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 Atwal, Brown, Crippen, Griego, 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  CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

A. Approve minutes of the meetings of August 14, 2013.

B. Acknowledge resolution appointing Reclamation District 784 Trustee Sarbdeep Atwal as the designated TRLIA member to fill the vacancy created by resignation of Don Graham.

IV  ACTION ITEMS

A. Adopt resolution declaring intent to sell former Shohal surplus real property located on the south side of the Upper Yuba River Levee pursuant to Government Code Section §25526.

B. Ratify overpayment in the amount of $3,921.56 to Lucy and Company as work performed that warranted payment.

C. Approve Amendment No. 8 in the amount of $179,560 to consulting agreement with Handen Company, Inc. for construction management services and authorize Executive Director execute same.

D. Approve Amendment No. 5 in the amount of $25,000 to the agreement with MHM Inc. for engineering and surveying services and authorize Executive Director execute same.

V  BOARD AND STAFF MEMBERS’ REPORTS

VI  ADJOURN

The complete agenda is available at the Yuba County Government Center, 915 8th Street, Suite 109 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 less than 72 hours prior to the meeting is available 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 prior to the meeting.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

AUGUST 14, 2013 – FINAL BUDGET HEARINGS

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 4:08 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Don L. Graham, and Mary Jane Griego. Directors Jerry Crippen and John Nicoletti were absent. Also present were Counsel Scott Shapiro, and Secretary/Clerk of the Board of Supervisors Donna Stottlemyer. Chair Griego presided.

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

II PUBLIC HEARINGS – FINAL BUDGET FISCAL YEAR 2013/2014

A. Executive Director: Present overview and recommendation for Fiscal Year 2013-2014 Final Budget. Financial Consultant Seth Wurzel recapped changes to the proposed budget including:
   - Added Phase 4 Shad Pad and Remediation Project on the Yuba South Levee Projects
   - Comparison 2012 expenditures and revenues updated
   - Goals and Accomplishments for 2013-2014
   - Overall Improvement Program costs updated to $430 million
   - Fiscal Year 2012/2013 Carryover of approximately $3.18 million
   - Anticipated revenues of $17.56 million
   - Total Expenditures of $17.8 million

Mr. Wurzel responded to Board inquiries.

Public Communication: None.

MOTION: Move to approve Fiscal Year 2013/2014 Final Budget in the amount of $17,858,869
MOVED: Rick Brown  SECOND: Don Graham
AYES: Rick Brown, Don Graham, Mary Jane Griego,
NOES: None  ABSTAIN: None  ABSENT: Jerry Crippen, John Nicoletti

III ADJOURN: 4:15 p.m.

______________________________
Chair

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

Approved: ____________________

0814/13 – TRLIA Final Budget PAGE 20
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

AUGUST 14, 2013 – SPECIAL MEETING

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 4:15 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Don L. Graham, and Mary Jane Griego. Directors Jerry Crippen and John Nicoletti were absent. Also present were Counsel Scott Shapiro, and Secretary/Clerk of the Board of Supervisors Donna Stottlemeyer. Chair Griego presided.

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

II CONSENT AGENDA: Matters listed are considered to be routine and can be enacted by one motion.

MOTION: Move to approve MOVED: Rick Brown SECOND: Don Graham
AYES: Rick Brown, Don Graham, Mary Jane Griego,
NOES: None ABSTAIN: None ABSENT: Jerry Crippen, John Nicoletti

A. Approve minutes of the meeting of July 16, 2013.

III ACTION ITEMS

A. Adopt resolution authorizing grant application for Reclamation District 784 Yuba South Levee Urban Levee Design Criteria Remediation Implementation and authorize the Executive Director to execute application and necessary related documents. Design Manager Larry Dacus recapped grant use for additional explorations to ensure 200-year protection and responded to Board inquiries.

MOTION: Move to approve MOVED: Don Graham SECOND: Rick Brown
AYES: Rick Brown, Don Graham, Mary Jane Griego,
NOES: None ABSTAIN: None ABSENT: Jerry Crippen, John Nicoletti

Adopted Resolution No. 2013-3, entitled: "A RESOLUTION FOR A GRANT APPLICATION FOR THE RD 784 YUBA SOUTH LEVEE URBAN LEVEE DESIGN CRITERIA REMEDIATION PROJECT WITH THE YUBA FEATHER FLOOD PROTECTION PROGRAM UNDER THE DEPARTMENT OF WATER RESOURCES."

B. Approve amendment number two the agreement with ENGEO, Inc. in the amount of $500,000 and authorize the Executive Director to execute upon approval of Counsel. Design Manager Larry Dacus recapped the analysis being performed in the Goldfields, continued services needed, and responded to inquiries.

