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 meeting minutes of July 16, 2019.

IV ACTION ITEMS

A. Receive August 2019 annual report of Adequate Progress towards Urban Level of Flood Protection; direct a copy transmitted to the Central Valley Flood Protection Board, and make report available for public inspection as required by SB 5.

B. 1. Adopt resolution authorizing participation in the Regional Flood Management Program (RFMP) 2. Authorize Executive Director to apply for and execute a funding agreement with Department of Water Resources (DWR) and accept state funding under the RFMP. 3. Authorize Executive Director to modify and execute memorandum of understanding with RFMP partner Agencies to establish a Steering Committee comprised of Partner Agency Leadership.

C. Approve contract Amendment No. 1 with MBK Engineers for professional services for 2019-2021 in the amount of $1,311,000 and authorize Executive Director to execute upon review and approval of General Counsel.

V BOARD AND STAFF REPORTS

A. Miscellaneous Reports

V CLOSED SESSION

1. 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) APN 019-170-020/Beale AFB
K) APN Unknown/Heirs and Devisees of Beery

**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

JULY 16, 2019

MINUTES

Call to order 2:15 p.m. with a quorum being present as follows: Directors Sarbdeep Atwal, Rick Brown, and Doug Lofton. Directors Gary Ledbetter, and Andy Vasquez were absent. Also present were Executive Director Paul Brunner, Counsel Andrea Clark, and Clerk of the Board of Supervisors Rachel Ferris. Chair Atwal presided.

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

II PUBLIC COMMUNICATIONS: NONE

III CONSENT AGENDA

A. Approve meeting minutes of June 18, 2019.

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

IV ACTION ITEMS

A. Approve Contract Amendment No. 7 in the amount of $5,100 with David T. Williams and Associates, Engineers, LLC for engineering services and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped amendment.

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

B. Approve Contract Amendment No. 1 in the amount of $18,000 with George Sills Geotechnical Engineering Consultant, LLC for consulting services and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped background and amendment.

   MOTION: Move to approve
   MOVED: Rick Brown SECOND: Doug Lofton
   AYES: Sarbdeep Atwal, Rick Brown, Doug Lofton
   NOES: None ABSENT: Gary Ledbetter, Andy Vasquez
C. Approve Contract Amendment No. 1 in the amount of $34,900 with Geosyntec to provide professional services and authorize Executive Director to execute upon review and approval of General Counsel. Executive Director Paul Brunner recapped background and amendment.

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

V BOARD AND STAFF REPORTS

Financial Manager Seth Wurzel:
• Fiscal Year 2019/20 Annual Tax Report for Community Facilities Districts 2006-1 and 2006-2
• Request from the County to review options to lower Levee Impact fees

Executive Director Paul Brunner:
• RD784 assessment passed and will be placed on the tax rolls in August 2019
• Feather River Regional Management Plan
• TRLIA’s Authority relating to the North Training Wall project on the Yuba River
• Future succession planning

VI 3:00 P.M. FINAL BUDGET HEARING FISCAL YEAR 2019-2020

Chair Atwal opened the public hearing:

A. Present overview and recommendations for Fiscal Year 2019-2020 Final Budget. Executive Director Paul Brunner recapped recommendations, including Budget Emphasis for Fiscal Year 2019/2020:
• 200 year Goldfields Levee
• Property Management
• FEMA certification, Adequate Progress Funding, Legal and Permit requirements
• Cash flow for 200 year Goldfields Land Acquisition
• Agricultural Lease Revenues

Budget Outline Fiscal Year 2019/2020
• Projected Budget - $2.15 million
• Revenue $28.1 million
• Expenditures $30 million

Chair Atwal closed the public hearing.

MOTION: Close the Public Hearing and approve Final Budget for Fiscal Year 2019-2020
MOVED: Doug Lofton Vasquez SECOND: Rick Brown
AYES: Sarbdeep Atwal, Rick Brown, Doug Lofton
NOES: None ABSTAIN: None ABSENT: Gary Ledbetter, Andy Vasquez
VII ADJOURN: at 3:38 p.m.

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

Chair

Approved: ____________________
August 20, 2019

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director

SUBJECT: Adequate Progress towards Urban Level of Flood Protection Annual Report to Central Valley Flood Protection Board

Recommended Action:
Receive the attached Three Rivers Levee Improvement Authority Adequate Progress towards Urban Level of Flood Protection Annual Report, dated August 2019 and direct staff to transmit the report to the Central Valley Flood Protection Board and make the report publicly available as required by Senate Bill (SB) 5 (2007).

Discussion:
In June 2016, Yuba County adopted a finding of adequate progress for the urban area protected by the RD 784 Levee System. SB 5 and the Department of Water Resources’ Urban Level of Flood Protection Criteria (ULOP Criteria), issued in 2013, requires an annual report of progress towards completion of the flood protection system be submitted by the local flood management agency (in this case TRLIA) to the CVFPB.

Yuba County’s Adequate Progress Finding (APF) remains valid until July 2025 unless the basis of the finding has changed or the ongoing reporting requirements associated with adequate progress are not met. The APF was based on several supporting documents including, TRLIA’s Substantial Evidence Engineer’s Report, Urban Level of Protection, RD 784 Levee System, dated May 2016 and TRLIA’s Adequate Progress Finding towards an Urban Level of Flood Protection Report for the Reclamation District 784 Levee System (APF Report), dated June 2016. These documents collectively describe an attainable, reasonable approach toward providing ULOP for the RD 784 urban area. Specifically, these documents describe the RD 784 Levee System and the urban area it protects; provide substantial evidence, including data and references, demonstrating the levee system will provide an urban level of flood protection; and the scope, schedule, revenues, and cost to provide an urban level of flood protection.

The APF Report identified two projects as being necessary to provide an urban level of flood protection: the WPIC West Levee Standard Project (WPIC Project) and the 200-Year Goldfields Levee Project (Goldfields Project). Construction of the WPIC Project is complete with post-construction activities continuing in 2019. The Goldfields Project continues to progress, with construction scheduled to begin in spring 2020.
TRLIA will submit the attached Three Rivers Levee Improvement Authority *Adequate Progress towards Urban Level of Flood Protection Annual Report*, August 2019 to the Central Valley Flood Protection Board as required by Government Code 65007 (a)(5). This report documents that adequate progress towards an urban level of flood protection was made over the last year. As required by the ULOP Criteria, the attached report will be made available to the public on TRLIA’s website. The next annual report is expected to be submitted in August 2020.

**Fiscal Impact:**
This item is informational only with no fiscal impact to TRLIA.

**Attachment:**
Three Rivers Levee Improvement Authority *Adequate Progress towards Urban Level of Flood Protection Annual Report*, August 2019
August 20, 2019

Ms. Leslie Gallagher, Executive Officer
Central Valley Flood Protection Board
3310 El Camino Avenue, Suite 170
Sacramento, CA 95821

Re: Annual Report of Progress

Dear Ms. Gallagher,

In accordance with the requirements of Government Code §65007 (a) and the Urban Level of Flood Protection Criteria issued by the Department of Water Resources in 2013, Three Rivers Levee Improvement Authority, as the local flood management agency, respectfully submits the enclosed annual report of progress towards providing an urban level of flood protection to the Reclamation District 784 urban area.

This report is available to the public at the following website: www.trlia.org

Questions on the matter may be referred to Ms. Claire Marie Turner at turner@mbkengineers.com or 916-456-4400.

Sincerely,

Paul G. Brunner, P.E.
Executive Director

cc:
Mr. Kevin Mallen, Yuba County
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

ADEQUATE PROGRESS TOWARDS URBAN LEVEL OF FLOOD PROTECTION

ANNUAL REPORT

AUGUST 2019
PURPOSE

In June 2016, Yuba County adopted a finding of adequate progress (APF) toward an Urban Level of Flood Protection (ULOP) for the urban area protected by the RD 784 Levee System. When a local agency makes an APF, as described in the Urban Level of Flood Protection Criteria (ULOP Criteria), issued by the Department of Water Resources (DWR) in 2013, Government Code Section 65007 (a) (5) requires the Local Flood Management Agency annually report to the Central Valley Flood Protection Board (CVFPB) on the progress toward the completion of the flood protection system. This report serves as that Annual Report. As required by the ULOP Criteria, this report, as well as prior reports, is publicly available at www.trlia.org.

ADEQUATE PROGRESS FINDING

Yuba County's APF was based on several supporting documents including, TRLIA’s Substantial Evidence Engineer’s Report, Urban Level of Protection, RD 784 Levee System (Engineer’s Report), dated May 2016 and TRLIA’s Adequate Progress Finding towards an Urban Level of Flood Protection Report for the Reclamation District 784 Levee System (APF Report), dated June 2016. These documents collectively describe an attainable, reasonable approach toward providing an urban level of flood protection for the RD 784 urban area by 2025. Specifically, these documents describe the RD 784 Levee System and the urban area it protects; provide substantial evidence, including data and references, demonstrating the levee system will provide an urban level of flood protection; and the scope, schedule, cost and identified sources of funding and their expected timing to provide an urban level of flood protection. The Engineer’s Report and APF Report are hereby incorporated by reference. Pursuant to DWR’s ULOP Criteria, a finding based on adequate progress has an effective period of 10 years or until the finding is superseded, whichever is sooner, provided that the adequate progress requirements per California Government Code Section 65007(a) are met. Based upon this criterion, the APF made by Yuba County is valid until December 31, 2025,¹ so long as the requirements of Government Code §65007(a) are met by TRLIA as the Local Flood Management Agency.

PROGRESS

The APF Report identified two levee construction projects as being necessary to provide an urban level of flood protection: the WPIC West Levee Standard Project (WPIC Project) and the 200-Year Goldfields Levee Project (Goldfields Project). Progress on these projects is described below.

