



Sutter Butte Flood Control Agency

Board of Directors Agenda - Regular Meeting, November 9, 2022, 1 p.m.

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with CA Executive Orders AB361 members of the Board of Directors and members of the public will participate in this meeting in person and by teleconference. The call in information for the Board of Directors and the public is as follows:

Meeting URL: https://us06web.zoom.us/webinar/register/WN_s0rvst_Q8iiM9riW_pULg

Any member of the public participating by teleconference may email public comments to admin@sutterbutteflood.org and comments will be read from each member of the public. During this period of modified Brown Act Requirements, Sutter Butte Flood Control Agency will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

County of Sutter

Mat Conant
Mike Ziegenmeyer
Alt. Karm Bains
Alt. Nicholas Micheli

County of Butte

Bill Connelly
Tod Kimmelshue

City of Yuba City

Shon Harris
Wade Kirchner
Alt. Dave Shaw
Alt. Marc Boomgaarden

City of Live Oak

Lakhvir Ghag
Alt. Jeramy Chapdelaine

City of Gridley

Bruce Johnson

City of Biggs

Bo Sheppard
Alt. Chuck Nuchols

Levee District 1

Charlie Hoppin
Al Montna
Alt. Gary Marler
Alt. Drew Stresser

Levee District 9

Mike Morris
Chris Schmidl

AGENDA SUMMARY

REGULAR MEETING/CALL TO ORDER

- Roll Call
- Pledge of Allegiance

PUBLIC COMMENT

Members of the public will be allowed to address the Sutter Butte Flood Control Agency's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been placed on the agenda may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chair will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

1. Approval of the Minutes for the October 12, 2022 Regular Board Meeting
2. Approval of the Minutes for the October 24, 2022 Special Board Meeting
3. Continuing Brown Act Resolution 2022-16

RESOLUTION OF NECESSITY HEARING

Adopt resolutions of necessity to acquire certain property interests for the Sutter Basin Flood Risk Management Project as follows:

4. Consider Adopting Resolution of Necessity for Acquisition of Property Interests from APN 51-580-020 (Sangha & Takhar)

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

5. Adoption of SBFCA Public Communication and Outreach Policy
6. Presentation and File Monthly Financial Report
7. Presentation and File Program/Project Update

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on Wednesday, December 14, 2022 at 1 p.m.



Sutter Butte Flood Control Agency

Board of Directors Regular Meeting Minutes, October 12, 2022, 1 p.m.

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. in Compliance with CA Executive Orders AB361 members of the Board of Directors and members of the public participated in this meeting by teleconference.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

MEMBERS PRESENT

| | |
|--------------------|-------------------------------|
| County of Sutter: | Mat Conant, Mike Ziegenmeyer |
| County of Butte: | Bill Connelly, Tod Kimmelshue |
| City of Yuba City: | Shon Harris, Wade Kirchner |
| City of Biggs: | Bo Sheppard |
| City of Gridley: | Bruce Johnson |
| Levee District 9: | Mike Morris |
| Levee District 1: | Al Montna |

MEMBERS ABSENT: Lakhvir Ghag, Charlie Hoppin

STAFF PRESENT: Michael Bessette, Executive Director; Chris Fritz, Director of Engineering, Agency Counsel; Andrea Clark; Seth Wurzel, Budget Manager; Kim Floyd, Public Outreach Manager and Terra Yaney, Board Clerk

MEETING/CALL TO ORDER

At 1:00 p.m., Director Wade Kirchner opened the meeting and led the group in the pledge of allegiance.

PUBLIC COMMENT

Yuba City resident Eric Mackensen provided public comment regarding his concerns about the Second Street construction project and his property.

Yuba City resident Kate Mackensen provided public comment regarding her concerns about the Second Street construction project and her property.

Yuba City resident Nubia Vargas provided public comment regarding her concerns about the Second Street construction project and her property.

Executive Director Michael Bessette provided information about the project and addressed the property owners concerns. At the recommendation of the board it was decided to schedule a Special Meeting at a future date to further discuss this topic.