MOTION: Move to approve MOVED: Rick Brown SECOND: Don Graham
AYES: Rick Brown, Don Graham, Mary Jane Griego,
NOES: None ABSTAIN: None ABSENT: Jerry Crippen, John Nicoletti
IV BOARD AND STAFF MEMBERS' REPORTS:

Design Manager Larry Dacas:
○ Construction started on Feather River Segment 3 Toe Access Corridor
○ Field exploration completed on the Western Pacific Interceptor Canal

V ADJOURN: 4:20 p.m.

______________________________________
Chair

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

______________________________________
Approved:
BEFORE THE BOARD OF TRUSTEES
OF RECLAMATION DISTRICT 784

In re:

RESOLUTION APPOINTING A REPRESENTATIVE )
FROM RECLAMATION DISTRICT 784 TO THE ) Resolution No. 2013-09-02
BOARD OF DIRECTORS FOR THE THREE )
RIVERS LEVEE IMPROVEMENT AUTHORITY. )

WHEREAS, the Board of Trustees of Reclamation District 784 (the “District”) has adopted a resolution (the “Prior Resolution”) authorizing the execution of a Joint Exercise of Powers Agreement (the “Agreement”) creating the Three Rivers Levee Improvement Authority (the “Authority”), and, on April 6, 2004, the Board of Trustees approved a revision to the Agreement eliminating the Yuba County Water Agency as a member of the Authority;

WHEREAS, on October 4, 2004, the Board of Trustees approved another revision to the Agreement expanding the Board of Director of the Authority from two members to five members, with two of the members to be appointed by the Board of Trustees of the District;

WHEREAS, the resignation of Don Graham, one of the representatives appointed by the Board of Trustees, from the Board of Directors of the Authority has created a vacancy on the Board;

WHEREAS, the Board of Trustees desires to fill the vacant position and appoint a new representative to the Board of Directors for the Authority; and

WHEREAS, prior to the adoption of this Resolution, the District held at least one public meeting, noticed in accordance with the law, at which oral and written presentations were permitted;

NOW, THEREFORE, BE IT RESOLVED by the Board of Trustees of the Reclamation District 784 as follows:

Section 1. Designation of Director. Sarbdeep Atwal is hereby designated as the District-designated member of the Board of Directors of the Authority to fill the vacancy created by the resignation of Don Graham.

Section 2. Effective Date. This Resolution shall take effect 11:59pm, September 10, 2013.

The foregoing Resolution was introduced at a meeting of the Board of Trustees of Reclamation District 784, duly held on September 10, 2013, by Trustee Joe Danna, which motion was seconded by Trustee [Name Redacted] and was approved and enacted by the Board of Trustees on this same date by the following vote:
AYES: 1
NOES: 4
ABSTAIN: 0
ABSENT: 0

RICK BROWN, PRESIDENT OF THE BOARD OF TRUSTEES

ATTEST:
STEVE FORDICE, SECRETARY OF THE BOARD OF TRUSTEES

Steven Fordice

APPROVED AS TO FORM:
CARL R. LINDMARK, DISTRICT-COUNSEL

Carl R. Lindmark
TO: Three Rivers Levee Improvement Authority Board  
FROM: Paul Brunner, Executive Director  
        Kelly Pope, Legal Counsel  
SUBJECT: Sale of Excess Lands – Sohal Parcel

**Recommended Action:**
Approve Attached Resolution by the Board of Directors of Three Rivers Levee Improvement Authority Declaring Intent to Sell Certain Real Property Located on the South Side of the Upper Yuba River Levee Pursuant to Government Code Section 25526.

**Background:**
In May 2011, using eminent domain, the Three Rivers Levee Improvement Authority ("TRLIA") acquired approximately 75.395 acres of real property located on the south side of the Upper Yuba River Levee in Yuba County, California (the "Sohal Property"). The Sohal Property was acquired for the purpose of installing and constructing the Three Rivers Upper Yuba River Levee Improvement Project (the "Project").

Once construction of the Project was largely completed, the majority of the Sohal Property that was previously used as a borrow site during construction was no longer needed for the Project or any other use by TRLIA (the "Surplus Property"). Accordingly, on August 7, 2012, TRLIA’s Board of Directors passed and adopted Resolution No. 2012-12 declaring the Surplus Property to be surplus and authorizing and directing TRLIA’s Executive Director to commence the procedures for disposing of surplus lands pursuant to California Government Code Sections 54220-54232. The Surplus Property comprises approximately 72.822 acres, and is more particularly described in Exhibit A and depicted in Exhibit B to the attached proposed Resolution.¹

Pursuant to California Government Code sections 54220-54232, TRLIA sent a written offer to sell or lease the Surplus Property to certain government agencies. No written notice was received that any of the agencies offered the Surplus Property was interested in purchasing or leasing the property. TRLIA may therefore dispose of the Surplus Property without further regard to California Government Code sections 54220-54232.

