

RESOLUTION NO. 2011-07

**A RESOLUTION BY THE BOARD OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
REGARDING THE OPERATION, MAINTENANCE, REPAIR,
REPLACEMENT AND REHABILITATION AGREEMENT**

WHEREAS, Three Rivers Levee Improvement Authority (TRLIA) is completing the fourth and final phase of its efforts to bring the RD 784 basin to 200-year protection and as part of its efforts it entered into two funding agreements with the State of California Department of Water Resources (DWR) for the State to provide hundreds of millions of dollars of funding; and

WHEREAS, each funding agreement provides that TRLIA must execute the OMRR&R Agreement or must provide a local maintaining agency willing to execute the Agreement and as of the date of this meeting RD 784 is expected to have reviewed and signed the OMRR&R Agreement; and

WHEREAS, in the OMRR&R Agreement TRLIA has agreed to two provisions: (1) TRLIA has agreed to indemnify the State for liability arising from the construction of the Feather and Yuba Projects, and (2) TRLIA has requested that if RD 784 fails to perform under the OMRR&R Agreement that TRLIA receive notice from the State of the failure and be given an opportunity to perform; and

WHEREAS, execution of the OMRR&R Agreement will allow proper closeout of the Project funding agreements and insure that DWR's funding is not interrupted;

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of the Three Rivers Levee Improvement Authority (pursuant and subject to all of the terms and provisions of the Safe Drinking Water, Water Quality and Supply, Flood Control, River and Coastal Protection Bond Act of 2006, and the Disaster Preparedness and Flood Prevention Bond Act of 2006) has been awarded funds by the California Department of Water Resources for a State-Federal Flood Control System Modification Program project entitled Feather River Levee Improvement Project and Yuba River Levee Improvement Project, and as a condition of accepting these funds Reclamation District 784 has committed to signing an OMRR&R Agreement with the Central Valley Flood Protection Board, or successor thereto, which requires Reclamation District 784 to assume responsibility for operation, maintenance, repair, replacement, and rehabilitation of the Projects.

2. The Board of the Three Rivers Levee Improvement Authority has agreed to indemnify the State for liability arising out of construction of the Projects, the Board desires to be informed of any failures to perform OMRR&R, and the Board is prepared to restate its existing obligations to operate and maintain those portions of the EIP Project upon which it performed work, and therefore the Board hereby authorizes and directs the

Executive Director to sign the OMRR&R Agreement with the Central Valley Flood Protection Board, or successor thereto.

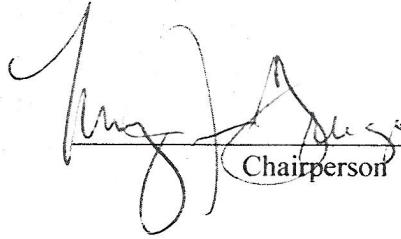
PASSED AND ADOPTED this 12 day of August, 2011, by the Board of Three Rivers Levee Improvement Authority by the following vote:

AYES: Directors Brown, Crippen, Graham, Griego

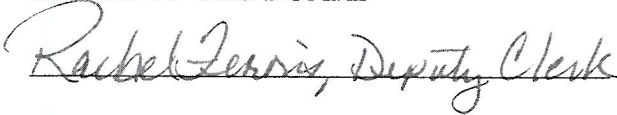
NOES: None

ABSENT: Director Nicoletti

ABSTAIN: None


Chairperson


ATTEST: DONNA STOTTLEMEYER,
CLERK OF THE BOARD


Rachel Ferris, Deputy Clerk

APPROVED AS TO FORM: GENERAL COUNSEL
SCOTT SHAPIRO



The foregoing instrument is a Correct Copy
of the original on file in this office
ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Supervisors of the
County of Yuba, State of California

By 
Date: August 12, 2011