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

I ROLL CALL – Directors Atwal, Brown, Ledbetter, Lofton, Vasquez

II PUBLIC COMMUNICATIONS: Any person may speak about any subject of concern within the jurisdiction of TRLIA which is not on today’s agenda. The total amount of time allotted 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 secretary.

III CONSENT AGENDA

A. Approve minutes of the Special meeting of April 30, 2019.

IV ACTION ITEMS

A. Approve agreement with Reclamation District 784 to seek responsibility for Operation, Maintenance, Repair, Replacement, and Rehabilitation associated with the 200-Year Goldfields Project and authorize Chair to execute.

B. Approve the Consent to Assign SAGE Engineering Contract to Gannett Fleming, Inc. and authorize Executive Director to execute.

C. Adopt resolution to accept Supplemental General Funds from State of California, Department of Water Resources for the Feather River Floodway Corridor Restoration Project and authorize Chair to execute.

V BOARD AND STAFF REPORTS


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.
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

APRIL 30, 2019 SPECIAL MEETING

MINUTES

Call to order 1:01 p.m. with a quorum being present as follows: Directors Rick Brown, Gary Ledbetter, Doug Lofton, and Andy Vasquez. Director Sardeep Atwal was absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Office Specialist of the Board of Supervisors Mary Pasillas. Vice Chair Vasquez presided.

I ROLL CALL – Directors Brown, Ledbetter, Lofton, Vasquez – Director Atwal absent

II CONSENT AGENDA:

A. Approve meeting minutes of February 19, 2019.

   MOTION: Move to approve
   MOVED: Doug Lofton SECOND: Rick Brown
   AYES: Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
   NOES: None ABSENT: Sardeep Atwal ABSTAIN: None

III ACTION ITEMS:

A. Approve expenditure of $1,500 per person for board members and Executive Director wishing to attend annual Flood Management Association conference September 3-6th, held in San Diego, CA. Executive Director Paul Brunner provided a brief recap and responded to Directors inquiries.

   MOTION: Move to approve
   MOVED: Rick Brown SECOND: Doug Lofton
   AYES: Rick Brown, Gary Ledbetter, Doug Lofton, Andy Vasquez
   NOES: None ABSENT: Sardeep Atwal ABSTAIN: None

IV CLOSED SESSION: The Board retired into closed session at 1:04 p.m. and returned at 2:14 p.m. with all members present as indicated above. Vice Chair Vasquez announced there was nothing to report.

1. Conference with Legal Counsel –Significant exposure to litigation pursuant to Government Code Section 54956.9 (d)(2) – One Case

2. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Kelly Pope/Paul Brunner/Brenda Schimpf. Negotiation: Price and terms of payment for the following properties:

   A) APN 018-180-072 and 073/Sanders
   B) APN 018-180-074/Clift
   C) APN 018-180-070/C. Ludwick
   D) APN 018-180-079/A. Ludwick
   E) APN 018-180-066 and 078/Gallier
F) APN 018-180-082 and 018-150-012/Wilbur
G) APN 018-150-063/Barker
I) APN 018-180-085/Nunes
J) APN019-170-020/Beale AFB
K) APN Unknown/Heirs and Deveis of Beery

V. BOARD AND STAFF MEMBERS REPORTS:

   Executive Director Paul Brunner recapped the following:
   American Society of Civil Engineers “2019 Outstanding Small Project” Award for Yuba Goldfields 100 Year Interim flood Control Project.
   Central Valley Flood Protection Board Workshop, May 10, 2019
   May 7, 2019 meeting cancelled, next meeting May 21, 2019
   Provided Update on Proposition 1E Funding Deadlines:
   • 200 Year Goldfields Levee
   • Upper Yuba River Levee
   • Feather River Levee

VI ADJOURN: 2:39 p.m.

______________________________________________
Chair

ATTEST: RACHEL FERRIS
CLERK OF THE BOARD OF SUPERVISORS
AND SECRETARY OF THE PUBLIC AUTHORITY

______________________________________________
Approved: ____________________________
May 21, 2019

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
       Andrea P. Clark, General Counsel
SUBJECT: Approval of Agreement to Seek Responsibility for Operation, Maintenance, Repair, Replacement & Rehabilitation

Recommended Action:

Approve the Agreement to Seek Responsibility for OMRR&R between TRLIA and RD 784 associated with the 200-Year Goldfields Project and authorize Chair to execute.

Discussion:

In 2015 TRLIA entered into a funding agreement with the California Department of Water Resources, through its Urban Flood Risk Reduction program, to receive funding of approximately $32 million to construct a levee south of the Goldfields ("UFRR Funding Agreement"). The levee will prevent Yuba River flood flows during a 200-year flood event from flowing through the Goldfields and flanking the State Plan of Flood Control.