¹ TRLIA will continue to use approximately 2.573 acres of the Sohal Property that was acquired for the Project for operation and maintenance of the levee. That portion of the Sohal Property is therefore not a part of the attached proposed Resolution.
Discussion:
In order to sell real property not required for public use, sections 25520-25535 of the California Government Code require the Board of Directors of TRLIA, in a regular open meeting, by a two-thirds vote of all its members, to adopt a resolution declaring its intention to sell the property. The resolution must describe the property proposed to be sold in such a manner as to identify it, shall specify the minimum price and any additional conditions, and shall fix a time, not less than three weeks thereafter, at which sealed and oral proposals will be considered. If a broker’s fee is to be paid, the resolution must so state.

The Surplus Property comprises approximately 72.822 acres of unplanted land located on the south side of the Upper Yuba River Levee. Based on a market estimate provided by Bender Rosenthal, Inc., staff recommends that the minimum price for the Surplus Property be $218,460. Staff recommends that the terms of the sale be (1) payment of the sale price in cash within 60 days of execution of a purchase and sale agreement on a form acceptable to TRLIA; (2) TRLIA offers the Surplus Property for sale “as is” and makes no warranties or guarantees about its fitness for any particular purpose; and (3) transfer of the Surplus Property to the successful bidder shall be by quitclaim deed. Staff further recommends that no broker’s fee be paid for sale of the Surplus Property.

Pursuant to Government Code section 25528, if the attached resolution is adopted, TRLIA must post notice of the adoption of the resolution in three public places in Yuba County not less than 15 days prior to the date of the TRLIA Board meeting at which sealed proposals will be considered. The notice must also be published once per week for three consecutive weeks pursuant to Government Code section 6063.

Staff recommends that the Board require a deposit of $5,000, made out by cashier’s check to TRLIA, accompany all written or oral bids to purchase the Surplus Property. The deposit paid by the successful bidder will be non-refundable, and deposits paid with bids that are not accepted will be returned.

All written bids to purchase the Property pursuant to the proposed resolution must be submitted to the TRLIA office, along with the $5,000 cashier's check, no later than 11:00 a.m. on November 12, 2013. Oral bids must be presented at the Board meeting and be accompanied with a $5,000 cashier's check at the time the oral bid is made.

As set forth in the attached resolution, the sealed bids to purchase the Surplus Property will be opened at a Board meeting to be held at 2:00 pm on November 12, 2013. At that meeting, the Board must open, examine, and publicly declare all written bids received pursuant to the Resolution. Prior to accepting any written bid, the Board must call for oral bids. The Board is not required to accept any oral bid that does not exceed the highest conforming written bid by a minimum of 5%. Accordingly, staff recommends that the Board not accept any oral bids that do not exceed the highest written bid by a minimum of 5%.

Of the bids submitted to purchase the Surplus Property, the Board must accept the highest conforming written bid, unless a higher conforming oral bid is accepted or the Board rejects all bids. The adoption of the attached resolution will therefore not obligate TRLIA to sell the Surplus Property, if the Board of Directors of TRLIA hereafter determines that such a sale would not be in the public interest.
**Fiscal Impact:**
If TRLIA ultimately sells the Surplus Property, revenue will initially come to TRLIA. Per the Project EIP Funding Agreement, TRLIA will share the revenues with the State. TRLIA’s share of the revenue is approximately 30%.

**Attachment:**
- Proposed Resolution
RESOLUTION NO. 2013-__

A RESOLUTION BY THE BOARD OF DIRECTORS OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE BOARD'S INTENT TO SELL CERTAIN REAL PROPERTY LOCATED ON THE SOUTH SIDE OF THE UPPER YUBA RIVER LEVEE PURSUANT TO GOVERNMENT CODE SECTION 25526

WHEREAS, Three Rivers Levee Improvement Authority ("TRLIA") is the owner of approximately 72.822 acres of real property (the "Property") located on the south side of the Upper Yuba River Levee in Yuba County, California. The Property is more particularly described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by reference; and

WHEREAS, on August 7, 2012, TRLIA’s Board of Directors passed and adopted Resolution No. 2012-12 declaring the Property to be surplus and authorizing and directing TRLIA’s Executive Director to commence the procedures for disposing of surplus lands pursuant to California Government Code sections 54220-54232; and

WHEREAS, TRLIA has complied with the requirements of California Government Code sections 54220-54232, and may now dispose of the Property without further regard to California Government Code sections 54220-54232; and

WHEREAS, TRLIA desires to sell the Property at a price of not less than $218,460 on the terms and conditions set forth herein; and

WHEREAS, the Board of Directors of TRLIA adopts this Resolution in compliance with Government Code section 25526.