WPIC WEST LEVEE STANDARD PROJECT

The WPIC west levee is considered a critical feature for providing an urban level of flood protection to the RD 784 urban area. Construction of the project began in 2016 and was completed in late 2017. Technical

¹Pursuant to Government Code Sections 65865.5, 65962, and 66474.5, for area protected by SPFC levees, an urban level of flood protection shall be achieved by 2025, therefore, after 2025, a local agency can no longer rely on findings of adequate progress after 2025 for an area protected by SPFC levees. The levees protecting the RD 784 basin being improved by TRLIA are or will be SPFC levees.
review of the DMM cutoff wall construction occurred following construction and through April 2019. The WPIC west levee now meets ULDC. Other post-construction activities will continue in 2019.

Scope

The scope identified in the APF Report for the WPIC Project (Table 1) is unchanged. Construction is now complete.

Table 1. Scope and Status

<table>
<thead>
<tr>
<th>CRITICAL FEATURES – WPIC WEST LEVEE</th>
<th>CONSTRUCTION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Station 9+50 to 24+50; 70-Ft-Deep Deep Mix Method Cutoff Wall</td>
<td>Completed</td>
</tr>
<tr>
<td>Station 115+00 to 119+00; Fill Landside Low Area (Minimum of 3 Feet)</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 135+00 to 309+00; Landside Levee Toe All-Weather Maintenance Road</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 144+50 to 167+50; 50-Ft-Deep Conventional Cutoff Wall</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 190+10 to 216+00; Drained Berm, 2.5-Feet High by 18-Feet Wide in Conjunction with the Toe Maintenance Road</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 238+50 to 248+50; 50-Ft-Deep Conventional Cutoff Wall</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 259+00 to 278+00; 10-Foot-Tall by 10-Foot-Wide Landside Stability Berm</td>
<td>Completed (Reported in 2018)</td>
</tr>
<tr>
<td>Station 286+00 to 300+00; Fill Landside Low Area (Minimum of 3.5 Feet)</td>
<td>Completed (Reported in 2018)</td>
</tr>
</tbody>
</table>

Schedule

The schedule (Table 2) for the WPIC Project is unchanged from the prior annual report. Construction is now complete.

Table 2. Milestones and Status

<table>
<thead>
<tr>
<th>MILESTONE</th>
<th>SCHEDULED</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Complete Design</td>
<td>March 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>Complete Environmental Permitting</td>
<td>May 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>USACE Section 438 Permits Issued</td>
<td>May 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>CVFPB Permits Issued</td>
<td>May 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>Real Estate Access for Construction Obtained</td>
<td>June 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>Award Construction Contract</td>
<td>June 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>Initiate Construction</td>
<td>June 2016</td>
<td>Achieved.</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>November 2018</td>
<td>Achieved.</td>
</tr>
</tbody>
</table>
Costs and Expenditures

TRLIA has spent approximately $14,008,645 on the WPIC Project through July 2019. As described above, planning and design were completed in 2016. Construction was completed in 2017. In addition to construction, other outstanding activities include the completion of construction documentation report, O&M Manual revisions, construction certification, etc.

The 2018 Annual Adequate Progress Report (2018 APR) projected expenditures in FY 2017-18 of $2,975,678 and in FY 2018-19 of $4,817,053. Actual expenses in FY 2017-18 were approximately $3,792,913 and in FY 2018-19 are projected to be $3,975,484 with little no remaining costs to be incurred in FY 2019-20. Any remaining expenses incurred on FY 2019-20 are solely associated with project’s closeout. An updated combined TRLIA ULOP Adequate Progress Pro Forma cash flow has been included within this report (Table 7) after a discussion of funding and revenues.

Table 3. Costs and Expenditures

<table>
<thead>
<tr>
<th>COSTS</th>
<th>ORIGINAL ESTIMATE</th>
<th>EXPENDED*</th>
<th>REVISED ESTIMATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Design</td>
<td>$1,371,000</td>
<td>$1,355,681</td>
<td>$1,400,000</td>
</tr>
<tr>
<td>Permitting &amp; Env. Doc.</td>
<td>$759,000</td>
<td>$1,558,879</td>
<td>$1,600,000</td>
</tr>
<tr>
<td>Right of Way Acquisition</td>
<td>$609,000</td>
<td>$223,183</td>
<td>$250,000</td>
</tr>
<tr>
<td>Right of Way Support</td>
<td>$323,000</td>
<td>$296,562</td>
<td>$350,000</td>
</tr>
<tr>
<td>Construction Management</td>
<td>$1,501,000</td>
<td>$1,973,701</td>
<td>$2,150,000</td>
</tr>
<tr>
<td>Construction</td>
<td>$11,167,000</td>
<td>$8,600,639</td>
<td>$9,000,000</td>
</tr>
<tr>
<td>O&amp;M Manual Addendum</td>
<td>$50,000</td>
<td>$ -</td>
<td>$50,000</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$15,780,000</strong></td>
<td><strong>$14,008,645</strong></td>
<td><strong>$14,800,000</strong></td>
</tr>
</tbody>
</table>

*Dollars expended reflect the amount of all invoices paid as of the date this report was prepared and therefore may not reflect all costs incurred.

Delays and Changes

Construction of the WPIC Project is complete. Additional activities continue to document construction and close-out the project.

200-Year Goldfields Project

The Yuba River south levee extension, proposed as part of the 200-Year Goldfields Project, is considered a critical feature for providing an urban level of flood protection to the RD 784 urban area. The proposed levee extension will protect the RD 784 urban area from flood flows traveling through the Goldfields that would outflank the existing Yuba River South Levee.
Scope

The scope identified in the APF Report for work in Goldfields is generally the same as the 200-Year Goldfields Project: to provide an urban level of flood protection through a levee extension south of the Goldfields. Based on a proposed alignment modification, refined hydraulic modeling, and review of existing and new data and information, the levee extension is expected to be approximately 2.6 miles in length. Planning (e.g., environmental compliance, real estate activities, etc.) and design for the refined alignment are currently underway. The status of construction of this feature remains the same: to be completed (Table 4).

Table 4. Scope and Status

<table>
<thead>
<tr>
<th>CRITICAL FEATURE – Yuba River left (south) levee</th>
<th>CONSTRUCTION STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Construction of levee extension south of the Goldfields</td>
<td>To be completed</td>
</tr>
</tbody>
</table>

Schedule

The schedule for the 200-Year Goldfields Project is unchanged from the prior annual report. However, the project was authorized by Congress in 2018 and therefore USACE Section 408 permission is no longer required and has been removed from the milestone list. The status of milestones is as included in (Table 5).

Table 5. Milestones and Status

<table>
<thead>
<tr>
<th>MILESTONE</th>
<th>SCHEDULED</th>
<th>STATUS</th>
</tr>
</thead>
<tbody>
<tr>
<td>Sign Funding Agreement</td>
<td>August 2017</td>
<td>Achieved in October 2017.</td>
</tr>
<tr>
<td>Complete Design</td>
<td>December 2019</td>
<td>On Target</td>
</tr>
<tr>
<td>Complete Environmental Permitting</td>
<td>December 2019</td>
<td>On Target</td>
</tr>
<tr>
<td>CVFPB Permits Issued</td>
<td>December 2019</td>
<td>On Target</td>
</tr>
<tr>
<td>Real Estate Access for Construction Obtained</td>
<td>May 2020</td>
<td>On Target</td>
</tr>
<tr>
<td>Award Construction Contract</td>
<td>March 2020</td>
<td>On Target</td>
</tr>
<tr>
<td>Initiate Construction</td>
<td>May 2020</td>
<td>On Target</td>
</tr>
<tr>
<td>Complete Construction</td>
<td>October 2022</td>
<td>On Target</td>
</tr>
</tbody>
</table>

Costs and Expenditures

Through March 2019, TRLIA has spent approximately $5.475 million advancing the 200-Year Goldfields Project. TRLIA’s efforts on the 200-Year Goldfields Project over the past year have been focused on accomplishing CEQA and development of the 65% designs. The costs of 200-Year Goldfields project have been updated to conform to the structure of TRLIA’s UFRR funding agreement with DWR and are
summarized below (Table 6). Specifically, those costs related to the final project that will be implemented that have been incurred through March 2019 are summarized below.

<table>
<thead>
<tr>
<th>COSTS</th>
<th>UPDATED ESTIMATE*</th>
<th>EXPENDED TO DATE</th>
</tr>
</thead>
<tbody>
<tr>
<td>Grant Application</td>
<td>$25,100</td>
<td>$25,040</td>
</tr>
<tr>
<td>Program Management</td>
<td>$2,250,000</td>
<td>$1,049,727</td>
</tr>
<tr>
<td>Design and ROW Support</td>
<td>$5,650,000</td>
<td>$3,203,478</td>
</tr>
<tr>
<td>Environmental Review and Permitting</td>
<td>$1,300,000</td>
<td>$889,124</td>
</tr>
<tr>
<td>Right of Way Acquisition</td>
<td>$7,206,946</td>
<td>$257,437</td>
</tr>
<tr>
<td>Construction, Mitigation, and Other Project Activities</td>
<td>$32,564,128</td>
<td>$50,750</td>
</tr>
<tr>
<td>Closeout Processes</td>
<td>$95,700</td>
<td>$0</td>
</tr>
<tr>
<td><strong>Total</strong></td>
<td><strong>$49,091,874</strong></td>
<td><strong>$5,475,556</strong></td>
</tr>
</tbody>
</table>

*This table conforms the format of budget and expense reporting provided to DWR is support of TRLIA’s UFRR Grant for the 200-Year Goldfields Levee Project.

The 2018 APR projected expenditures in FY 2017-18 of $2,146,602 and in FY 2018-19 of $1,585,563. Actual expenses in FY 2017-18 were $2,192,946 and in FY 2018-19 are now projected to be $2,838,578. An updated combined TRLIA ULOP Adequate Progress Pro Forma cash flow has been included within this report (Table 7) after a discussion of funding and revenues.