CONSENT CALENDAR

1. Approval of the Minutes for the September 14, 2022 Regular Board Meeting
2. Continuing Brown Act Resolution 2022-15

3. **Approval of an agreement with Triangle Properties to Transplant Two Elderberry Bushes as part of the Federal Sutter Basin Flood Risk Management Project (Cypress Avenue to Tudor Road)**
4. **Authorization of the Executive Director to Execute Amendment No. 1 to the Funding and Services Agreement with the Feather River West Levee Financing Authority**

A motion to approve the Consent Calendar was made by Director Mat Conant and seconded by Director Mike Morris. The motion passed with no objection. The Consent Calendar was approved as follows:

- Mat Conant– yes
- Bill Connelly– yes
- Shon Harris– yes
- Bruce Johnson- yes
- Tod Kimmelshue- yes
- Wade Kirchner- yes
- Al Montna– yes
- Mike Morris - yes
- Chris Schmidl - yes
- Mike Ziegenmeyer - yes

No public Comment

The entire discussion and presentation is available on the SBFCFA website at:
<http://sutterbutterflood.org/board/meetings-agendas/>

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

5. Presentation and File Monthly Financial Report

Budget Manager Seth Wurzel presented the monthly financial reports for April and answered questions regarding operating revenue of advanced funding. The entire report, along with a PowerPoint presentation is available on the SBFCFA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

6. Presentation and File Program/Project Update

Executive Director Michael Bessette gave a presentation outlining the recent and ongoing activities of the agency. He reported that we are in active construction on the second street vegetation removal and fence installation project. He reported that informational letters were sent out to the second street property owners and a public meeting was held regarding the planned vegetation removal and fence installation project. After hearing the concerns of the property owners during the public comment portion of the meeting, staff was directed to schedule a special board meeting.

Mr. Bessette went on to report on the Feather River Regional Flood Management Planning (RFMP). He reported that the team recently submitted the next funding request (\$260K) for phase 4 planning effort to DWR. Staff has also been actively participating in the Oroville Dam Citizens Advisory Commission meetings for discussing issues and sharing information related to the Oroville Dam facilities and potential downstream impacts. A meeting with DWR to discuss inundation mapping was held on September 29 at SBFCFA's office.

Mr. Bessette went on to report that staff continues to coordinate funding through DWR for Sutter Bypass Critical Repairs. We received a draft funding agreement to initiate design and permitting work. Once the final funding agreement is received and signed the project will begin. Staff is currently developing a Request for Proposals (RFP) to bring on an engineering design team for the project.

It was reported that on September 28th Mr. Bessette met with the new USACE Sacramento District Commander Colonel Caldwell.

The entire report is available on the SBFCFA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

PUBLIC COMMENT

None

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 2:05 p.m.

ATTEST BY: _____

Terra Yaney, Board Clerk

Board Chair



Sutter Butte Flood Control Agency

Board of Directors Special Meeting Minutes, October 24, 2022, 6:30 p.m.

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 6:30 p.m.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

MEMBERS PRESENT

| | |
|--------------------|------------------------------|
| County of Sutter: | Mat Conant, Mike Ziegenmeyer |
| City of Yuba City: | Wade Kirchner |
| City of Biggs: | Bo Sheppard |
| City of Gridley: | Bruce Johnson |
| Levee District 9: | Mike Morris |
| Levee District 1: | Al Montna, Charlie Hoppin |

MEMBERS ABSENT: Lakhvir Ghag, Bill Connelly, Tod Kimmelshue, Shon Harris, Chris Schmidl

STAFF PRESENT: Michael Bessette, Executive Director; Chris Fritz, Director of Engineering, Agency Counsel; Andrea Clark; Agency Counsel; Scott Shapiro, Seth Wurzel, Budget Manager; Kim Floyd, Public Outreach Manager and Terra Yaney, Board Clerk

SPECIAL MEETING/CALL TO ORDER

At 6:30 p.m., Director Wade Kirchner opened the meeting and led the group in the pledge of allegiance.

SPECIAL AGENDA ITEM

- 1. Discussion on SBFCA's Levee Compliance Permit Project for Second Street Properties, including public comment**
Executive Director Michael Bessette provided a PowerPoint presentation and gave an overview of the project. He reviewed the summary of the encroachment compliance issue and showed a map of the project area. He discussed the unique encroachments and easements between the properties on Second Street, Levee District 1 (LD1) and the State. He provided a sample of the easement language that allows LD1 to operate and maintain the section of levee throughout their easement over those properties.