NOW, THEREFORE, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby declares each of the following:

1. The Board of Directors of TRLIA declares its intent to sell, pursuant to California Government Code section 25526, approximately 72.822 acres of real property (the "Property") located on the south side of the Upper Yuba River Levee in Yuba County, California, as more particularly described in Exhibit A and depicted in Exhibit B attached hereto and incorporated herein by reference.

2. The minimum price that will be accepted for the Property shall be $218,460. The terms of the sale shall be:

   a. Payment of the sale price shall be in cash within 60 days of execution of the purchase and sale agreement on a form acceptable to TRLIA, which form will be available for review at TRLIA’s office located at 1114 Yuba St., Suite 218, Marysville, CA 95901;
b. TRLIA offers the Property for sale “as is” and makes no warranties or guarantees that the Property is fit for any particular purpose;

c. Transfer of the Property to the successful bidder shall be by quitclaim deed.

3. To be eligible for consideration, all bids to purchase the Property, written or oral, must be accompanied by a cashier’s check payable to the Three Rivers Levee Improvement Authority in an amount no less than $5,000. Funds paid by the successful bidder are non-refundable, and funds paid with bids that are not accepted will be returned.

4. TRLIA will not pay a broker’s commission on the sale.

5. All written bids to purchase the Property pursuant to this Resolution must be submitted to the office of TRLIA, 1114 Yuba St., Suite 218, Marysville, CA 95901, no later than 11:00 a.m. on November 12, 2013, with the $5,000 cashier’s check.

6. At 2:00 p.m. on November 12, 2013, at the Yuba County Government Center, Board Chambers, 915 Eighth Street, Suite 109A, Marysville, California, the Board of Directors of TRLIA will open, examine, and publicly declare all written bids received pursuant to this Resolution. Prior to accepting any written bid, the Board of Directors of TRLIA will call for oral bids. Oral bids must exceed the highest written bid by a minimum of 5% and must meet all other conditions stated in this Resolution to be accepted. A cashier’s check of $5,000 must accompany all oral bids at the time the bids are made.

7. At the Board meeting at 2:00 p.m. on November 12, 2012, the TRLIA Board of Directors will either determine the winning bid in conformity with sections 25530 and 25531 of the California Government Code, or reject all bids in conformity with section 25534 of the California Government Code.

PASSED AND ADOPTED this ________ day of __________, 2013, by the Board of Directors of Three Rivers Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

__________________________
Chairperson
ATTEST: DONNA STOTTLEMEYER, CLERK OF THE BOARD

APPROVED AS TO FORM: GENERAL COUNSEL

[Signature]
Exhibit A

All that real property situate in the County of Yuba, State of California, being a portion of the lands being vested in Three Rivers Levee Improvement Authority, as described in the Final Order of Condemnation, dated May 2, 2011 and recorded in Document 2011-005293, Official Records of Yuba County and being more particularly described as follows:

Parcel A-1

Beginning at a point on the West line of Parcel 3, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, marked by a 1-1/2" iron pipe tagged LS 3341, marking the center of Section 15, Township 15 North, Range 4 East, M.D.M. and from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of said Section 15 bears North 49°52'09" East, 3787.33 feet; thence along the West line of said Parcel 3, South 00°33'30" East, 309.85 feet; thence leaving said West line, North 89°04'49" East, 885.08 feet; thence North 88°02'26" East, 742.04 feet; thence North 00°51'04" East, 303.92 feet; thence North 00°31'18" East, 423.19 feet; thence North 00°02'30" West, 270.95 feet to a point on the North line of said Parcel 3; thence along said North line, South 88°05'46" West, 1633.65 feet to the Northwest corner of said Parcel 3; thence along the West line of said Parcel 3, South 00°08'00" West, 673.49 feet to the Point of Beginning.

Parcel B-1

Beginning at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45, from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bear North 68°20'12" East, 2020.42 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'51" West, 2094.71 feet; thence along the Northwesterly, West and South lines of said Parcel 4, South 40°34'50" West, 1217.26 feet to the West line of said Parcel 4; thence along said West line, South 00°08'00" West, 340.32 feet to the Southwest corner of said Parcel 4; thence along the South line of said Parcel 4, North 88°05'46" East, 1633.85 feet; thence leaving said South line, North 00°02'30" West, 204.69 feet; thence North 00°37'23" West, 307.55 feet; thence North 90°33'11" West, 728.30 feet to a point on the North line of said Parcel 4; thence along said North line, South 87°55'58" West, 830.12 feet to the Point of Beginning.