RD 784, a special district originally formed in 1908, is responsible for providing levee and internal drainage services to an area in South Yuba County generally located east of the Feather River between the Yuba and Bear Rivers. RD 784 operates and maintains over 33 miles of levees including all TRLIA-improved levees. It is also responsible for operating and maintaining an internal drainage system.

In 2009, TRLIA formed a benefit assessment district that generates funds to pay for RD 784's operations and maintenance of TRLIA-improved levees. This existing assessment does not account for the addition of the new Goldfields levee, and until recently RD 784's boundaries did not include parcels that will receive benefits from the Goldfields levee. Recently, however, the Yuba County Local Agency Formation Commission (LAFCO) approved changes to RD 784's boundaries to align the RD 784 boundaries with lands benefited by TRLIA projects, including the Goldfields project. RD 784 is currently proposing to levy a new assessment to adequately fund required operation and maintenance activities for the Goldfields Project, in addition to internal drainage services.

As a condition of receiving funding from DWR for the Goldfields project through the UFRR Funding Agreement, the State of California requires that an entity responsible for the operation
and maintenance of the levee execute an Operation, Maintenance, Repair, Replacement and Rehabilitation ("OMRR&R") agreement. The UFFR Funding Agreement requires that either the funding recipient or the entity legally responsible for operation and maintenance of the levee, or both, execute a legally binding agreement related to the OMRR&R for the project "not later than the point at which 25% of the project funds have been extended." TRLIA will soon reach this point; therefore, a legally binding agreement for OMRR&R is required in the very near future.

For the Feather River Levee Improvement Project and the Upper Yuba River Levee Improvement Project, TRLIA and RD 784 jointly executed an OMRR&R agreement with the Central Valley Flood Protection Board. TRLIA is willing to again jointly execute the OMRR&R agreement with RD 784 for the Goldfields project.

Although a model OMRR&R agreement is included as an exhibit to the UFRR Funding Agreement, DWR allows for the 25% requirement to be fulfilled through a less detailed "Agreement to Seek Responsibility for OMRR&R" between the funding recipient (TRLIA) and the legal entity that will eventually enter into the OMRR&R agreement (RD 784).

In the proposed Agreement to Seek Responsibility for OMRR&R, RD 784 and TRLIA both agree to negotiate and enter into an OMRR&R agreement with the Central Valley Protection Board. This proposed agreement is being presented also to the RD 784 board for consideration and approval. Execution of this agreement will ensure that funding through the UFRR Funding Agreement will not cease during a critical time for the Goldfields project.

**Attachment:**
- Proposed Agreement to Seek Responsibility for OMRR&R Between TRLIA and RD 784
AGREEMENT TO SEEK RESPONSIBILITY FOR OMRR&R
BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
RECLAMATION DISTRICT 784

This AGREEMENT TO SEEK RESPONSIBILITY FOR OMRR&R ("Agreement") is made and entered into on the last day executed, by and between the THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, a Joint Powers Authority, ("TRLIA") and RECLAMATION DISTRICT NUMBER 784 ("RD 784").

RECITALS:

WHEREAS, TRLIA is a joint powers authority that has spent over $400 million improving and rehabilitating levees protecting areas of Yuba County from flooding from the Yuba, Feather and Bear Rivers, with the goal of providing a minimum level of 200-year flood protection for urban areas in the Yuba Basin;

WHEREAS, in 2015 TRLIA entered into a funding agreement ("Funding Agreement") with the State of California to receive funding of approximately $32 million to construct a levee south of the Goldfields ("Project");

WHEREAS, RD 784 has operation and maintenance responsibility for levees in Yuba County, and intends to operate and maintain the Goldfields levee once constructed;

WHEREAS, as a condition of receiving a portion of the funding, the State of California is requiring that an entity responsible for the operation and maintenance of the levees protecting the Yuba Basin execute a new Operation, Maintenance, Repair, Replacement and Rehabilitation ("OMRR&R") agreement;

WHEREAS, RD 784, as the entity currently responsible for the operation and maintenance of Yuba County levees is willing to execute an OMRR&R agreement for the Goldfields levee;

WHEREAS, TRLIA is also willing to execute an OMRR&R agreement for the Goldfields levee, consistent with TRLIA’s prior execution, with RD 784, of an OMRR&R agreement for the Feather River Levee Improvement Project and the Upper Yuba River Levee Improvement Project;

WHEREAS, the State has agreed to accept an AGREEMENT TO SEEK RESPONSIBILITY FOR OMRR&R to demonstrate RD 784’s and TRLIA’s intent to execute a new OMRR&R agreement;

WHEREAS, TRLIA and RD 784 desire to enter into this Agreement to provide the necessary assurances to the State of California so that TRLIA can continue to receive State funding for the Project.