In his presentation he went over the five categories that encroachments fall into and showed examples of the inspection reports noting the encroachments that are not compliant with Corps standards. Those categories are:

- Encroachments that obstruct maintenance, visibility, and access
- Homes and other buildings
- Retaining walls
- Retaining walls with structures
- Swimming pools

He then went on to report on SBFCA’s approach for compliance and the negotiations SBFCA had with the USACE and the State to minimize the impacts on the property owners, as well as the history of coordination between the agency and the property owners.

Mr. Bessette continued his presentation and provided alternatives to SBFCA’s approach:

- Landowner subject to enforcement action with CVFPB
- Landowner responsible for encroachment compliance and civil penalties
- Landowner responsible to coordinate compliance actions and permit with CVFPB and USACE

Agency Counsel Scott Shapiro provided examples of other areas in the Central Valley in which homeowners didn’t work with the local maintaining agencies on the encroachment compliance and were then fully responsible for encroachment compliance actions and cost.

Director Charlie Hoppin thanked the property owners in attendance and commented that we would like to clear up any miscommunications.

Director Mat Conant expressed the importance of reaching our 200-yr flood protection.

Director Wade Kirchner asked how often the USACE inspection reports were completed and do the property owners receive a copy of the report.

Mr. Bessette answered that they are supposed to be completed every 5 years. The last one was completed in 2021 the reports are sent to the local maintaining agencies not to property owners.

The entire report is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

PUBLIC COMMENT

Yuba City resident Eric Mackensen provided public comment regarding his concerns about the Second Street construction project and his property.

Yuba City resident Kate Mackensen provided public comment regarding her concerns about the Second Street construction project and her property.

Yuba City resident Yesenia Meier provided public comment regarding her concerns about the Second Street construction project and her property.

Director Mike Ziegenmeyer expressed that he is empathizes with the property owners concerns, but also expressed the importance of having proper access to patrol the levees during a high-water event.

Director Al Montna spoke of the importance of levee protection and maintenance and expressed that he would like to get to a resolution to solve any issues and that the board will follow up on this.

Director Wade Kirchner agreed.

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 7:38 p.m.

ATTEST BY: _____

Terra Yaney, Board Clerk

Board Chair

Sutter Butte Flood Control Agency

RESOLUTION NO. 2022-16

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF SUTTER BUTTE
FLOOD CONTROL AGENCY PURSUANT TO THE BROWN ACT**

WHEREAS, Sutter Butte Flood Control Agency (“Agency”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Agency are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the Agency’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the District; and

WHEREAS, such conditions persist in the District, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the continued threat of COVID-19; and

WHEREAS, the Board of Directors does hereby find that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the Agency shall conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the Agency and offer public comment by telephone or internet-based service options including video conference are posted on the Agency website and physically outside of the Agency office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SUTTER BUTTE FLOOD CONTROL AGENCY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Risks to Health and Safety of Attendees. The Board hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. Agency staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) October 12, 2022, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Sutter Butte Flood Control Agency, this 9th day of November, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 9, 2022

TO: Board of Directors

FROM: Michael Bessette, Executive Director
Scott McElhern, Agency Counsel

SUBJECT: Consider Adopting Resolution of Necessity for Acquisition of Property Interests from APN 51-580-020 (Sangha & Takhar)

Recommendation

Staff recommends that the Board of Directors of the Sutter Butte Flood Control Agency ("SBFCA") adopt the attached proposed Resolution of Necessity for the acquisition of certain property interests in the properties bearing Sutter County Assessor's Parcel Number 51-580-020 for the Feather River West Levee Project (the "Project").

The property bearing Sutter County APN 51-580-020 is currently owned by Pali Singh Sangha and Ram Singh Takhar. As described in the exhibits to the attached proposed Resolution of Necessity, the property interests proposed for acquisition from this property are 0.10± acres in easement.

Required Findings for Adoption of a Resolution of Necessity

The attached proposed Resolution of Necessity lists the findings required by California Eminent Domain Law. Importantly, the Board is recommended to find:

1. The public interest and necessity require the Project;
2. The proposed Project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury;
3. The property interests are necessary for the proposed Project; and
4. The offer required by Government Code Section 7267.2 has been made to the owner or owners of record of the properties.