**Delays and Changes**

There have been no delays or changes to the scope or schedule of the Goldfields Project since the last annual report. TRLIA is still on target to complete the Goldfields project prior to June 30, 2025.

**Funding / Revenues**

Funding related to the WPIC Project is not discussed because construction is complete. TRLIA’s funding to advance the Goldfields Project comes from both TRLIA funds and the State of California funds as described below.

**Goldfields State Revenues**

In October 2017, TRLIA executed a funding agreement with DWR through its UFRR program that provides 85% cost sharing up to $32.6 million (approximately 79% of the current estimated costs). The 2018 APR projected revenues for the Goldfields (labeled as DWR Goldfields Funds) in FY 2017-18 of $1,051,439. Actual revenues in FY 2017-18 were $1,051,439. In the 2018 APR, TRLIA projected revenues for the Goldfields of $1,122,003 million in FY 2018-19. Actual revenues in FY 2018-19 were $1,755,726. TRLIA has updated the revenue projections for the project as shown in Table 7.
Local Revenues

As described in the APF Report, TRLIA's local revenues come from cash balances and revenues from the Yuba Levee Financing Authority (YLFA). In September 2016, the YLFA refinanced their outstanding debt, and, as part of that process, advanced more than $6.7 million to TRLIA. In addition, the Yuba Water Agency has agreed to advance to TRLIA additional funding as needed to complete right of way acquisition for the Goldfields project in order to ensure that TRLIA has sufficient cash flows to continue to advance the Goldfields project.

An updated Pro Forma cash flow is presented in Table 7.
### Table 7. Pro Forma Cash flow

<table>
<thead>
<tr>
<th></th>
<th></th>
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<th></th>
<th></th>
<th></th>
<th></th>
<th></th>
</tr>
</thead>
<tbody>
<tr>
<td>Starting Fund Balance</td>
<td>$6,321,081</td>
<td>$1,471,313</td>
<td>$172,226</td>
<td>$110,518</td>
<td>$4,285,801</td>
<td>$2,685,677</td>
<td>$2,283,577</td>
</tr>
<tr>
<td><strong>Expenditures</strong></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
<td></td>
</tr>
<tr>
<td>Remaining WPIC Costs</td>
<td>$3,792,913</td>
<td>$3,975,484</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Goldfields Costs*</td>
<td>$2,192,946</td>
<td>$2,838,578</td>
<td>$23,244,267</td>
<td>$19,382,261</td>
<td>$5,516,281</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remaining FRLIP Costs</td>
<td>$99,594</td>
<td>$66,000</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remaining UYLIP Costs</td>
<td>$267,098</td>
<td>$8,000</td>
<td>$411,111</td>
<td>$1,294,444</td>
<td>$44,444</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
<td>Remaining 200-Year Compliance Work</td>
<td>$6,430</td>
<td>$12,000</td>
<td>$12,000</td>
<td>$12,000</td>
<td>$1,000</td>
<td>$0</td>
<td>$0</td>
</tr>
<tr>
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<td></td>
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*Reflects costs and revenues from TRLIA’s Goldfields 200-Year Feasibility Study work and associated YFFPP Prop 13 Grant
Source: 16497 TRLIA Cash Flow 07-30-19 Yuba EIP R2.xlsx
CONCLUSION

Based upon the information provided within this report TRLIA is compliant with the requirements of SB 5. More specifically that, in aggregate, from a revenues and expenses perspective, the progress of the work that will provide ULOP meets the requirements of Government Code §65007(a). TRLIA will continue to make progress and report on this progress annually. The next annual report will be submitted in August 2020.
August 20, 2019

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul G. Brunner, Executive Director
Andrea Clark, General Counsel
SUBJECT: Approval of a Resolution authorizing the Executive Director to apply for and execute a Funding Agreement with the Department of Water Resources under the Regional Flood Management Program

Recommendations
1) Staff recommends that the Board of Directors approve attached Resolution authorizing TRLIA’s intent to participate in the Regional Flood Management Program (RFMP).
2) Authorize the Executive Director to apply for and execute a funding agreement with the Department of Water Resources (DWR) and to accept State funding under the RFMP.
3) Authorize the Executive Director to modify and execute the MOU with RFMP Partner Agencies to establish a Steering Committee comprised of Partner Agency leadership.

Background
The California Department of Water Resources (DWR) is working to advance funding for the third round of RFMP via remaining funds from Proposition 1E “Disaster Preparedness and Flood Prevention Bond Act of 2006” and the California General Fund.

TRLIA has remained engaged as a Partner Agency in the Feather River RFMP since its inception. This RFMP is one of six in the Central Valley. The current round of funding will also include provisions for both direct and competitive funding to implement projects described in the Regional Flood Management Plan. This effort will also be utilized in conjunction with DWR to update the Central Valley Flood Protection Plan in 2022. Partner Agencies in the Feather River RFMP include Sutter Butte Flood Control Agency (SBFCA), Yuba Water Agency (YWA), and Marysville Levee Commission (MLC). An additional Partner Agency, Reclamation District 1001 (RD 1001), was included for this round of funding. Letters of Commitment from each Partner Agency are attached to this Staff Report. They will also be included in the application package to DWR.

In July 2019, DWR issued RFMP Guidelines (backdated May 2019). DWR has yet to post them on its website. A copy is included with this Staff Report. The guidelines require agencies applying for funding to adopt a Resolution authorizing application for funding and designating a representative to execute the agreement. During the first two rounds of RFMP, SBFCA was the Funding Applicant and TRLIA was a Partner Agency. In this round of funding, Partner Agencies concurred that the Funding Applicant would change from SBFCA to TRLIA. The primary reason for this change is TRLIA’s successful history with implementation of multi-benefit grant programs. With this change in the Funding Applicant, TRLIA will be entering into new or modifying existing consultant contracts to accomplish this work.

The Feather River RFMP Partner Agencies executed an MOU in 2012 that clarifies representation on a Steering Committee as well as roles and responsibilities of the Partner Agencies. For this third round of funding, the Partner Agencies have discussed a potential change in regional representation in the RFMP planning process. The revision would change the composition of the Steering Committee representatives from Board Members or Elected Officials to either an Executive Director or General Manager. The Steering Committee will provide recommendations and guidance, but any substantive changes to the Regional Flood Management Plan or project initiation would still require approval from Agencies’
Boards of Directors. With approval from the TRLIA Board, Executive Director Paul Brunner would modify the existing MOU to reflect these changes and execute the new MOU with Partner Agencies.

Because TRLIA and the Partner Agencies have a need for funding under this program, staff is requesting that the Board take the necessary steps to authorize the Executive Director to submit an application for funding this necessary project.

**Fiscal Impact**
The RFMP is 100% funded by the State, which includes all consultant work and TRLIA General Counsel time. The immediate action being requested of the Board is to apply for this funding and execute an agreement with DWR under RFMP. Approval of the recommended action does not obligate TRLIA to incur additional costs, nor will it generate additional revenues until an agreement is provided to TRLIA for execution. Adoption of the attached resolution will allow TRLIA to apply for and receive funding from Proposition 1E “Disaster Preparedness and Flood Prevention Bond Act of 2006” and the California General Fund. Accordingly, there is no net budgetary impact resulting from the Board’s approval of the recommended action to apply for funding.

Attachments:
Proposed Resolution
RFMP Guidelines – May 2019
Partner Agencies’ Letters of Commitment
RESOLUTION NO._________

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY ("TRLIA")
AUTHORIZING APPLICATION FOR FUNDING FROM THE DEPARTMENT OF
WATER RESOURCES AND DESIGNATING A REPRESENTATIVE TO EXECUTE
THE AGREEMENT AND ANY AMENDMENTS THERETO, FOR THE REGIONAL
FLOOD MANAGEMENT PROGRAM

WHEREAS, the Three Rivers Levee Improvement Authority is a California Local Public Agency with responsibility for flood management in the area protected by the facilities of the State Plan of Flood Control and is willing to participate in, coordinate, and collaborate with other interested parties in the Feather River Region that are participating in regional flood risk management; and

WHEREAS, the Three Rivers Levee Improvement Authority represents the interest of local flood management agencies and/or land use agencies in the region; and

WHEREAS, the Three Rivers Levee Improvement Authority acknowledges that it must submit a complete Funding Application Package, including scope of work, schedule, and budget for proposed regional flood risk management actions prior to the receipt of Regional Flood Management Program funds; and

WHEREAS, the Three Rivers Levee Improvement Authority acknowledges that proposed regional flood risk management actions shall be consistent with and support implementation of the 2017 CVFPP Update, all future updates of the CVFPP, and the Central Valley Flood Protection Board’s Resolutions No. 2012-25 and 2017-10, the requirements and processes presented in the Regional Flood Management Program Guidelines, and the Regional Plans; and

WHEREAS, the Three Rivers Levee Improvement Authority intends to apply for Regional Flood Management Program funding from the California Department of Water Resources; and

WHEREAS, the Three Rivers Levee Improvement Authority is authorized to enter into an agreement with the California Department of Water Resources and the State of California;

Regional Flood Management Program Guidelines
May 2019
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Three Rivers Levee Improvement Authority as follows:

1. That pursuant and subject to all of the terms and provisions of Proposition 1E or General Fund, application by this Agency be made to the California Department of Water Resources to obtain funding for regional flood risk management activities for the Feather River Region.

2. The Three Rivers Levee Improvement Authority Executive Director, or designee is hereby authorized and directed to prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources.

3. In the event that Regional Flood Management funds are awarded to the Three Rivers Levee Improvement Authority, the Executive Director, or designee is authorized to execute a Funding Agreement and take other such actions as necessary or appropriate to obtain the funding.

