THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MAY 17, 2011

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 3:40 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Counsel Scott McElhern, and Clerk of the Board of Supervisors/Secretary Donna Stottlemyer. Chair Griego presided.

I

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

II

CLOSED SESSION: The Board retired into closed session at 3:42 p.m. to discuss the following:

A. Conference with real property negotiator pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Steinheimer/Morrison; Terms of Payment; regarding FRLRP Segment 1 for the following properties:

016-090-008 Valley View Land & Cattle Co.
016-120-008 Danna Properties
016-120-005 Danna Properties
016-060-019 Shoei Food USA, Inc.

B. Conference with real property negotiator pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Steinheimer/Morrison; Terms of Payment; regarding FRLRP Segment 3 for the following properties:

013-010-046 J. Smith 013-010-045 Stewart
013-010-001, 002, 020-360-054 LCWD 020-360-059, 060, 061Cooper
020-360-002 Khang 020-330-008 State of California
020-330-010 Wilbur 020-330-007 RD 784
020-010-023 H. Smith 020-010-015 Wilbur
020-020-026 E Street MX, Inc. 020-201-011 Alan Young/Alma Rodriguez
020-201-009, 010 Arnold Craft 020-201-008, 012 Monty & Debra Hecker
020-201-005 Quintilia Naranjo 020-201-004 Robert Hamilton
020-201-003 Currier Family Trust 020-201-002 Ava Joy Clark
020-201-001 Susan R. LaGrand 020-171-015 Mary Cress
020-171-014 Currier Family Trust 020-171-013 Maria Mendoza, et al
020-171-011, 012 Billy J. & Clara J. Bean 020-171-010 Javier Quintero
020-171-009 Javier Quintero & Ana 020-171-008 Chad Playsso
020-171-007 Jose V. Gomez 020-171-006 Daniel & Virginia Frizzel
020-171-005 Jesse & Ruth Burns 020-171-004 Evangelina Cabrera
020-171-003 Mary Lipscomb 020-171-002 Delora & Deewayne Field
020-171-001 Carol Miller 020-121-019 Jose & Magdalena Vasquez
020-121-018 James & Nancy Blocker 020-121-017 Daniel A. Charter
020-121-016 Rosa Del Toro 020-121-015 Johal LLC
020-121-021 Glenna N. Hromiko 020-121-020 Gracie La Fernandez
020-121-012 Leopuldo & Luiza Ana Vasquez 020-121-011 Russell & Janine Ensslin

05/17/11 – TRLIA
C. Pending litigation pursuant to Government Code § 54956.9(a) - Bains YCSCCVED 10-0000977

D. Pending litigation pursuant to Government Code § 54956.9(a) - Luis YCSCCVED 10-0000903 Pulled from consideration.

The Board returned from closed session at 4:15 p.m. with all present as indicated above. There was no report.

III PUBLIC COMMUNICATIONS: No one came forward.

IV CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

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

A. Approve minutes of the meeting of May 10, 2011. Approved.

V ACTION ITEMS

A. Waive conflict of interest in Downey Brand's simultaneous representation of Three Rivers Levee Improvement Authority and Teichert Construction on unrelated matters. Assistant Counsel Scott McElhen recapped the need for the waiver and requested the authority to waive the conflict be delegated to the Executive Director.

Mr. Brunner advised in the event he was unable to waive the conflict of interest he would approach Yuba County to review the contract.

MOTION: Move to approve        MOVED: Jerry Crippen        SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None                        ABSTAIN: None            ABSENT: None
Approve final contract changes to the agreement with Teichert Construction in the total amount of $4,347,595.50 and authorize the Executive Director to finalize and execute contract modification upon review and approval of Counsel. Executive Director Paul Brunner recapped prior change orders in the approximate amount of $7 million and current change orders requiring approval. Mr. Brunner responded to Board inquiries.

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

B. Approve Amendment No. 13 to the agreement with Bookman-Edmonston/GEI Consultants in the amount of $668,980 and authorize the Executive Director to execute same. Executive Director Paul Brunner advised services are related to the 200-year compliance determination and potential unrelated support tasks.

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

VI BOARD AND STAFF MEMBERS’ REPORTS: Reports were received on the following:

Director Nicoletti left the meeting at 4:37 p.m. and did not return.

Director Griego: Cap to Cap Conference May 6 - 11, 2011 regarding FEMA meeting on agricultural communities and floodplain mapping and meeting with Army Corps of Engineers regarding the Section 104 credit denial and the new Section 2003 credit process.

Executive Director Paul Brunner:
- Signing of contract with Magnus Pacific for Upper Yuba Levee Improvement and State authorization to move forward with project
- Feather Floodway Corridor Grant application and construction

VII ADJOURN: 4:49 p.m. by Chair Griego.

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

Approved: June 7, 2011