

RESOLUTION NO. 2009 - 12

Adopted by Three Rivers Levee Improvement Agency (TRLIA)

**ADOPTION OF RELOCATION ASSISTANCE RULES AND REGULATIONS FOR
TRLIA PROJECTS**

WHEREAS, the TRLIA is authorized to finance, construct, and maintain levee improvements surrounding the South Yuba county Area and to establish and undertake projects that are necessary and proper to fulfilling that goal and objective; and

WHEREAS, in connection with the plan, design and performance of projects, TRLIA is authorized to acquire real property and to provide for the relocation of displaced person in connection therewith; and

WHEREAS, the TRLIA Board previously adopted Resolution 07-01 titled "A RESOLUTION DELEGATING AUTHORITY TO THE EXECUTIVE DIRECTOR TO CARRY OUT CERTAIN ADMINISTRATIVE FUNCTIONS WITH RESPECT TO THE ACQUISITION OF REAL PROPERTY AND THE RELOCATION OF DISPLACED PERSONS IN CONNECTION WITH LEVEE IMPROVEMENT PROJECTS"; and

WHEREAS, TRLIA would like to amend Resolution 07-01 to reflect the fact that TRLIA is following the appropriate State and Federal laws and guidelines for relocation assistance; and

WHEREAS, the provisions of the California Relocation Assistance Act., Government Code sections 7260 et seq., as amended, require public entities to provide relocation assistance benefits to displaced persons in accordance with the terms and limitations specified therein; and

WHEREAS, pursuant to Government Code section 7267.8, subdivision (a), all public entities are required to adopt rules and regulations in accordance with guidelines adopted by the Department of Housing and Community Development to implement payments and to administer relocation assistance under the Relocation Assistance Act; and

WHEREAS, pursuant to authority contained in Health and Safety Code section 50460, the California Department of Housing and Community Development has promulgated Title 25, Division 1, Chapter 6 of the California Code of Regulations, commencing at section 6000, titled "Relocation Assistance and Real Property Acquisition Guidelines" ("State Guidelines") in order to implement and interpret the provisions of the Relocation Assistance Act; and

WHEREAS, pursuant to Government Code section 7267.8, subdivision (b), with respect to federally funded projects, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required by federal law; and

WHEREAS, the Office of the Secretary, Department of Transportation of the Federal Highway Administration, has promulgated Part 24 of Chapter 49 of the Code of Federal Regulations, titled "Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs" ("Federal DOT Guidelines") as its rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 et seq., as amended).

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY:

With respect to non-federally funded projects, the State Guidelines, as the same may be amended and revised from time to time, are hereby adopted as the guidelines, rules and regulations for providing relocation assistance by TRLIA to the extent they are not inconsistent with the provisions of applicable statutes.

IT IS FURTHER RESOLVED that, with respect to federally funded projects, the Federal DOT Guidelines, as the same may be amended and revised from time to time, as implemented by the California Department of Transportation, shall be the guidelines, rules and regulations for providing relocation assistance by TRLIA, to the extent they are not inconsistent with the provisions of applicable statutes.

PASSED AND ADOPTED by the Board of Directors of Three Rivers Levee Improvement Authority, this 12th day of August, 2009, by the following vote, to wit:

AYES: Directors Brown, Crippen, Graham, Griego, Nicoletti

NOES: None

ABSTAIN: None

ABSENT: None


Chair of the Board of Directors of
Three Rivers Levee Improvement Authority

ATTEST:


Secretary

APPROVED AS TO FORM:
ANDREA P. CLARK
GENERAL COUNSEL