Support for Findings

Finding 1: The Public Interest And Necessity Require The Project.

The Project is necessary because of the following levee deficiencies:

1. The west bank levee of the Feather River was vulnerable to through-seepage and under-seepage.
2. The levee did not provide either a 100-year or 200-year level of flood protection.
3. The levee had slope stability issues.
4. There were many encroachments into and on the levee.
5. There is insufficient right of way to maintain the levee.

In order to correct the above levee deficiencies, SBFCA rehabilitated approximately 41 miles of levee along the west bank of the Feather River, extending from Thermalito Afterbay to three miles upstream of the confluence of the Feather River with the Sutter Bypass. The Project levee improvements include cutoff walls to mitigate through and under-seepage issues, some seepage berms, and some erosion repairs. Pursuant to the California Environmental Quality Act, the SBFCA Board of Directors independently considered and certified the Final Environmental Impact Report for the Project after a public hearing on April 10, 2013.

SBFCA's goals for the Project are: (1) to obtain 100-year flood protection as defined by FEMA from the southern Project limit to Star Bend levee reaches; and (2) from Star Bend to Thermalito levee reaches, to obtain both a 100-year level of flood protection as defined by FEMA, and a 200-year level of flood protection as defined by the California Department of Water Resources ("DWR"). The levees from Star Bend to Thermalito provide flood protection to the urban communities within the Sutter Basin including Yuba City, Live Oak, Biggs and Gridley.

Finding 2: The Proposed Project Is Planned Or Located In The Manner That Will Be Most Compatible With The Greatest Public Good And The Least Private Injury.

In order to meet SBFCA's goals for the Project, the Project must comply with the Urban Levee Design Criteria ("ULDC"), released by DWR in May 2012 pursuant to Senate Bill No. 5. SB 5 calls for 200-year flood protection to be the minimum level of protection for urban and urbanizing areas in the Sacramento-San Joaquin Valley. SB 5 will ultimately limit the conditions for approval of development by local governments if adequate progress towards achieving 200-year protection is not met. That is, the land use agency will have to make a finding that an area protected by levees has made adequate progress towards 200-year protection before it can approve development plans or permits. SB 5 requires that the 200-year level of flood protection be consistent with criteria established by DWR. Thus, DWR developed the ULDC pursuant to SB 5 to set forth the minimum criteria that must be met for an area to meet a 200-year level of flood protection.

Staff recommends that SBFCA acquire the levee and 20 feet from the landside levee toe for O&M corridors in fee, rather than easement, because fee title will give SBFCA, and any agencies that

ultimately own and/or maintain the levee, the rights needed to prevent damage to the levee and interference with maintenance that could occur if SBFCA does not acquire fee. For example, holding fee title rather than easement will give SBFCA the rights it needs to prevent the following types of activities that are harmful to levees:

- Cattle grazing by property owners;
- Farming activities by property owners that damage the levee and the maintenance corridors;
- Unauthorized pedestrian, motorcycle, and motor vehicle traffic over the levee, creating erosion sites that threaten the integrity of the levee and necessitate emergency repairs;
- Installation of gates into fences abutting the levee, and cutting steps into the levee;
- Piling of garbage, tree trimmings and other debris near the levee that interfere with maintenance activities and create rodent habitats that lead to rodent damage which can threaten the integrity of the levee, and increase maintenance costs; and
- Construction of unpermitted encroachments.

Acquiring fee title to the levee and the maintenance corridors is necessary to give SBFCA the control over the levee and the O&M corridors it needs in order to maintain levee stability and decrease maintenance costs. It also eliminates any potential dispute as to the rights of the public entity that is charged with operating and maintaining the levees. Fee ownership gives SBFCA exclusive property rights necessary to assure public safety.

In addition to the above, staff recommends that SBFCA also acquire an additional 10 feet in permanent easement on the landside of the levee in undeveloped areas. The proposed easement area is necessary for construction of the Project because SBFCA needs a total of 30 feet from the landside toe of the levee for construction activities. After Project construction, the proposed easement area will be necessary for repairs to the levee after major flood events, as such repairs will require the same 30 feet from the landside toe of the levee as does Project construction. However, because such major repairs are unlikely to occur frequently, SBFCA staff has determined that an easement will be sufficient to meet these Project needs. The proposed easement area will also be used for maintenance and repairs to the 20-foot O&M corridor, and will be used in looking for boils and in flood fighting during heavy rains and/or high water.