EXCEPTING THEREFROM all that portion of the hereinabove described Parcel B-1 lying Northwesterly of the following described line:

Commencing at the Northwest corner of Parcel 4, as shown on Parcel Map No. 95-11, filed in the office of the County Recorder of Yuba County in Book 66 of Maps, Page 45 from which a 1/2" rebar with plastic cap stamped LS 3341, marking the Northeast corner of Section 15, Township 15 North, Range 4 East bear North 68°20'12" East, 2020.42 feet, and from which a 1-1/2" iron pipe tagged LS 3341, marking the center of said Section 15 bears South 22°16'51" West, 2094.71 feet; thence along said North line, North 87°55'58" East, 116.02 feet to the Point of Beginning and the Northernly terminus of the herein described line; thence leaving said North line of Parcel 4, South 39°26'53" West, 343.65 feet; thence South 42°45'22" West, 125.40 feet; thence South 40°46'44" West, 636.46 feet; thence South 43°01'04" West, 230.07 feet; thence South 42°37'03" West, 18.84 feet; thence South 38°47'00" West, 30.60 feet to a point on the West line of said Parcel 4 and the Southerly terminus of the line described herein.

The parcels described herein contain an aggregate area of 72.822 acres, more or less.

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

The basis of bearings for this description is the California Coordinate System, Zone II, NAD 83 (Epoch 2007.00). Distances contained herein are ground distances. To obtain grid distances, multiply the distance by 0.99991703.

End of Description

Prepared by CTA Engineering & Surveying under the supervision of the undersigned.

[Signature]

Date

[Stamp: Licensed Land Surveyor, State of California]

[Stamp: NO.5914 Exp.12-31-2012]
SEE SHEET 2 OF 2

018-190-112
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
2011-005293

018-190-111
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
2011-005293 (EXHIBIT A-1)

018-190-105
SMITH, HENRY P.

THE BASIS FOR BEARINGS SHOWN HEREON IS THE CALIFORNIA COORDINATE SYSTEM ZONE II, NAD 92 (EPOCH 2007.00). DISTANCES SHOWN HEREON ARE GROUND DISTANCES. MULTIPLY GROUND DISTANCE BY 0.999991703 TO OBTAIN GRID DISTANCES.

Exhibit 'b'

DATE: 08/01/2012
DRAWN BY: KAH

OWNER:
THREE RIVERS LEVEE IMPROVEMENT AUTH.
018-190-111

A.P.I.N.:

AREA:
EXCESS LANDS = 37.264 Ac.

Excess Lands from the Upper Yuba Levee Improvement Project

cta Engineering & Surveying
COUNTY OF YUBA
STATE OF CALIFORNIA

13363461
September 17, 2013

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Andrea Clark, General Counsel
SUBJECT: Consider ratifying overpayment to the Lucy & Company contract

**Recommended Action:**
Ratify the overpayment to the Lucy & Company contract in the amount of $3,921.56.

**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 first amended on September 9, 2008 to increase the contract amount by $98,815. On December 9, 2008 the TRLIA Board approved a second amendment for $37,485, which increased the total contract value to $261,235. The contract with Lucy & Company expired in 2009.

**Discussion:** During a review of old TRLIA contracts it was found that payments to Lucy & Company in 2009 exceeded the total contract value by $3,921.56. After review of the invoices and work products provided by Lucy & Company staff determined that Lucy & Company did, in fact, perform work that warranted the payment. Apparently, the payment beyond the existing contract value was not caught at the time of payment in 2009. Staff requests that the board ratify this overpayment since it was above and beyond the contract amount approved by the board.

**Fiscal Impact:** No current impact since the overpayment was made in 2009.
THREE RIVERS LEVEE
IMPROVEMENT AUTHORITY
1114 Yuba Street, Suite 218
Marysville, CA 95901
Office (530) 749-7841  Fax (530) 749-6990

Sept 17, 2013

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Consulting Agreement with Handen Company, Inc. for Consulting and
Construction Management Services to TRLIA Phase 4, Feather River Levee
Improvements, Yuba River Levee Improvements, and General Consulting

Recommended Actions:
Approve a $179,560 8th contract amendment to the contract with The Handen Company, Inc for
construction management consulting services for ongoing and pending TRLIA projects and
delgate authority to Executive Director to sign and execute amendment upon review by General
Counsel.