PASSED AND ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority on the 26th day of August, 2019 by the following vote:

AYES: ________________________________

(Signature of Chair, Board of Directors)

NOES: ________________________________

(Name and Title)

ABSTAIN: ________________________________

ABSENT: ________________________________

Attest: ________________________________

Rachel Ferris
Clerk of the Board, TRLIA

Andrea P. Clark
General Counsel, TRLIA

Regional Flood Management Program Guidelines
May 2019
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Acronyms and Abbreviations

CEQA California Environmental Quality Act
CVFPP Central Valley Flood Protection Plan
DWR Department of Water Resources
DFM Division of Flood Management
FEMA Federal Emergency Management Agency
FMAP Flood Maintenance Assistance Program
NEPA National Environmental Policy Act
OMRR&R Operations, Maintenance, Repair, Rehabilitation and Replacement
PMP Project Management Plan
PL 84-99 Public Law 84-99 (USACE Emergency Management Authority)
PSP Proposal Solicitation Package
RCIS Regional Conservation Investment Strategies
RFMP Regional Flood Management Program
SPFC State Plan of Flood Control
USACE United States Army Corps of Engineers
1 Introduction

These Guidelines govern the Regional Flood Management Program (RFMP). Through agreements prepared and executed consistent with these Guidelines, DWR intends to provide funding to California local public agencies willing to coordinate and collaborate with other interested parties and stakeholders in their region to pursue local funding mechanisms and regional consolidation and, as appropriate, to implement programs, studies, and activities in support of their previously completed Regional Plans consistent with the 2017 CVFPP Update and future updates of the CVFPP.

These Guidelines replace the September 2012 RFMP Guidelines, titled Guidelines for Directed Funding to Prepare Regional Flood Management Plans, which provided directed funding to Regional Working Groups for development of Regional Plans. The six Regional Working Groups (depicted in Figure 1) and Regional Plans that resulted from the September 2012 RFMP Guidelines are the:

- Upper/Mid Sacramento River
- Feather River
- Lower Sacramento River/Delta North
- Lower San Joaquin River/Delta South
- Mid San Joaquin River
- Upper San Joaquin River

The September 2012 RFMP Guidelines were specifically developed with the restriction that RFMP funds could only be used for activities related to preparing the Regional Plans - not for feasibility studies nor implementing projects. These 2019 RFMP Guidelines expand the scope of activities that RFMP funds may be used for.

DWR values the regional planning process and acknowledges the regional partners’ extensive work and investment in developing the Regional Plans. Implementation of the 2017 CVFPP Update and future updates of the CVFPP rely upon continued coordination and meaningful engagement with regional partners, local stakeholders, and interest groups.

DWR plans to continue working collaboratively with the six Regional Working Groups and encourage their efforts towards sustained regional self-reliance through this RFMP. Dependent on available funding, DWR intends to continue incentivizing regional participation in developing and implementing activities that successfully balance improvements with public safety, environmental stewardship, and economic stability pursuant to the 2017 CVFPP Update and future updates for the CVFPP.
Figure 1. CVFPP's Flood Planning Regions
2 FUNDING

This section describes the RFMP funding authority, direct expenditures, and competitive grant Proposal Solicitation Packages (PSPs).

2.1 Funding Authority

Funding for public agencies participating in RFMP activities will be provided through one or more of the following sources:

- Proposition 1E, Disaster Preparedness and Flood Prevention Bond Act of 2006.
- California General Fund. Where General Fund monies are available and applicable, some RFMP activities may be funded through annual General Fund appropriations.

2.2 Direct Expenditures

DWR may use RFMP funds for direct expenditures or directed activities that fulfill the intent of the legislation and DWR priorities. Direct expenditure projects are projects proposed by DWR either in response to a solicitation from a stakeholder, another government entity, or on its own initiative. Direct expenditure projects must address an interest of the State and may be proposed and approved at any time. However, any direct expenditure project shall be evaluated by the same eligibility criteria as competitive grants. Requests for funding of activities consistent with these Guidelines must clearly indicate within the Funding Application Package whether they are for Directed Funding or in response to a PSP.

2.3 Competitive Grant Proposal Solicitation Packages

In addition to direct expenditures or directed activities that fulfill the intent of the legislation and DWR priorities, DWR may distribute RFMP funds through a competitive grant process. In this case, the Funding Application Package will be completed in response to a competitive grant PSP prepared by DWR and posted on DWR's website.
3 PROGRAM ELIGIBILITY CRITERIA

This section describes eligible applicants, general requirements, eligible activities and costs, and ineligible activities and costs.

3.1 Eligible Applicants

An Eligible Applicant must be a California local public agency with responsibility for flood risk management in one of the six regions established in the CVFPP, which includes areas protected by the facilities of the State Plan of Flood Control (SPFC), that is willing to lead coordination and collaboration for an agreed upon RFMP Scope of Work with other interested parties and stakeholders in their region.

The agency applying for funding should represent the interests of local flood management agencies and/or land use agencies in the region. As part of the Funding Application Package, the Eligible Applicant should include commitment letters from any key partners that will be participating in regional flood management activities. Additional partners can be added throughout the Funding Application Review Package and after the execution of the Funding Agreement.

3.2 General Requirements

All applicants must meet the following requirements to be considered eligible for funding. Eligible Applicants will be required to develop a Scope of Work, schedule, and budget for their proposed regional flood risk management actions consistent with these Guidelines, as specified by DWR.

RFMP activities funded shall be consistent with and support implementation of the 2017 CVFPP Update, all future updates of the CVFPP, the Board’s resolutions No. 2012-25 and 2017-10, the requirements and processes presented in these Guidelines, and the Regional Plans.

3.3 Eligible Activities and Costs

State funding may only be used for eligible activities and costs. Activities related to overhead costs, administration, and supplies should be reasonable, necessary, and directly related to the funded activities described below.
Eligible costs are the reasonable and necessary actual costs associated with executing the Scope of Work described in the Funding Agreement. Credit or reimbursement will not be provided for work completed before the signed Funding Agreement execution date.

Eligible activities and costs may include, but are not limited to, the following:

- Pursuit of local funding mechanisms and regional consolidation
- Procurement of technical consulting services
- Costs to implement programs, studies, and activities in support of previously completed RFMPs
- Direct costs of revising the Regional Plans and related activities
- Regional Working Group coordination
- Cross-Regional coordination
- Stakeholder outreach and engagement
- Activities in support of RCISs
- Activities in support of FEMA National Flood Insurance Program reform
- OMRR&R planning related to securing and maintaining active PL 84-99 status and compliance with applicable USACE Standard Operation and Maintenance manuals and supplements.
- Developing agreements, memorandums of understanding, arrangements or plans between Local Maintaining Agencies to share resources (e.g., staff, equipment, funding, etc.) for effective and efficient O&M.
- Activities in support of refined permitting strategies and planning for multi-benefit projects
- Activities in support of advancement of the CVFPP Conservation Strategy
- Activities in support of the DWR Flood Maintenance Assistance Program (FMAP)
- Encroachment compliance planning
- Development of regional governance mechanisms and Local Maintaining Agency consolidation
- Financial and technical planning and activities to secure additional local funding
- A proportionate share of reasonable administrative costs (typically ranging from 5%-10% of the total activity costs)

3.4 Ineligible Activities and Costs

Ineligible costs include, but are not limited to:

- Costs for work incurred prior to execution of Funding Agreement
- Meals and meeting refreshments
• Equipment
• Training
• Travel unrelated to RFMP activities
• Preparation of California Environmental Quality Act (CEQA) or National Environmental Protection Act (NEPA) documents or applying for or obtaining permits for construction

4 APPLICATION PROCESS

Eligible Applicants seeking funding through RFMP must prepare and submit a complete Funding Application Package to DWR, pursuant to the needs and priorities of DWR in accordance with these Guidelines. Funding application deadlines are available on the DWR website.

The Eligible Applicant can propose combining regions or changing regional boundaries in their Funding Application package. The reasonable rationale for any such requested changes should be provided in the Funding Application.

The Eligible Applicant must provide a copy of a resolution adopted by its governing body approving the Funding Application and designating a representative to execute the Funding Agreement and to sign requests for disbursement of State funds.

5 REVIEW CRITERIA AND AWARD PROCESS

This section describes the review criteria and award process for Funding Applications, including Funding Application acceptability and completeness, Funding Application review and evaluation, and funding and awards.

5.1 Acceptability and Completeness

DWR will review all timely submittals for completeness. Funding Application Packages that are not substantially complete will not be further reviewed. DWR may contact agencies which have submitted Funding Application Packages that are substantially complete but need some clarification. DWR staff will review the Funding Application Package for Funding Recipient eligibility consistent with these Guidelines.
A sample Funding Application Package is available in Appendix C. A complete Funding Application Packages must include the following documents:

- Application Cover Letter
- Funding Application Package Cover Sheet
- List of Applicant’s Representatives
- Local Agency Resolution
- Applicant’s Authority and Capability Form
- Scope of Work and Tasks
- Schedule by Task
- Overall Budget and Costs by Task

The Funding Application Package must identify the need for Sub-contractors and funding Sub-recipients within the proposed Scope of Work. All sub-contracts must be competitively bid or otherwise procured pursuant to applicable law.

5.2 Application Review and Evaluation

DWR staff will review and evaluate each Funding Application Package within thirty (30) days of receipt of the Funding Application Package or ten (10) days after the date that additional requested information is due, whichever is later. DWR may request the Eligible Applicant provide clarification of existing information to better evaluate the merits of the Funding Application Package.

DWR staff may determine which Funding Application Packages could be implemented with reduced funding, if funding is limited, or could defer or eliminate some work based on information provided in the Funding Application Package or from additional discussion with the Eligible Applicant.