Finding 3: The Property Interests Are Necessary For The Proposed Project.

The larger parcel consists of approximately 2.94± acres and consists of vacant industrial land. The property is located at 2229 Live Oak Boulevard, Yuba City, CA 95991, and improved with two concrete foundations and a small concrete structure at the North end of the property. None of the improvements are impacted by the proposed acquisition.

Staff recommends acquiring a 0.10± easement for the O&M corridor in order to:

- Eliminate encroachments and provide adequate room for levee construction, maintenance, levee repairs, inspection, patrolling during high water, and flood fighting;
- Prohibit excavations and land modifications that would endanger the integrity of the levee; and
- Ensure that the Project levee meets a 200-year standard of flood protection, as defined by DWR.

Finding 4: The Offer Required By Government Code Section 7267.2 Has Been Made.

Based on an appraised value of the proposed acquisition, SBFCA offered to purchase the necessary property interests from the owners. To date, SBFCA has been unable to reach an agreement with the owners for the purchase and sale of the property.

If the Board adopts the attached proposed Resolution of Necessity, legal counsel for SBFCA will have the authority to file a condemnation action in the Sutter County Superior Court to effectuate the acquisitions by eminent domain of the property interests described in the proposed Resolution of Necessity. However, the commencement of litigation will not end SBFCA's efforts to reach a negotiated agreement.

Budget Implications

The approved appraised value of the proposed acquisitions is within the SBFCA Board approved five-year budget for Project right of way acquisition costs. The funding to acquire these property interests is in the SBFCA cash flow and is available to be deposited to the State Treasurer's Condemnation Fund. Additionally, DWR will fund a majority of the Project right of way acquisition costs.

Documents Incorporated Into This Report

Attachment A – Draft Resolution of Necessity for APN 51-580-020.

The First Written Offer package sent to the property owners is available for review.

The Notice of Resolution of Necessity Hearing, dated October 18, 2022, is available for review.

Correspondence with the property owners regarding the proposed acquisitions is available for review.

The Sutter Butte Flood Control Agency Project Plans for Construction of Feather River West Levee Project are available for review.

The Final Feather River West Levee Project Environmental Impact Report is available on SBFCA's website at http://www.sutterbutteflood.org/downloads/Documents-Environmental/FRWLP_Final-EIR_Apr2013_Pt1.pdf.

The Urban Levee Design Criteria released in May 2012 is available on the website of the California Department of Water Resources at http://www.water.ca.gov/floodsafe/leveedesign/ULDC_May2012.pdf.

The Feather River West Levee Project Pre-Design Formulation Report dated August 2011 is available for review.

ATTACHMENT A

RESOLUTION NO. 2022-17

A RESOLUTION OF THE SUTTER BUTTE FLOOD CONTROL AGENCY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR REPAIR, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE FEATHER RIVER WEST LEVEE PROJECT (CODE CIV. PROC. § 1245.230)

Property Owner: 51-580-020 (Sangha & Takhar)

WHEREAS, Sutter Butte Flood Control Agency (“SBFCA”) intends to repair, construct, install, and maintain the Feather River West Levee Project (the “Project”). The Project consists of rehabilitating approximately 41 miles of levee along the west bank of the Feather River, extending from Thermalito Afterbay to three miles upstream of the confluence of the Feather River with the Sutter Bypass; and

WHEREAS, SBFCA has determined that it needs to acquire certain property interests from the parcel currently bearing Assessor’s Parcel No. 51-580-020 (“Property”) in order to complete the Project. The property interests that SBFCA needs to acquire for the Project are more specifically described in Exhibit A and depicted in Exhibit B attached hereto; and

WHEREAS, on October 18, 2022, SBFCA advised the owner of the Property of the need for the Project and offered the owner an opportunity for a hearing before the SBFCA Board pursuant to Section 1245.235 of the California Code of Civil Procedure; and

WHEREAS, SBFCA is authorized to acquire property for the Project pursuant to, among other statutes, Government Code Section 25350.5, Government Code Section 40404 and Water Code Section 70150; and

WHEREAS, the Board of Directors of SBFCA adopts this resolution in compliance with Section 1245.230 of the Code of Civil Procedure.