NOW, THEREFORE, TRLIA, and RD 784 agree as follows:
1. This Agreement incorporates by reference Exhibit D to the Funding Agreement executed by the State and TRLIA, which exhibit provides the terms sought by the State for the new OMRR&R agreement.

2. RD 784 and TRLIA agree to negotiate and enter into an OMRR&R agreement with the Central Valley Flood Protection Board, or any successor thereto, with terms substantially similar to the form of Exhibit D to the Funding Agreement.

This AGREEMENT is hereby executed on this _______ day of _________, 2019.

TRLIA

BY: __________________________

APPROVED AS TO FORM
GENERAL COUNSEL
TRLIA

____________________________

Andrea P. Clarke

RD 784

BY: __________________________

APPROVED AS TO FORM:
GENERAL COUNSEL
RD 784

____________________________
TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Consent to Assign SAGE Engineers to Gannett Fleming

Recommended Action:
Authorize the Executive Director to sign the Consent to Assign SAGE Engineers to Gannett Fleming.

Discussion:
Dr. Faiz Makdisi is an expert in geotechnical engineering and has served as an independent external peer review panel member for most of TRLIA’s projects and continues to provide the services for the FEMA certification effort and WPIC 200-Year Standard Project. Dr. Makdisi’s employer SAGE Engineers was recently acquired by Gannett Fleming, Inc. The Consent to Assign would transition the contract TRLIA currently has with SAGE Engineers to Gannett Fleming without contract amendment.

The Consent to Assign would transition the contract TRLIA has with SAGE engineers to Gannett Fleming without contract amendment. The reason for bringing this request to the Board for approval is that the current SAGE contract has a clause in it that says the contract cannot be reassigned. The TRLIA Board approval to reassign the SAGE contract will override the current SAGE contract requirement.

Fiscal Impact:
None.

ATTACHMENT

1. Consent to Assign Letter
May 7, 2019

Three Rivers Levee Improvement Authority
Claire Marie Turner
turner@mbdkengineers.com

Re: Consent to Assign SAGE Engineers, Inc. Agreement to Gannett Fleming, Inc.
Client Agreement(s) ("Agreement"): Agreement for Professional Services Executed 9/13/2016
Project(s): Independent Expert Panel Review
SAGE Project No.: 15-062.00
Gannett Fleming Project No.: 065306

Dear Ms. Turner,

We are very pleased to announce that on March 29, 2019 ("Close Date") the business of SAGE Engineers, Inc. was acquired by Gannett Fleming, Inc. through asset purchase. The principals and staff of SAGE will be taking on the responsibility for leading Gannett Fleming’s Geotechnical, Dams and Hydraulics Business Line in the western U.S. All of the people you know and work with at SAGE will continue, as part of Gannett Fleming, to provide its current high-quality services. Gannett Fleming is a full-service engineering company and has been in business for over one hundred years. We provide consulting engineering, planning and related services throughout the United States and abroad.

The purpose of this letter is to inform you of this change. Additionally, to complete the transition of your contractual relationship from SAGE to Gannett Fleming, we request that you acknowledge and provide your consent to the assignment of the above-referenced Agreement(s). Gannett Fleming will assume the duties and obligations of the current Agreement(s) and complete the work. Please be assured that the same experienced staff, already committed to your projects, will remain available to complete the above-referenced Agreement(s) without interruption.

We recognize that you may have an alternate process in providing your consent to the assignment of the current Agreement(s). Should this be the case, please notify the undersigned so that we may fully understand your requirements and be as responsive to your needs as possible during this transition. Otherwise, please provide your consent by signing the letter below and returning a copy to Amie Carpenter at acarpenter@gfnet.com, with a copy to Laura Profitt at lproffit@gfnet.com, or to the undersigned at the address below. Additionally, we have enclosed the certificate(s) of insurance pursuant to the terms of your Agreement(s).

Gannett Fleming, Inc.
Suite 200 • 2251 Douglas Blvd • Roseville, CA 95661
t: 916.677.4800
www.gannettfleming.com
Should you have any questions or would like to discuss this matter further, please contact Steve Sanders at 916-677-4760 (ssanders@gfnet.com) or John Kovacs at 717-763-7212 x5339 (jkovacs@gfnet.com).