5.3 Funding and Awards

Upon DWR’s approval of the Funding Application Package, DWR will apply these Guidelines to enter into a Funding Agreement with one public agency within each region (Funding Recipient) that will take responsibility for administering funds and leading regional activities in accordance with these Guidelines. DWR and each Funding Recipient must enter into a Funding Agreement before any funds will be disbursed.
The Funding Recipient will be responsible for ensuring that the interests and concerns of other entities and stakeholders are considered in all work funded under this program. Direct expenditures or activities must address an interest of the State may be proposed and approved at any time but must be evaluated by the criteria presented in these Guidelines.

The Funding Recipient will be responsible for obtaining any and all permits, licenses, and approvals required for performing any work under the Funding Agreement. All required permits, licenses, and approvals must be obtained and copies submitted to DWR. Any discretionary projects identified in the Funding Recipient's Scope of Work and selected for funding or cost-sharing by DWR will need to comply with all State and federal environmental laws, including CEQA, prior to implementation.

5.4 Subcontracting Requirements

The Funding Recipient may sub-contract with other local public agencies (Sub-recipients) participating in regional flood risk management activities or technical consultants (Sub-contractors). Sub-recipients are local public agencies receiving allocations of funds for their participation in the regional planning process from the Funding Recipient acting on behalf of the Regional Working Group. All sub-contracts must be in compliance with Volume I of the State Contracting Manual issued by the State Department of General Services.

6 AGREEMENT ADMINISTRATION

This section describes the process that will occur once a Funding Application Package has been selected for funding. The process includes Funding Agreement execution, invoicing and payments, retention, progress reporting, withholding of funding disbursements, agreement amendments, project closeout, and audits and recordkeeping.

6.1 Agreement Execution

Prior to execution of the Funding Agreement, the Funding Recipient will modify elements of the Funding Application Package as may be needed to address DWR's comments. Applicable portions of the approved Funding Application Package may be appended to, and incorporated into, the Funding Agreement. Only public agencies that
submit a complete Funding Application Package may become a Funding Recipient for funding under RFMP.

The Funding Agreement will be signed by the authorized representative of the Funding Recipient. Reimbursements will be paid only after the Funding Agreement is approved and executed. If a DWR-approved Funding Agreement is not signed by the Funding Recipient within three (3) months of the date the funding is awarded, the funding may be withdrawn.

The Funding Recipient must verify that all RFMP-funded activities are documented and comply with all applicable current laws and regulations. The proposed value of in kind work and/or additional funding sources used for RFMP-funded activities should be listed in Costs and Budget (Appendix C-6) as applicable. Verification shall be made available to DWR upon request and/or during a State audit (see section 6.8)

6.2 Invoicing and Payments

The Funding Recipient will provide reimbursement invoice requests to DWR for eligible activities and costs within an invoicing period, in accordance with the Funding Agreement. State funds will be paid to the Funding Recipient generally on a quarterly basis (but no more often than monthly), at DWR’s discretion, subsequent to submittal and approval of credit or reimbursement requests (invoices) and progress reports.

All requests for reimbursement of expenses must be supported with documentation. Documentation must include a clear accounting of how the total invoice cost was calculated, what eligible activities were performed during the invoice period, who conducted the activities, when the costs were incurred, and current contractor and subcontractor rates. Reimbursements will only be approved for eligible costs incurred pursuant to these Guidelines and consistent with the approved Scope of Work and budget. Reimbursements will be paid in arrears.

6.3 Retention

DWR will retain 5% from each approved invoice submitted by the Funding Recipient. The retention will be paid upon completion of agreed upon activities in the Funding Agreement, as determined by DWR, and after DWR’s approval of the completion report. If the Funding Agreement is amended, the Funding Recipient may request partial disbursement of the funds retained to date by submitting a written request to DWR, stating the amount of retention requested to be disbursed. Retention release invoices
must clearly state the completed tasks for which retention distribution is being requested and are subject to DWR approval.

6.4 Progress Reporting

The Funding Recipient will provide written quarterly progress reports (but no more often than monthly) to DWR within sixty (60) days of the completion of the quarter (or month) to ensure funds are utilized in accordance with the Funding Agreement. Progress reports will generally coincide with a submitted invoice for reimbursement and include at least the following information:

- Records of expenditures incurred during the period covered by the report
- Description of work activities since the previous report
- Status of the work relative to the agreed upon schedule and budget
- Key issues that must be resolved
- Planned activities for the following quarter
- Upcoming events, meetings, and milestones expected for the next quarter

If no eligible activities occur or and/or no eligible costs are incurred during any quarter of the Funding Agreement, a written quarterly progress report is still required to be submitted to DWR within sixty (60) days of the completion of that quarter. In the quarterly progress report, the Funding Recipient shall provide an explanation of why there were no activities or costs within that quarter.

6.5 Withholding of Funding Disbursements

If, for any reason, the Funding Recipient cannot complete the work agreed upon and documented in the Funding Agreement, DWR may, at its sole discretion:

- Cancel the Funding Agreement
- Complete the work using its own resources
- Contract with Sub-recipients or other public entity to complete the work
- Require that the Funding Recipient repay all or a portion of the State’s unused or misused funds

DWR will monitor progress and may suspend all payments indefinitely if the Funding Recipient is in breach of the Funding Agreement to such an extent that ultimate achievement of RFMP objectives may be significantly compromised, and the Funding
Recipient fails to cure the breach within thirty (30) days of written notification by DWR.

If payments are suspended, the Funding Recipient will be given thirty (30) days to cure the breach or the Funding Agreement may be terminated by DWR. Decisions to suspend payments may be appealed to the Director of DWR.

6.6 Agreement Amendments

Funding Agreements may be amended at any time by mutual agreement of the parties. Requests by the Funding Recipient for amendments must be in writing and state the reason for the request. Amendments are required for the following circumstances:

- Change in schedule (e.g. time extension)
- Change in Scope of Work
- Change in total budget
- Change to any of the agreement provisions
- Change in parties to the agreement

Transfer of funds between tasks must be requested in a work plan revision and approved by DWR.

Requests solely for a time extension must be submitted at least ninety (90) days prior to the work completion date. Any other request for an amendment must be submitted at least one hundred and eighty (180) days prior to the work completion date. All requests are subject to DGS contract approval processes and deadlines. The State shall have no obligation to agree to an amendment.

If a Funding Agreement is amended, an amendment progress report must be prepared and submitted to DWR by the Funding Recipient on behalf of its region within sixty (60) days of the executed amendment. The amendment progress report submitted must:

- Be separate from the quarterly (monthly) progress reports
- Summarize all approved progress reports prepared since the start of the Funding Agreement
6.7 Project Closeout

Prior to payment of the final invoice, a final completion report must be prepared and submitted to DWR by the Funding Recipient on behalf of its region. The final completion report submitted must:

- Summarize all approved progress reports prepared throughout the duration of the Funding Agreement
- Include all items required in these Guidelines
- Include a copy of the final deliverables in both electronic and hard copy form prepared for the region

6.8 Audits and Record Keeping

All records and documents pertaining to the Funding Agreement shall be maintained by the Funding Recipient until three years after the final payment of funds is made.

During the Funding Agreement and for three years after the final payment is made, a State audit may be conducted to confirm that expenditures were made in accordance with the Funding Agreement. All Funding Recipient records and documents pertinent to the Funding Agreement shall be available for review and audit by DWR or other State representative during normal business hours while the RFMP work is active and for three years after final payment of State funds.

6.9 Bond Accountability

DWR has prepared these Guidelines in compliance with its Bond Accountability policies to provide:

- Clear guidelines and funding solicitation materials to ensure accuracy and understanding for public agencies seeking funding assistance
- Publicly vetted Guidelines to allow stakeholders an opportunity to provide input on program development
- Opportunities to review and comment on these Guidelines through web postings and workshops.
- Review and approval of submitted Funding Application Packages by DWR management
7 FUNDING AGREEMENT REQUIREMENTS

7.1 Conflict of Interest and Confidentiality

All Funding Recipients, including Sub-contractors and Sub-recipients, are subject to State conflict-of-interest laws. Failure to comply with these laws, including business and financial disclosure provisions, will result in the Funding Application Package being rejected and/or declared void. Applicable statutes include, but are not limited to, Government Code Section 1090, Public Contract Code Sections 10410 and 10411. All Funding Application Packages will become public information. Once the Funding Agreement is signed and submitted to DWR, the applicant waives any rights to privacy and confidentiality of the Funding Application Package.

7.2 Indemnify and Hold Harmless

As part of the Funding Agreement, Funding Recipients, Sub-contractors and Sub-recipients shall indemnify and hold harmless the State, its officers, agents, and employees from any and all liability from all claims (including inverse condemnation), demands, losses, costs, expenses and damages either in whole or in part, and whether directly or indirectly, arising out of the RFMP effort and any breach of the Funding Agreement.

7.3 Labor Code Compliance

The Funding Recipient agrees to be bound by all the provisions of the Labor Code regarding prevailing wages and shall monitor all contracts subject to reimbursement from the Funding Agreement to assure that the prevailing wage provisions of the Labor Code are being met. Current Department of Industrial Relations (DIR) requirements may be found at: https://www.dir.ca.gov/lcp.asp. For more information, please refer to DIR’s Public Works Manual at: https://www.dir.ca.gov/dlse/PWManualCombined.pdf.

8 Amendments to Guidelines

These Guidelines may be amended at the sole discretion of DWR at any time. Amendments to the Guidelines must be publicly posted and made available for comment for at least forty-five (45) days.
Appendix A: Definitions


CEQA: The California Environmental Quality Act, Public Resources Code Sections 21000 et seq.

Contractor: A contractor performing work for a Funding Recipient to be paid for with funds from a Funding Agreement executed pursuant to these Guidelines. In general, a contractor would be an appropriate firm or person hired pursuant to Cal. Gov't Code Sec. 4525 et seq.

DWR: State of California Department of Water Resources.