NOW, THEREFORE, BE IT RESOLVED THAT:

Based upon the evidence presented, the Board of Directors by vote of two-thirds or more of its members hereby finds and determines each of the following:

1. The public interest and necessity require the Project.
2. The Project proposed is planned and located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property interests described in Exhibit 1 and depicted in Exhibit 2 attached hereto are necessary for the proposed Project.

4. The offer of just compensation required by Government Code Section 7267.2 has been made to the owners of record of the Property.

5. All conditions and statutory requirements necessary to exercise the power of eminent domain to acquire the property interests described in Exhibit 1 and depicted in Exhibit 2 attached hereto have been complied with by SBFCA.

6. SBFCA possesses the statutory authority to acquire the Property by eminent domain.

The Board of Directors hereby authorizes and empowers legal counsel retained or employed by SBFCA to take the following actions:

1. To acquire in the name of SBFCA, by condemnation, the property interests described in Exhibit 1 and depicted in Exhibit 2 attached hereto in accordance with the provisions of the Constitution of California and the Eminent Domain Law of California;

2. To prosecute in the name of SBFCA such proceedings in the proper court as necessary for such acquisition; and

3. To deposit the probable amount of compensation, based on an appraisal, and to apply to the court for an order permitting SBFCA to take possession of the property for public uses and purposes.

PASSED AND ADOPTED by the Board of Directors of the Sutter Butte Flood Control Agency this 9th day of November 2022 by a two-thirds (2/3) or greater vote as follows:

AYES:

NOES:

ABSTAIN:

ABSENT:

CHAIRPERSON

ATTEST:

_____, Secretary

APPROVED AS TO FORM

GENERAL COUNSEL



EXHIBIT 1

LEVEE EASEMENT

SUTTER BUTTE FLOOD CONTROL AGENCY (“Agency”), a public joint powers authority, hereby acquires an exclusive perpetual easement in, on, over, along, across and beneath that certain real property in the County of Sutter, State of California, described in Exhibit A, attached hereto and made a part hereof, hereinafter called the “Easement Area.”

1. The rights herein acquired by the Agency include without limitation:
 - a. The Agency may use the Easement Area to construct, operate, maintain, inspect, repair, reconstruct, enlarge, and improve flood control works, which shall include, but not be limited to, access, haul, and patrol roads, levees, embankments, berms, cut off walls, relief wells and appurtenant structures (hereinafter collectively referred to as “Flood Control Works”). The owner of the servient tenement (“Owner”) specifically acknowledges that the Easement Area will be used for the purpose of installing, constructing and/or improving certain levee and other public facilities located on adjacent and nearby property.
 - b. The Agency may use the Easement Area to operate and maintain any Flood Control Works in conformity with the Code of Federal Regulations, Corps of Engineers’ Standard Operation and Maintenance Manual, and State of California Standards.
 - c. Agency may temporarily or permanently clear and remove from the Easement Area any and all natural or artificial obstructions, improvements, trees and vegetation necessary for construction, operation, maintenance, inspection, repair, reconstruction and improvement of Flood Control Works and for the purpose of emergency flood fights.
 - d. Agency may temporarily or permanently place or deposit in the Easement Area earth, debris, sediment, or other materials, including materials placed or deposited necessary for the construction, operation, maintenance, repair, reconstruction and improvement of Flood Control Works and for the purpose of emergency flood fights.
 - e. Agency may excavate and remove from the Easement Area earth, debris, sediment, or other material for the construction, operation, maintenance, repair, reconstruction and improvement of Flood Control Works and for the purpose of emergency flood fights.
 - f. Agency may locate or relocate roads and public utility facilities of Agency or others within the Easement Area.

- g. Agency shall be permitted to make the rights provided under this easement available to other flood control entities responsible for flood fighting and for the construction, operation, maintenance, inspection, repair, reconstruction and improvement of Flood Control Works.
- h. Agency may restrict any use by others which may interfere with any of the uses listed herein or any use necessary or incidental thereto and may exclude trespassers.