Discussion:
Construction Management and Consulting services are needed by TRLIA for the following projects:

- Upper Yuba River levee – Construction Management/Project Closeout/Utility Pole
  relocation coordination
- Feather River Segment 3, landside fence relocation, patrol road installation, and related
tasks/Construction Management (CM).
- Feather River Segment 1 Seepage Berm – CM.
- Land Management activities for the Bear and Feather River Setback area
  (security cameras, signage, maintenance, road maintenance, FRET, RP plantings, DFW
  coordination, DFG coordination)
- Goldfields- Field Coordination/CM
- 200 year certification requirements/CM
- Yuba Levee at Shad Pad Road, project closeout

The Construction Management amendment scope of services includes costs associated with
contract administration, progress reporting, coordination with Corps and DWR/CVFPB Staff,
Contractor Submittals, Agency Coordination, Requests for Information (RFI’s), Inspection
Coordination, NPDES Compliance, Change Order Administration, Conflict Resolution,
Community Interaction, and various other functions as outlined in the attached proposal. The
amendment also extends the end date of The Handen Company, Inc. contract to December 31,
2014.
The Handen Company, Inc. has maintained its 2009 rate structure for 2013 and 2014 as requested by Executive Director Policy Memorandum dated July 23, 2009. All other terms and conditions contained in the Agreement shall remain in full force and effect.

The Handen Company has previously successfully provided Construction Management and other Consulting Services to TRLIA. The scope of work for this effort is appropriate and commensurate with the proposed fees.

**Fiscal Impact:**
The contract amendment would increase the existing contract by $179,560 for services on a time-and-expenses basis, to a maximum amount not exceeding $1,518,710 (Current maximum amount $1,339,150) without prior authorization by TRLIA. This amendment is a time and material contract, which could be terminated at anytime. These projected expenses are included in the current TRLIA cash flow for project completion.

**Attachment:**
Amendment No. 8 and Attachment A
AMENDMENT NO. 8
AGREEMENT FOR PROFESSIONAL SERVICES
FOR
CONSTRUCTION MANAGEMENT
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AND
THE HANDEN COMPANY, INC.

THIS EIGHTH AMENDATORY AGREEMENT is made effective September 
____, 2013, by and between Three Rivers Levee Improvement Authority ("TRLIA") and 
the Handen Company, Inc. ("Consultant"), who agree as follows:

1. **Recitals.** This Amendment is made with reference to the following background 
recitals:

   1.1. Effective March 15, 2006, the parties entered into an Agreement for 
Professional Services relating to Construction Management for TRLIA's 
Construction Program.

   1.2. Effective December 12, 2006, the parties entered into Amendment 1 to the 
AGREEMENT in the amount of $144,000 for a total contract value of 
$311,200 and to extend the contract end date to December 31, 2007.

   1.3. Effective January 29, 2008, the parties entered into Amendment 2 to the 
AGREEMENT in the amount of $143,800 for a total contract value of 
$455,000 and to extend the contract end date to December 31, 2008.

   1.4. Effective January 27, 2009, the parties entered into Amendment 3 to the 
AGREEMENT in the amount of $197,640 for a total contract value of 
$652,640 and to extend the contract end date to December 31, 2009.

   1.5. Effective December 15, 2009, the parties entered into Amendment 4 to the 
AGREEMENT in the amount of $254,730 for a total contract value of 
$907,370 and to extend the contract end date to December 31, 2010.

   1.6. Effective November 16, 2010 the parties entered into Amendment 5 to the 
AGREEMENT in the amount of $181,700 for a total contract value of 
$1,089,070 and to extend the contract end date to December 31, 2011.

   1.7. Effective December 6, 2011, the parties entered into Amendment 6 to the 
AGREEMENT in the amount of $123,060 for a total contract value of 
$1,212,130 and to extend the contract end date to December 31, 2012.

   1.8. Effective December 2012, the parties entered in Amendment 7 to the 
AGREEMENT in the amount of $127,020 for a total contract value of 
$1,339,150 and to extend the contract end date to December 31, 2013.

   1.9. The parties now desire to amend the Professional Services Agreement to 
extend the term of services, and amend the scope of services.
2. **Eighth Amendment to Agreement.** The Professional Services Agreement is hereby amended as follows:

2.1. The Termination Date in Clause 2 and A.2 is amended to extend to December 31, 2014.

2.2. The scope of services (Attachment A to the Agreement for Professional Services between TRLIA and The Handen Company, Inc.) is replaced by the scope of services attached to this amendment agreement.

2.3. The payment, budget, and not-to-exceed amounts (Professional Services Agreement Attachment A) are amended to include the additional amount of $179,560 for a total contract amount of $1,518,710.