Eligible Applicant: A California local public agency with responsibility for flood risk management in one of the six regions established in the CVFPP, which includes areas protected by the facilities of the State Plan of Flood Control (SPFC), that is willing to lead coordination and collaboration for an agreed upon RFMP Scope of Work with other interested parties and stakeholders in their region.

Eligible Costs: The reasonable and necessary actual costs associated with executing the Scope of Work described in the Funding Agreement.

Funding Agreement: A legal agreement (contract) entered into between an Eligible Applicant and DWR which specifies, among other requirements, the terms, limits, responsibilities, Scope of Work schedule and funding amount to be provided.

Funding Application Package: Local public agency application request for State financial assistance to participate in RFMP. The package includes a proposed Scope of Work, schedule, and budget and meets the other requirements of these Guidelines.

Funding Recipient: A local public agency in the State of California, duly organized, existing and acting and in good standing pursuant to the laws thereof and its successors and assignees, with responsibility for flood management in the area protected by the facilities of the SPFC that enters into a Funding Agreement for RFMP activities with DWR.
**General Fund:** The primary state fund from which the daily and long-term operations and expenses of State government are paid.

**NEPA:** National Environmental Policy Act, 42 U.S.C. § 4321.

**Proposition 1E:** The "Disaster Preparedness and Flood Prevention Bond Act of 2006" passed by the California voters on November 7, 2006, and as set forth in Division 5 of the Public Resources Code.

**Region:** One of the flood management planning regions identified in the Central Valley Flood Protection Plan.

**Regional Financial Plan:** The component of each Regional Plan that identifies sources of financing (federal, State, local, others) for each recommended regional project.

**Regional Plan:** The Regional Plan, previously known as a Regional Flood Management Plan, is the document that presents the long-term flood management vision for a region with implementation strategies for a "flood safe region." The 2012 CVFPP called for DWR to work with local flood management agencies to prepare a "Regional Flood Management Plan" for each of the flood inundation regions within the Central Valley that would identify: (a) flood management challenges and deficiencies at the regional level; (b) potential projects identified by local public agencies and interest groups for the region, projects' costs, and prioritization of the projects; and (c) financial strategies that identify benefits of the projects, and sources of the funding for implementation of the projects. All six regions completed comprehensive Regional Plans by 2015 under prior funding agreements with DWR.

**Regional Partners:** Regional implementing, operating and/or maintaining flood management agencies; cities and counties within the region; agricultural, tribal, environmental interests; emergency responders and State and federal agencies that are knowledgeable about the region's flood risks and the potential solutions, and that participate in the regional flood management planning and implementation process.

**Regional Working Group:** The regional partners within a single flood management region that prepared that region's Regional Plan.

**Regional Flood Management Program (RFMP):** The overall program for providing funding to Eligible Applicants to perform work that is consistent with these guidelines, the CVFPP, the Regional Plans, and other applicable and related DWR and State programs.
Scope of Work: After a Funding Application Package is tentatively selected and before a Funding Agreement is signed, the Applicant and DWR must agree to a Scope of Work that provides detailed descriptions on how RFMP funding will be used.

Senate Bill 5: Central Valley Flood Protection Act of 2008, see California Water Code § 9600 et seq.

State: The State of California, acting by and through DWR.

State Plan of Flood Control (SPFC): “State Plan of Flood Control” means the state and federal flood control works, lands, programs, plans, policies, conditions, and mode of maintenance and operations of the Sacramento River Flood Control Project described in Section 8350, and of flood control projects in the Sacramento River and San Joaquin River watersheds authorized pursuant to Article 2 (commencing with Section 12648) of Chapter 2 of Part 6 of Division 6 for which the board or the department has provided the assurances of nonfederal cooperation to the United States, and those facilities identified in Section 8361.

Sub-contractor: An organization or Individual (and Sub-recipient) that contracts with the Funding Recipient to provide technical assistance to the Regional Working Group.

Sub-recipient: A public agency in the State of California, duly organized, existing and acting and in good standing pursuant to the laws thereof and its successors and assignees, with responsibility for flood management in the area protected by the facilities of the SPFC that enters into a contract with a Funding Recipient to participate in RFMP activities.
Appendix B: RFMP Funding Application Package Completion Checklist

☐ Application Cover Letter
☐ Application Package Cover Sheet
☐ List of Applicant’s Representatives
☐ Local Agency Resolution
☐ Applicant’s Authority and Capability Form
☐ Scope of Work and Tasks
☐ Schedule by Task
☐ Budget & Costs by Task
Appendix C: Funding Application Package

C-1: Application Cover Letter Template
C-2: Application Package Cover Sheet Template
C-3: List of Applicant's Representatives Template
C-4: Local Agency Resolution Template
C-5: Applicant's Authority and Capability Form
C-6: Scope of Work and Tasks Template
C-7: Schedule by Task Template
C-8: Budget and Costs by Task Template
Appendix C-1: Application Cover Letter Template

[DATE]

Mr. Jon Ericson; Chief
Division of Flood Management
Department of Water Resources
P. O. Box 942836
Sacramento, CA 94236-0001

Subject: Funding Application for Regional Flood Management Assistance Program

Dear Mr. Ericson:

(Agency Name) herewith submits three copies of an application for a funding in the amount of $(funding amount requested) to implement actions under the RFMP.

This application is pursuant to an authorizing resolution of the Board of Directors of the (Agency Name) dated (date of board resolution). The application includes the following forms and support materials:

1. Application Package Cover Sheet
2. List of Applicant’s Representatives
3. Local Authorizing Resolution
4. Applicant’s Authority and Capability Form
5. Scope of Work and Tasks
6. Schedule by Task
7. Budget and Costs by Task

The work plan, budget, and schedule for this Funding Application Package are being prepared by (Agency Name), with assistance from and coordination with the staff of the Division of Flood Management.

Please call (phone number) if you have any questions during your review.

Sincerely,
(Eligible Applicant Representative Name)
(Representative’s Title)
Enclosure
Appendix C-2: Application Package Cover Sheet Template

Application for Direct Funding pursuant to (funding source/appropriation)

The (exact legal agency name of entity applying for funds)

(Mailing address of local entity)

Of the County of (County), State of California, does hereby apply to the California Department of Water Resources for funding in the amount of $(requested funding amount) for Regional Flood Management Program activities.

(Regional Working Group Title) Region

By ___________________________ Date ___________________________

(Signature of Authorized Representative identified in Local Agency Resolution)

Authorized Representative

Name: ___________________________
Title: ___________________________
Telephone: _______________________
Email: ___________________________
### Appendix C-3: List of Applicant’s Representatives Template

**Applicant’s Representatives**

#### Agency Executive Director
- Name: 
- Title: 
- Phone: 
- Email: 

#### Agency Deputy Executive Director
- Name: 
- Title: 
- Phone: 
- Email: 

#### Agency Counsel:
- Name: 
- Title: 
- Phone: 
- Email: 

#### Contract Manager:
- Name: 
- Title: 
- Phone: 
- Email: 

#### Alternate Contract Contact Person:
- Name: 
- Title: 
- Phone: 
- Email: 

#### Agency Director of Planning (If Applicable):
- Name: 
- Title: 
- Phone: 
- Email: 

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Regional Flood Management Program Guidelines
May 2019

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Agency Director of Engineering (If Applicable):
     Name: 
     Title: 
     Phone: 
     Email: 

Agency Accounting Department Administrative Officer (If Applicable):
     Name: 
     Title: 
     Phone: 
     Email: 

Agency Staff Secretary (If Applicable):
     Name: 
     Title: 
     Phone: 
     Email: 

Type of Organization: (Flood control district, reclamation district, city, etc.)

For the geographic extent of the Regional Work Group:

     California State Senator: 
     District No. 
     California State Senator: 
     District No. 
     California Assembly Member: 
     District No.
RESOLUTION NO. __________

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
(AGENCY NAME)

AUTHORIZING APPLICATION FOR FUNDING FROM THE DEPARTMENT OF WATER RESOURCES AND DESIGNATING A REPRESENTATIVE TO EXECUTE THE AGREEMENT AND ANY AMENDMENTS THERETO, FOR THE REGIONAL FLOOD MANAGEMENT PROGRAM

WHEREAS, the _____ (Agency Name) _____ is a California Local Public Agency with responsibility for flood management in the area protected by the facilities of the State Plan of Flood Control and is willing to participate in, coordinate, and collaborate with other interested parties in the _____ (Region Name) _____ Region that are participating in regional flood risk management; and

WHEREAS, the _____ (Agency Name) _____ represents the interest of local flood management agencies and/or land use agencies in the region; and

WHEREAS, the _____ (Agency Name) _____ acknowledges that it must submit a complete Funding Application Package, including scope of work, schedule, and budget for proposed regional flood risk management actions prior to the receipt of Regional Flood Management Program funds; and

WHEREAS, the _____ (Agency Name) _____ acknowledges that proposed regional flood risk management actions shall be consistent with and support implementation of the 2017 CVFPP Update, all future updates of the CVFPP, and the Central Valley Flood Protection Board’s Resolutions No. 2012-25 and 2017-10, the requirements and processes presented in the Regional Flood Management Program Guidelines, and the Regional Plans; and

WHEREAS, the _____ (Agency Name) _____ intends to apply for Regional Flood Management Program funding from the California Department of Water Resources; and

WHEREAS, the _____ (Agency Name) _____ is authorized to enter into an agreement with the California Department of Water Resources and the State of California;
NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the
______ (Agency Name)______, as follows:

1. That pursuant and subject to all of the terms and provisions of
   ______ (Funding Source: Proposition 1E or General Fund)______, application by
   this Agency be made to the California Department of Water Resources to obtain
   funding for regional flood risk management activities for the
   ______ (Region Name)______ Region.

