Mr. Sills’ insurance policy. As an additional insured, TRLIA has the right to coverage under the policy at the same level as Mr. Sills. The protection only comes into play for Mr. Sills’ general liability insurance and his automobile insurance (TRLIA cannot be listed as an additional insured under his professional errors and omissions policy). Because of the nature of Mr. Sills’ work under the contract, it makes little sense to require that TRLIA be listed as an additional insured. Apart from liability from an automobile accident, Mr. Sills’ work will be insured by his professional errors and omissions policy. Moreover, he will not be driving a car as part of his work for TRLIA.

In light of these considerations, counsel omitted the “additional insured” requirement from Mr. Sills’ contract.