Thank you for your support during this transition and we look forward to the continuation of our current working relationship.

Sincerely,

Steven H. Sanders  
Vice President  
Gannett Fleming, Inc.

John W. Kovacs  
Executive Vice President  
Gannett Fleming, Inc.

Enclosure

Effective as of the Close Date, the undersigned hereby consents to the assignment of SAGE to Gannett Fleming of the above-referenced Agreement(s):

 Acknowledged and agreed as of the

 _______ day of _________________, 2019

Name:

Title:
May 21, 2019

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Supplemental General Fund Funding for Feather River Floodway Corridor Restoration Project

**Recommended Action:**
Approve attached Resolution by the TRLIA Board of Directors and authorize Chair to execute approving the application for and receipt of general funds from the State of California, Department of Water Resources, through its Maintenance Environmental Initiatives Project for the Feather River: Floodway Corridor Restoration Project.

**Background:**
DWR’s FloodSAFE Environmental Stewardship and Statewide Resources Office (FESSRO) was created in 2009 to integrate environmental stewardship and flood management. FESSRO’s Floodway Ecosystem Sustainability Branch provided support on environmental issues for the 2012 Central Valley Flood Protection Plan (Plan) by developing an attachment to the Plan that addresses conservation in the context of flood risk reduction. Around that time, FESSRO had bond funding from Proposition 1E that it can allocate to projects and activities that meet the intent of the conservation document and the Plan.

TRLIA submitted a preliminary proposal for a project that would establish riparian habitat on 500 acres in the Feather River Setback area (the Feather River Floodway Corridor Restoration Project, or “Project”). By creating native wildlife habitat for threatened and endangered species compatible with seasonal flooding, the project will offset some mitigation requirements for projects consistent with the State Plan of Flood Control and provide advanced mitigation credits for DWR and/or TRLIA. TRLIA applied for and received grant funding under Proposition 1E for the Project in 2012 and has been working since that time to design and implement the Project.

FESSRO is now managed by DWR’s Maintenance Environmental Initiatives Project. TRLIA and DWR staff have met frequently throughout Project implementation. In light of the upcoming cessation of Prop 1E funds and continuing funding needs for the Project, DWR has agreed to provide additional dollars ($1.3 million) for the Project through the State’s general fund. DWR requires that TRLIA approve a new resolution authorizing execution of a general fund agreement.

**Fiscal Impact:**
No impact to financial impact to TRLIA. This project is 100% funded by DWR via Prop 1E funds and now the additional DWR General Funds.

**Attachment:**
Proposed Resolution
RESOLUTION NO. 2019-__

A RESOLUTION BY THE BOARD OF DIRECTORS OF
SUTTER BUTTE FLOOD CONTROL AGENCY APPROVING THE
APPLICATION FOR AND RECEIPT OF GENERAL FUNDS FROM THE STATE OF
CALIFORNIA THROUGH ITS FLOOD MAINTENANCE ENVIRONMENTAL
INITIATIVES PROGRAM FOR THE FEATHER RIVER FLOODWAY CORRIDOR
RESTORATION PROJECT

WHEREAS, the Three Rivers Levee Improvement Authority (TRLIA) proposed the Feather
River Floodway Corridor Restoration Project ("Project"), which involves the establishment of
riparian habitat on 500 acres in the Feather River Setback area, and has been carrying out the
Project since 2012; and

WHEREAS, the Department of Water Resources, Flood Maintenance Office’s
Environmental Initiatives Program seeks to provide advance mitigation for flood maintenance
activity impacts to sensitive fish and wildlife habitats; and

WHEREAS, the Department of Water Resources wishes to provide additional funding for the
Project through general funds, in conjunction with earlier approved Proposition Prop 1E grant
funds; and

WHEREAS, procedures established by the Department of Water Resources require a
resolution certifying the approval of application(s) and contracts by the governing board
of TRLIA before the receipt of general funds; and

WHEREAS, TRLIA will enter into an agreement with the State of California to continue
funding the Project.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Three Rivers
Levee Improvement Authority:

1. Approves the execution of an agreement with the Department of Water Resources
   providing funding for the Project with general funds;

2. Appoints the Executive Director as its agent to conduct all negotiations, execute and
   submit all documents including, but not limited to applications, agreements, payment
   requests and so on, which may be necessary for the completion of the Project.

* * * * *
PASSED AND ADOPTED this 21st day of May, 2019, by the Board of Three Rivers Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Chairperson

ATTEST: RACHEL FERRIS,
CLERK OF THE BOARD

______________________________
APPROVED AS TO FORM: GENERAL COUNSEL

Andrea P. Cielecki.