3. **No Effect on Other Provisions.** Except for the amendments in Section 2, the remaining provisions of the Professional Services Agreement shall be unaffected and remain in full force and effect.

IN WITNESS WHEREOF, the parties hereto have executed this Agreement on __________________, 2013.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY OF YUBA COUNTY

THE HANDEL COMPANY, INC.

__________________________  _________________________
Paul G. Brunner                  Douglas J. Handen
Executive Director                President

ATTEST:

DONNA STOTTLEMEYER
CLERK OF THE BOARD OF DIRECTORS

APPROVED AS TO FORM:

SCOTT L. SHAPIRO
GENERAL COUNSEL
The Handen Company, Inc.
3250 Monier Circle, Suite D
Rancho Cordova, CA 95742

August 30, 2013

Paul Brunner
Executive Director
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

Re: Scope of Work for Construction Project Management/Consulting for Three Rivers Levee Improvement Authority- 2013 extension and 2014 Feather and Yuba River Levee Projects

Dear Mr. Brunner,

Please find the enclosed scope of work for The Handen Company, Inc. for the above referenced projects.

The work shall be performed on a time and material basis. The rates have not been increased from the 2009 rates. The proposal includes budgets for separate phases of work to reflect the potential deviations in TRLIA’s work for this year. The proposal includes a base scope of work not to exceed the amount of $179,560.

I look forward to continued service to you and TRLIA on these projects. Please contact me to discuss the scope of work to ensure that this scope accurately reflects your needs.

Sincerely,

Douglas J. Handen
**SCOPE OF WORK**

**Services Provided- Project Management Consulting:**

**Project Descriptions:**

- Upper Yuba Levee Improvement Project- Project Closeout and Reporting, Relocation of Utility Poles
- Feather River Segment 3 fence relocation and construction of landside patrol road
- Construction Management of Segment 1 erosion protection berm
- Land Management and environmental coordination for the Bear and Feather River Setback Areas
- Goldfields- Field Coordination/CM
- 200 year certification, construction requirements/CM
- Yuba Levee at Shad Pad Road Repairs- Construction Management/project closeout

**Summary of Tasks:**

1. Attend TRLIA management meetings
2. Participate in construction meetings
3. Participate in weekly design meeting/confrence calls
4. Participate in construction budget review
5. Conduct regular site visits to current projects
6. Coordinate with Construction Management team and Contractors
7. Review and process contract change orders

8. Assist in the preparation of contract documents

9. Track construction schedules

10. Assist in the preparation of reimbursement requests

11. Prepare staff reports and make presentations to the TRLIA Board as necessary

12. Assist in coordination and compliance with project Environmental Permits and requirements

13. Assist TRLIA in acquisition and management of estate as required

14. Assist in coordination with property owners associated with construction activities and project requirements.

15. Inspect TRLIA owned real estate and direct correctional activities and cleanup as required.

16. Work with local Police, Fire, and Reclamation District to with respect to public access, where applicable, on TRLIA owned property

17. Coordinate security camera installation and maintenance, coordinate replacement of public protection signage as required

**Fee and Payment:**

The above referenced services shall be billed monthly at the following rates:

- Principal: $165/hour
- Transportation: $0.445/mile
Budget

Please refer to the table below for time/effort budgets for the following time periods:

<table>
<thead>
<tr>
<th>PRINCIPAL SCOPE</th>
<th>Sept-Dec 2013</th>
<th>January-April 2014</th>
<th>May-December 2014</th>
<th>total hours</th>
<th>$ @ 165/hour</th>
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<tbody>
<tr>
<td></td>
<td>avg. hrs./mo</td>
<td>hours</td>
<td>avg. hrs./mo</td>
<td>hours</td>
<td></td>
</tr>
<tr>
<td>Yuba-Upper Yuba Levee Project Closeout/CM, utility pole relocation</td>
<td>5</td>
<td>20</td>
<td>0</td>
<td>0</td>
<td>5</td>
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<tr>
<td>Feather River Segment 3 fence relocation, landside patrol road CM</td>
<td>60</td>
<td>240</td>
<td>5</td>
<td>20</td>
<td>0</td>
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<tr>
<td>Feather River Segment 1 erosion protection berm CM</td>
<td>14</td>
<td>56</td>
<td>4</td>
<td>16</td>
<td>0</td>
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<tr>
<td>Land Management and Environmental Coordination activities for the Bear and Feather River Setback areas</td>
<td>10</td>
<td>40</td>
<td>10</td>
<td>40</td>
<td>10</td>
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<tr>
<td>Goldfields-Field Coordination, CM</td>
<td>0</td>
<td>0</td>
<td>6</td>
<td>24</td>
<td>46</td>
</tr>
<tr>
<td>200 Year Certification, CM</td>
<td>0</td>
<td>4</td>
<td>16</td>
<td>8</td>
<td>64</td>
</tr>
<tr>
<td>----------------------------</td>
<td>---</td>
<td>---</td>
<td>----</td>
<td>---</td>
<td>----</td>
</tr>
<tr>
<td>Yuba Levee at Shad Pad Road project closeout/CM</td>
<td>10</td>
<td>40</td>
<td>0</td>
<td>0</td>
<td>0</td>
</tr>
<tr>
<td></td>
<td>396</td>
<td>116</td>
<td>552</td>
<td>1,064</td>
<td>175,560</td>
</tr>
</tbody>
</table>

