

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

APRIL 19, 2005 – SPECIAL MEETING

A special meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 1:01 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, and Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

CLOSED SESSION

The Board retired into closed session at 1:04 p.m. to discuss one case of threatened litigation pursuant to Government Code §54956.9(b) and returned into open session at 2:26 p.m. with all Board and staff members present as indicated above. There was no announcement.

ACTION ITEMS

A. Minutes: Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board approved the minutes of the regular meeting of April 5, 2005, as written. APPROVE MINUTES

B. Implementation Agreement: Following a brief recap by Executive Director Kent McClain regarding the proposed agreement requirements and compliance for issuance of permit for levee repairs and Board discussion, upon motion of Director Griego, seconded by Director Brown, and carried with Director Logue voting in opposition, the Board approved the Implementation Agreement among the County of Yuba, Three Rivers Levee Improvement Authority, Reclamation District No. 784, and State of California; authorized the Chairman to execute same; and authorized the Executive Director and County Counsel to make and approve minor changes to the agreement. APPROVE IMPLMNT. AGRMNT.

Director Brown left the meeting at 2:37 p.m. and did not return.

- C. Phase II and IV Levee Projects/Scope of Work: Water Resources Manager Ani Bhattacharyya recapped proposed changes and upon motion of Director Griego, seconded by Director Logue, and carried with Director Brown being absent, the Board authorized proposed changes in scope of work for Phase II and IV levee projects. APPROVE CHANGE OF SCOPE
- D. BE/GEI Invoice Payment/\$263,168.29: Upon motion of Director Logue, seconded by Director Griego, and carried with Director Brown being absent, the Board authorized payment of invoice from BE/GEI in the amount of \$263,168.29 for engineering services related to design of the Bear River Setback Levee. AUTHORIZE PAYMENT
- E. Kleinfelder, Inc/Agreement: Following presentation and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and carried with Director Brown being absent, the Board approved an agreement with Kleinfelder, Inc. for Phase IV Problem and Identification Study and Preliminary Alternative Analysis and authorized the Chairman to execute same. APPROVE AGRMNT.
- F. Downey Brand LLP Agreement/Invoice Payment \$77,426.78: Following presentation and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and carried with Director Brown being absent, the Board approved agreement with Downey Brand LLP for legal services, authorized the Chairman to execute same, and authorized the Auditor-Controller to pay invoices in the total amount of \$77,426.78. APPROVE AGRMNT. AND INVOICE PAYMENT
- G. Advanced Funding Agreement: Following presentation and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and carried with Director Brown being absent, the Board approved an Advanced Funding Agreement among County of Yuba, Three Rivers Levee Improvement Authority, Reclamation District No. 784, and landowners; authorized the Chairman to execute same; and authorized the Executive Director and County Counsel to make and approve minor changes to the agreement. APPROVE FUNDING AGRMNT.

Chairman Webb directed Counsel to research a way to insulate the County and Authority assets with regard to liability issues and the acceptance of state and federal funds.

CLOSED SESSION

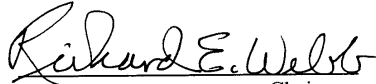
The Board retired into closed session at 3:08 p.m. to discuss one case of threatened litigation pursuant to Government Code §54956.9(b) and returned into open session at 3:19 p.m. with all Board and staff members present as indicated above, except Director Brown.

Counsel Daniel Montgomery made the following announcement:


“Mr. Chairman, by a three/zero vote your Board has authorized the retention of the law firm McDonough, Holland, and Allen to represent the Authority’s interest in the imminent domain actions relating to Phases II and III of the levee improvements that are anticipated. There is no further announcement.”

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 3:21 p.m. by Chairman Webb.

  
Chairman

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

 Approved: May 3, 2005