



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

JULY 20, 2010

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:01 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 Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. 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 2:03 p.m. to discuss the following except Director Crippen:

A. Pending litigation pursuant to Government Code §54956.9(a) regarding:

1. Nieschultz, S. YCSCCVED 08-0000289 GC 54956.9
2. Nieschultz, L. YCSCCVED 08-0000290 GC 54956.9

Director Crippen joined closed session at 2:22 p.m.

B. Conference with Real Property Negotiator pursuant to Government Code §54956.8 - Negotiating parties: TRLIA/Mike Churchill/Max Steinheimer/Scott McElhern on the following properties:

1. 021-041-006 - Ronnie C. Willis
2. 021-041-007 - Bernard J. Perez
3. 021-041-010 - Lothar S. & Brigitta M. Klug
4. 021-041-009 - Hust Bro. Inc. Pension Plan / Roy E. Lanza
5. 021-041-012 - Steve and Denise Gilbert
6. 021-042-014 - Steve and Denise Gilbert
7. 021-042-027 - Humam El Sharif
8. 018-200-008 - Daniel J. Luis
9. 018-200-007 - Anthony J. & Zelma B. Luis
10. 018-200-005 - Anthony J. & Zelma B. Luis

The Board returned from closed session at 2:47 p.m. with all present as indicated above. Counsel advised Items A 1 and 2 instruction was given on condemnation and how to proceed, and further advised Item B 1 through 7 the real estate plan was amended, and items 8 – 10 instruction was given to counsel.

- 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 June 15, 2010. Approved as written.

V ACTION ITEMS

A. Authorize Executive Director to take necessary actions to preserve Yuba River Training Levee in furtherance of receiving encroachment permit from Central Valley Flood Protection Board for the upper Yuba River south levee.

Project Manager Ric Reinhardt and Executive Director Paul Brunner recapped the location and size of the training levee advising the 200 year modeling assumed the training levee would fail and responded to Board inquiries.

Counsel Scott Shapiro responded to specific inquiries regarding liability.

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. Adopt resolution declaring public necessity for the taking of certain property identified as APN 018-190-110 (Sohal, Walbinder) and APN 018-190-109 (Sohal, Bhajan and Rajwant) for the Upper Yuba River Levee Improvement Project.

Special Counsel Michael Churchill and Design Manager Larry Dacus provided a Power Point presentation recapping the necessity to acquire the property for borrow site material and responded to Board inquiries.

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

MOTION: Move to direct general counsel and special counsel to proceed with an action in imminent domain to acquire the necessary properties for the repair, construction, installation and maintenance MOVED: John Nicoletti SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

C. Award contract to Restoration Resources in the amount of \$184,340 for Elderberry transplanting for the Upper Yuba River Levee Improvement Project and authorize the Executive Director to execute and amend contract based on final biological opinion upon review and approval of Counsel.

Executive Director Paul Brunner recapped the purpose of transplanting, the bid process, and monitoring, and responded to Board inquiries.

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

- D. Approve 9th amendment to agreement with HDR Engineering, Inc. in the amount of \$1,473,064 for construction management services for the Upper Yuba River Levee Improvement Project and authorize the Executive Director to execute same.

Executive Director Paul Brunner recapped the scope of work.

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

- E. Authorize request for proposal for constructing a water supply well as mitigation for the Upper Yuba River Improvement Project and authorize solicitation of bids.

Design Manager Larry Dacus recapped the bidding proposal and process and 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

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

Director Nicoletti: Correspondence to Corps of Engineers Col. Chapman regarding change of command

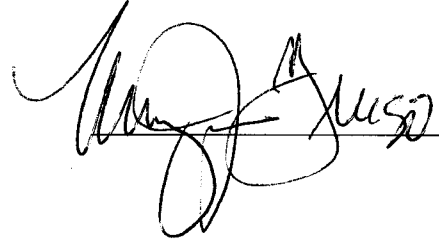
Financial Consultant Seth Wurzel: Annual Tax Report for CFD 2006-1 and 2006-2

Executive Director Paul Brunner:

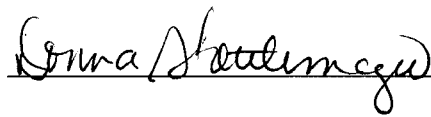
- Newsletter to residents regarding FEMA accreditation
- Received funding reimbursements for projects on the Feather River which will be used for the Upper Yuba River
- Levee degrade is approximately 99 percent completed
- Central Valley Flood Protection Board July 22, 2010 meeting and conference on slurry wall construction

At the request of Mr. Brunner, Chair Griego formed an Ad Hoc committee appointing herself and Director Nicoletti as representatives to review the issues of assessments for the Community Facility Districts.

VII ADJOURN: 4:13 by Chair Griego.


_____ Chair

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


_____ Approved: August 3, 2010