Total Labor base budget = 175,560

Expenses: budget $250/month = 4,000

Total Budget $ 179,560
September 17, 2013

TO: Three Rivers Levee improvement Authority Board
FROM: Paul Brunner, Executive Director
Larry Dacus, Design Manager
SUBJECT: Consider Approval of Amendment 5 to Contract with MHM Inc. to Provide Engineering and Surveying Services for TRLIA Levee Improvement Program

**Recommended Action:**
Approve a contract Amendment No. 5 (attached) with MHM Inc. in the amount of $25,000 for engineering and surveying services and authorize TRLIA Executive Director to sign and execute once General Counsel has reviewed and approved.

**Discussion:**
TRLIA entered into a contract with MHM in October 2009 for surveying and engineering services. Work continues for some of the tasks included in that contract. Task 5 allows MHM to provide general surveying services for miscellaneous items that develop as TRLIA completes the levee repairs. This task allows MHM to perform monitoring surveys and construction surveys in the RD 784 Levee System as needed. The budget for this task was increased from $55,000 to $70,000 by Amendment 4 on June 4, 2013. The contract end date was also extended to December 31, 2014 by Amendment 4. The budget for this task has been expended and it is very advantageous to have the ability to request survey assistance from MHM for these miscellaneous efforts which occur from time to time.

The request is to increase the Task 5 budget by $25,000 to a total Task 5 amount of $95,000. This task increase will increase the total contract amount from $235,200 to $260,200.

As a local surveying and engineering firm with knowledge of the area and experience with the TRLIA Program, MHM has unique knowledge that allows them to perform these miscellaneous survey tasks efficiently. This contract with MHM provides TRLIA with resources to perform unanticipated surveying tasks with a quick turnaround.

**Fiscal Impact:**
The MHM Contract will be increased by $25,000 for services on a time-and-expenses basis, to a maximum amount not to exceed a total contract amount of $260,200. The funding for these tasks associated with the Feather and UYLIP projects will be cost shared by the State. Tasks not associated with the EIP projects will be funded with local funds. Local funds are available.

Attachment:
MHM Amendment 5
FIFTH AMENDMENT
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
MHM, Inc.

THIS FIFTH AMENDATORY AGREEMENT is made and entered into this ___ day of
September, 2013, by and between the THREE RIVERS LEVEE IMPROVEMENT
AUTHORITY, a Joint Powers Authority, (“TRLIA”) and MHM, Inc. (“CONSULTANT”).

RECURSALS:

WHEREAS, TRLIA and CONSULTANT entered into an agreement to provide Engineering and
Surveying Services dated October 13, 2009 (“AGREEMENT”);

WHEREAS, TRLIA and CONSULTANT entered into the First Amendatory Agreement dated
November 16, 2010;

WHEREAS, TRLIA and CONSULTANT entered into a Second Amendatory Agreement dated
January 17, 2012;

WHEREAS, TRLIA and CONSULTANT entered into a Third Amendatory Agreement dated
September 18, 2012;

WHEREAS, TRLIA and CONSULTANT entered into a fourth Amendatory Agreement dated
June 4, 2013;

WHEREAS, Article C.24 of the AGREEMENT, states that modifications or amendments to the
terms of the AGREEMENT shall be in writing and executed by both parties:

WHEREAS, TRLIA and CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and CONSULTANT agree as follows:

1. Article B.1 of the AGREEMENT shall be revised to increase the maximum contract fee by
$25,000 from $235,200 to $260,200.

All other terms and conditions contained in the Agreement shall remain in full force and effect.
This AMENDED AGREEMENT is hereby executed on this ___ day of September 2013.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MHM, INC.

Paul G. Brunner, Executive Director

John Michael Smith
Principal

ATTEST:
DONNA STOTTERMeyer,
SECRETARY

APPROVED AS TO FORM:
SCOTT L. SHAPIRO
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY GENERAL COUNSEL