2. The ______ (Agency Name) (Authorized Representative's Title)______, or designee
   is hereby authorized and directed to prepare the necessary data, make
   investigations, sign, and file such application with the California Department of
   Water Resources.

3. In the event that Regional Flood Management funds are awarded to the
   ______ (Agency Name)______, the ______ (Authorized Representative's Title)______,
   or designee is authorized to execute a Funding Agreement and take other such
   actions as necessary or appropriate to obtain the funding.

PASSED AND ADOPTED by the Board of Directors of the
______ (Agency Name)______ on the (day) day of (month), (year) by the following vote:

AYES:
NOES:
ABSTAIN:
ABSENT:

(Signature of Chair, Board of Directors)

Attest:

(Name and Title)
Appendix C-5: Applicant’s Authority and Capability Form

Applicant’s Authority and Capability

The Funding Applicant’s attorney shall answer the following questions pertaining specifically to this Funding Application Package. Where applicable, cite statutory authority or other references.

1. Is the applicant a political subdivision of the State of California?
   __Yes __No

2. Does the applicant have the legal authority to enter into a contract with the State of California?
   __Yes __No

   Citation: _______________________________________

3. What steps are required by law for the applicant to sign a Funding Agreement with the State of California?

   _______________________________________

   _______________________________________

4. What is the statutory authority under which the applicant may obtain funds for the purpose, amount, and duration requested?

   Citation: _______________________________________

5. What is the statutory authority under which the local public entity was formed and is authorized to operate?

   Citation: _______________________________________
6. Is the Applicant required to hold an election before entering into a funding contract with the State?

__Yes __No

7. Will a Funding Agreement between the Applicant and the State of California be subject to review and/or approval by other government agencies?

__Yes __No

Identify all such agencies: ___________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

8. Describe any pending litigation that impacts the financial condition of the Applicant or the Regional Work Group seeking the funds. If none is pending, so state.

__________________________________________________________________________
__________________________________________________________________________
__________________________________________________________________________

I certify that I am a duly qualified and licensed attorney in California representing the Applicant Agency and that I have answered the questions on this page and the preceding page to the best of my knowledge.

By ___________________________ Date________________________
(Signature of Applicant Agency’s Attorney)

__________________________________________) (Title) (Bar No.)
(Printed Name of Applicant Agency’s Attorney)

__________________________________________
(Name of Applicant Agency)
Appendix C-6: Scope of Work and Tasks Template

SCOPE OF WORK AND TASKS

REGIONAL FLOOD MANAGEMENT PROGRAM

(Agency Name)

(Region Name) Region

1. INTRODUCTION

Provide an introduction on the Regional Working Group and what it aims to accomplish through the Funding Agreement.

2. BACKGROUND

Provide background on the region, participants and history of the Regional Working Group, previously developed Regional Plan, and accomplishments from past Funding Agreements through the Regional Flood Management Program.

3. DESCRIPTION OF TASKS

This contract provides funding for the following tasks:

- Task 1 – (Name of Task 1)
- Task 2 – (Name of Task 2)
- Task 3 – (Name of Task 3)
- Task 4 – (Name of Task 4)
- Task 5 – (Name of Task 5)
- Task # - (Name of Task #)

**Task 1 – (Name of Task 1)**

Describe Task 1.

**Task 2 – (Name of Task 2)**

Describe Task 2.

**Task 3 – (Name of Task 3)**

Describe Task 3.
Task 4 – (Name of Task 4)
*Describe Task 4.*

Task 5 – (Name of Task 5)
*Describe Task 5.*

Task # – (Name of Task #)
*Describe Task #.*

4. OPPORTUNITIES AND CONSTRAINTS

*Describe the opportunities and constraints related to this scope of work and tasks.*

5. DELIVERABLES

The following deliverables will be provided to DWR within the timeframes specified in the Funding Agreement:

- Deliverable 1
- Deliverable 2
- Deliverable 3
- Deliverable #
Appendix C-7: Schedule by Task Template

**SCHEDULE BY TASK**

**REGIONAL FLOOD MANAGEMENT PROGRAM**

*(Agency Name)*

*(Region Name)* Region

<table>
<thead>
<tr>
<th>Task</th>
<th>Subtotal Hours</th>
<th>Expected Start</th>
<th>Expected End</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1: (Name of Task 1)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task 2: (Name of Task 2)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task 3: (Name of Task 3)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task 4: (Name of Task 4)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task 5: (Name of Task 5)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task 6: (Name of Task 6)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
<tr>
<td>Task #: (Name of Task #)</td>
<td>###</td>
<td>MMM YYYY</td>
<td>MMM YYYY</td>
</tr>
</tbody>
</table>

**TOTAL HOURS**  ######
### COSTS AND BUDGET BY TASK

REGIONAL FLOOD MANAGEMENT PROGRAM

*(Agency Name)*

*(Region Name) Region*

<table>
<thead>
<tr>
<th>Task</th>
<th>Funding Request</th>
<th>In-Kind Funding</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task 1: (Name of Task 1)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task 2: (Name of Task 2)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task 3: (Name of Task 3)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task 4: (Name of Task 4)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task 5: (Name of Task 5)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task 6: (Name of Task 6)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td>Task #: (Name of Task #)</td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
<tr>
<td><strong>Total Funding Request</strong></td>
<td>$ ---------------</td>
<td>$ ---------------</td>
</tr>
</tbody>
</table>

**TOTAL COST** | $ --------------- |

---

**Notes**

1. Funding request is the amount funded by DWR RFMP.
2. Cost-share is not a required component of Directed Funding. If Eligible Applicant has information on in-kind funding from Regional Partners, please include the funding amounts.
Mr. Paul Brunner, P.E.
Executive Director
Three Rivers Levee Improvement Authority
1114 Yuba Street, Suite 218
Marysville, CA 95901

August 7, 2019

Commitment Letter – Regional Flood Management Program (RFMP), Funding Application for the Feather River Region

Dear Mr. Brunner:

This Commitment Letter satisfies the Regional Flood Management Program Guidelines May 2019 criteria for the Eligible Applicant to include commitment letters from any key partners that will be participating in regional flood management activities. Reclamation District 1001 is committed to continue coordinating and collaborating with interested parties and stakeholders in the Feather River Region to pursue local funding mechanisms and regional consolidation, to implement programs and studies and activities in accordance with the principles and goals to further the recommendations in the Central Valley Flood Plan, and to advance the collaboration within our region and neighboring regions.

Reclamation District 1001 commits to working with TRLIA and the Feather River Regional Collaborative team in delivering the activities and meeting the commitments described in TRLIA’s Funding Application package for the RFMP. We are aware of the repercussions of not being able to meet the deadlines in the financial application and not complying with the standards forth set by TRLIA and/or the Department of Water Resources.

We thank TRLIA’s willingness to lead the necessary coordination and collaboration for the Feather River Regional Collaborative and considering Reclamation District 1001 for the financial assistance you may receive.

Respectfully,

Joe Henderson
General Manager

Rd1001@svix.com

1959 Cornelius Ave. Rio Oso CA 95674

(530)656-2318
August 6, 2019

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

Commitment Letter – Regional Flood Management Program (RFMP),
Funding Application for the Feather River Region

Dear Mr. Brunner:

This Commitment Letter satisfies the Regional Flood Management Program
Guidelines May 2019 criteria for the Eligible Applicant to include
commitment letters from any key partners that will be participating in
regional flood management activities. SBFCA has been a key partner on the
Feather River Regional Collaborative team since 2013. SBFCA is committed to
continue coordinating and collaborating with interested parties and
stakeholders in the Feather River Region to pursue local funding mechanisms
and regional consolidation, to implement programs and studies and activities
in accordance with the principles and goals to further the recommendations
in the Central Valley Flood Plan, and to advance the collaboration within our
region and neighboring regions.

SBFCA commits to working with TRLIA and the Feather River Regional
Collaborative team in delivering the activities and meeting the commitments
described in TRLIA’s Funding Application package for the RFMP. We are
aware of the repercussions of not being able to meet the deadlines in the
financial application and not complying with the standards forth set by TRLIA
and/or the Department of Water Resources.

We thank TRLIA’s willingness to lead the necessary coordination and
collaboration for the Feather River Regional Collaborative and considering
SBFCA for the financial assistance you may receive.

Please call me if you have any questions regarding this letter or the project in
general at (530) 755-9859 (office) or (530) 415-0983 (cell), or you can email me
at m.bessette@sutterbutteflood.org.

Sincerely,

Michael W. Bessette, PE
Executive Director
Sutter Butte Flood Control Agency
August 12, 2019

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

Commitment Letter – Regional Flood Management Program (RFMP), Funding Application for the Feather River Region

Dear Mr. Brunner:

This Commitment Letter satisfies the Regional Flood Management Program Guidelines May 2019 criteria for the Eligible Applicant to include commitment letters from any key partners that will be participating in regional flood management activities. Yuba Water Agency has been a key partner on the Feather River Regional Collaborative team since 2013. Yuba Water Agency is committed to continue coordinating and collaborating with interested parties and stakeholders in the Feather River Region to pursue local funding mechanisms and regional consolidation, to implement programs and studies and activities in accordance with the principles and goals to further the recommendations in the Central Valley Flood Plan, and to advance the collaboration within our region and neighboring regions.

Yuba Water Agency commits to working with TRLIA and the Feather River Regional Collaborative team in delivering the activities and meeting the commitments described in TRLIA’s Funding Application package for the RFMP. We are aware of the repercussions of not being able to meet the deadlines in the financial application and not complying with the standards forth set by TRLIA and/or the Department of Water Resources.

We thank TRLIA’s willingness to lead the necessary coordination and collaboration for the Feather River Regional Collaborative and considering Yuba Water Agency for the financial assistance you may receive.

Respectfully,

Curt Aikens
General Manager
August 20, 2019

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director
SUBJECT: Approve Contract Amendment No. 1 with MBK Engineers for Program Management, Project Management, Hydraulic Engineering, and Other Professional Services for Three Rivers Levee Improvement Authority

Recommended Action:
Approve contract Amendment No. 1 with MBK Engineers to provide Professional Services for 2019 – 2021 in the amount of $1,311,000; and authorize the Executive Director to sign and execute the contract once General Counsel has reviewed and approved.

Discussion:
Since 2003, MBK Engineers has provided program and project management and hydraulic engineering services as TRLIA has improved flood protection for southern Yuba County. In December 2017, TRLIA and MBK executed a new contract for $778,000 for the 2018-2019 service period. As of June 30, 2019, MBK has expended approximately $690,000 and may exhaust budget prior to the December 2019 service period ending. The proposed contract amendment would continue the professional services MBK has provided since 2003 for the remainder of 2019 service period and through 2021. A scope of work for services to be performed during this period is provided as Appendix 1 of Attachment A of the contract (Enclosure 1).

Two new tasks are included in the scope of work. The first is an optional task to provide project management support on the North Training Wall project should TRLIA take the lead in its implementation. The second is program and project management support for the Feather River Regional Flood Management Planning Effort. This effort was previously led by SBFCA but is transitioning to TRLIA for its next phase.

Fiscal Impact:
The original contract amount was $788,000. The estimated fee for services in 2019-2021 is $1,311,000 bringing the amended contract amount to $2,099,000. The majority of this effort will be cost shared with the State per specific project funding agreements.

Attachment:

1. Amendment No. 1 and Scope of Work
AMENDMENT NO. 1
TO
AGREEMENT BETWEEN
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
AND
MBK ENGINEERS INC.

THIS FIRST AMENDATORY AGREEMENT is made effective ________________, 2019, by
and between the Three Rivers Levee Improvement Authority ("TRLIA") and MBK Engineers
("Consultant"), who agree as follows:

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

1.1. Effective December 19, 2017 the parties entered into an Agreement ("AGREEMENT")
    for Professional Services relating to Engineering Services for TRLIA’s Construction
    Program.

1.2. 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;

1.3. TRLIA and the CONSULTANT desire to amend the AGREEMENT;

NOW, THEREFORE, TRLIA and the CONSULTANT agree as follows:

2. First Amendment to Agreement. The Professional Services Agreement is hereby amended
   as follows:

2.1. Operative Provision 2 of the Agreement shall be revised to change the Termination Date
    from December 31, 2019 to December 31, 2021.

2.2. The payment, budget, and not-to-exceed amounts, Condition B.1 in Attachment B to the
    Agreement for Professional Services between TRLIA and the Consultant are amended to
    add to the existing contract amount ($788,000) the additional amount of $1,311,000 for an
    amended contract amount of $2,099,000.

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 ______________________, 2019.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

__________________________________________  ______________________________________
Paul G. Brunner  Ric Reinhardt, P.E.
Executive Director  Principal Engineer

ATTEST:  APPROVED AS TO FORM:

__________________________________________  ______________________________________
Rachel Ferris  Scott L. Shapiro
Clerk of the Board  General Counsel
MBK Engineers (MBK) is pleased to continue professional services to the Three Rivers Levee Improvement Authority (TRLIA). Since 2004 MBK has provided Program Management, Project Management, and Hydraulic Engineering professional services as TRLIA has improved flood protection in southern Yuba County. Amendment 1 to the 2018-2019 MBK Contract would provide for continuation of these services through 2021. The following describes the effort that MBK will supply over the next two years.

**Task 1 – General Program Activities**
The implementation of the TRLIA levee program over the past fifteen years has resulted in an amazing amount of information that is of value to the public and other agencies. Task 1 covers effort to continue coordination with TRLIA, Reclamation District 784, the Central Valley Flood Protection Board (CVFPB), and other agencies on past and future work within Yuba County. MBK will also assist TRLIA in responding to questions and requests for information regarding the historic TRLIA Program, and responding to other flood prevention efforts that the TRLIA Board opts to pursue within Yuba County. This task also covers any ongoing or uncompleted task contained in prior MBK contracts and amendments.

**Task 2 – Upper Yuba Levee Improvement Project (UYLIP)**
The UYLIP continues in its mitigation management and closeout actions. Task 2 covers MBK effort to continue to manage and administer contracts for the Anderson Elderberry Mitigation Area. MBK will also continue to review and provide input for the UYLIP EIP Quarterly Work Plans and Progress Reports, and assist in completing the EIP closeout actions.

**Task 3 - Feather River Levee Improvement Project (FRLIP)**
While construction of the Feather River levee improvements are complete, other actions continue with respect to managing of the Feather Setback Area and other closeout activities. MBK will assist in land planning for the Setback Area, mitigation monitoring, land transfers to SSJDD, continue to review and provide input for the FRLIP EIP Quarterly Work Plans and Progress Reports, and in completing the project close-out.

**Task 4 - WPIC Standard Project Remediation**
Construction of the WPIC 200-yr Remediation Project was completed in November 2017. Continued efforts are focused on project close-out with State and Federal agencies, and permitting for piezometers. Efforts in 2018 will revolve around providing closeout information to State and Federal agencies.

**Task 5 – Feather River Conservation Bank (FESSRO Project)**
Planning for the Feather River setback area mitigation bank is ongoing with construction planned in 2020 pending Stage and Federal agency approvals. MBK will continue to assist in the management, planning, and implementation of the mitigation bank, including tasks associated with quarterly reporting, and Section 408 and CVFPB permitting.
Task 6 - Bear Setback Area
While construction of the Bear River levee improvements are complete, other actions continue with respect to managing of the Bear River Setback Area and other closeout activities. MBK will assist in land planning for the setback area, mitigation monitoring, land transfers to SSJDD, and in completing project close-out.

Task 7 – Goldfields 100-Year Interim Project
MBK will continue to maintain and update the 100-yr Goldfields interim O&M manual and accomplish MBK tasks that are outlined in the manual.

Task 8 – 200-Year Goldfields Levee Project
As TRLIA continues with the implementation of the Goldfields UFRR Project, MBK will continue to provide management support in the preparation of Quarterly Progress Reports to DWR, in managing the design effort for the UFRR Project, in coordination with the State and USACE to have the UFRR Project added to the State Plan of Flood control, assisting in CEQA and NEPA documentation and procurement of all applicable permits for project implementation. MBK will also continue the hydraulic evaluation and design of the project. In addition to these services, MBK will continue to subcontract for services related to wind and wave evaluations.

Task 9 – RD 784 Operation & Maintenance Assistance
Since the majority of the RD784 levees have been completed or are nearing completion, a comprehensive operation and maintenance manual that supplements the federal O&M manual is needed to provide the detailed history and responsibilities for the levee system. MBK, on behalf of TRLIA, and in cooperation with RD784, will develop this local supplement. Additionally, there are some outstanding activities related to addressing and documenting correction of problems identified by USACE during the 2010-2011 Periodic Inspection, as well as permitting of encroachments and penetrations to support future ULDC certification, that MBK will on behalf of TRLIA assist RD784 in accomplishing. Lastly, as appropriate, MBK will provide TRLIA with input related to new encroachments, penetrations, and/or maintenance issues to ensure there are no conflicts with future certification.

Task 10 – ULOP Annual Report
MBK will prepare and submit the annual progress report and appropriate forms to the CVFPB as required by statute to continue to show adequate progress towards an Urban Level of Protection for the RD 784 urban area.

Task 11 – FEMA & ULDC Certifications
TRLIA submitted a FEMA certification package for the RD784 Levee System in spring 2019. Continued efforts include responding to agency comments. A future certification is anticipated, concurrent with ULDC certification, following completion of the 200-Year Goldfields project which is anticipated in 2021. Effort associated with these future certifications will begin in 2021 and a future amendment will be required for completion of the task.
Task 12 – Additional and Other Modeling Services
This task provides budget for additional and/or other hydraulic modeling services that may be requested by TRLIA during the contract period. Project-specific modeling that is planned to occur is included in the project tasks.

Task 13 – Feather River Regional Flood Management Planning
With recent funding available from DWR to update Regional Flood Management Plans and pursue additional funding to implement projects identified in the RFMP, MBK will provide project and program management support to TRLIA for the Feather River Region. Specifically, MBK will lead a team of consultants in updating the 2014 Feather River RFMP and developing applications for funding of project implementation. Activities include coordination with partner agencies and consultants, preparation of meeting materials and technical documents, and interactions with the DWR. Key staff from MBK will review submittals from a variety of sources, coordinate quarterly invoicing with TRLIA’s financial services provider, and generally facilitate the RFMP process.

Task 14 (Option) – North Training Wall Project
Over time, due to mining operations and natural geomorphic processes, the North Training Wall has retreated thus reducing both height and width. The North Training Wall of the Yuba River provides flood protection to the community of Hallwood although it is not an authorized flood control feature nor is it maintained by a public agency. Due to the consequences of the wall’s retreat, TRLIA, intends on implementing a project in response to the planning study completed by the Yuba Water Agency in cooperation with Yuba County. TRLIA will identify funding sources and a plan for long term operation and maintenance to provide long term flood protection for Hallwood. TRLIA will also work collaboratively with the Yuba Water Agency to identify ecosystem restoration opportunities to make the project multi benefit and increase the potential for grant funding. MBK will assist TRLIA in accomplishing the planning, design, environmental disclosures, and permitting of the project.

Estimated Fee
MBK’s current fee schedule is provided as an attachment. Fees schedules are updated annually. Any subconsultant work performed under this amendment will be limited to a 5% mark-up fee.

This scope of work and estimated fee has been prepared on a task basis. However, it is understood and agreed that funds may be shifted among tasks as necessary to meet TRLIA’s needs.
<table>
<thead>
<tr>
<th>Task</th>
<th>Estimate Fee</th>
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<td>Task 1. General Program Activities</td>
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