2. The Owner, its successors and assigns, without limitations, are precluded from performing the following activities in the Easement Area:

- a. Constructing structures or improvements without prior approval of an encroachment permit from the Central Valley Flood Protection Board.
- b. Storing any materials or debris.
- c. Erecting any fences which limit the otherwise permissible activities of the Agency.
- d. Exploring, extracting, removing, drilling, mining, or operating through the surface or upper 100 feet of the subsurface to obtain an interest in any materials, including oil and gas.

3. The Easement Area may be used by Owner for access, open space, agricultural and recreational purposes which do not interfere with the purposes of the easement as described herein.

4. The provisions hereof shall inure to the benefit of and be binding upon the Owner and the Agency and their respective successors and assigns.

EXHIBIT A**SINGH SANGHA & SINGH TAKHAR
ADDITIONAL LEVEE EASEMENT AREA
APN 51-580-020**

Being a portion of the Lands of Singh Sangha and Singh Takhar (Singh), as described in the Grant Deed recorded as Document #2017-0013935, Official Records, Sutter County Recorder, also being a portion of projected Section 10, Township 15 North, Range 3 East, M.D.B. & M., in New Helvetia Rancho, located in the City of Yuba City, County of Sutter, State of California, lying within the parcel more particularly described as follows:

BEGINNING at the most easterly corner of the Levee Easement as described in the Easement Deed recorded as Document #2017-0012397, Official Records, said County Records, also being a point on the northerly line of the Lands of the City of Yuba City (CYC), as described in the Grant Deed recorded as Document #2002-0003527, Official Records, said County Records, said POINT OF BEGINNING being North 51° 23' 20" East, a distance of 1578.18 feet from a found 1½-inch brass cap, stamped RE 12449, in monument well, said cap shown on the Map entitled "Oakview Estates, Unit 1", filed in Book 12 of Surveys, at Page 195, said County Records, as the intersection of Cassidy Avenue with the east line of said Map, also being South 39° 01' 24" East, a distance of 1936.09 feet from a found ¾-inch iron pipe, said pipe shown on the Map entitled "Palisades Subdivision Phase 1", filed in Book 15 of Surveys, at Page 169, said County Records, as the center of said Section 10; thence leaving said POINT OF BEGINNING, entering into said Singh, along the easterly line of said Levee Easement, from a radial line which bears South 55° 54' 39" West, 233.00 feet along the arc of a 1934.91 foot radius non-tangent curve to the right, through a central angle of 06° 53' 59"; thence continuing within said Singh, the following four (4) arc, courses, and distances:

1. continuing along last said curve, 31.34 feet, through a central angle of 0° 55' 41";
2. North 25° 39' 49" West, a distance of 60.40 feet;
3. North 25° 21' 41" West, a distance of 69.32 feet;
4. North 64° 50' 43" East, a distance of 12.11 feet, more or less, to a point of intersection with the easterly line of said Singh, also being westerly line of the Lands of Levee District #1, as described in the Grant Deed recorded as Document #199704418, Official Records, said County Records;

Thence along said easterly line of Singh, the following three (3) arc, courses, and distances:

1. South 25° 09' 17" East, a distance of 80.32 feet;
2. South 25° 27' 25" East, a distance of 60.40 feet to a point of curvature;

3. from a radial line which bears South 63° 56' 43" West, 252.88 feet along the arc of a 1934.75 foot radius curve to the left, through a central angle of 07° 29' 20" to the most northerly corner of said CYC;

Thence along the northerly line of said CYC, South 63° 10' 07" West, a distance of 8.99 feet, more or less, to the POINT OF BEGINNING.

Containing 0.10 Acres, more or less.

Basis of Bearings for this description is the California State Plane Coordinate System, Zone 2, CCS83, Epoch Date 2007, as measured between NGS Stations "ALGONDON" (N: 2135857.812 E: 6690073.757) and "LOMO" (N: 2206777.265 E: 6663164.949). Said Bearing is taken to bear North 20° 46' 41" West.

Distances herein described are Grid distance values. Multiply Grid distances by 1.000081847 to obtain ground distance values.

May 19, 2022

The above legal description is based upon record information only.

END OF DESCRIPTION

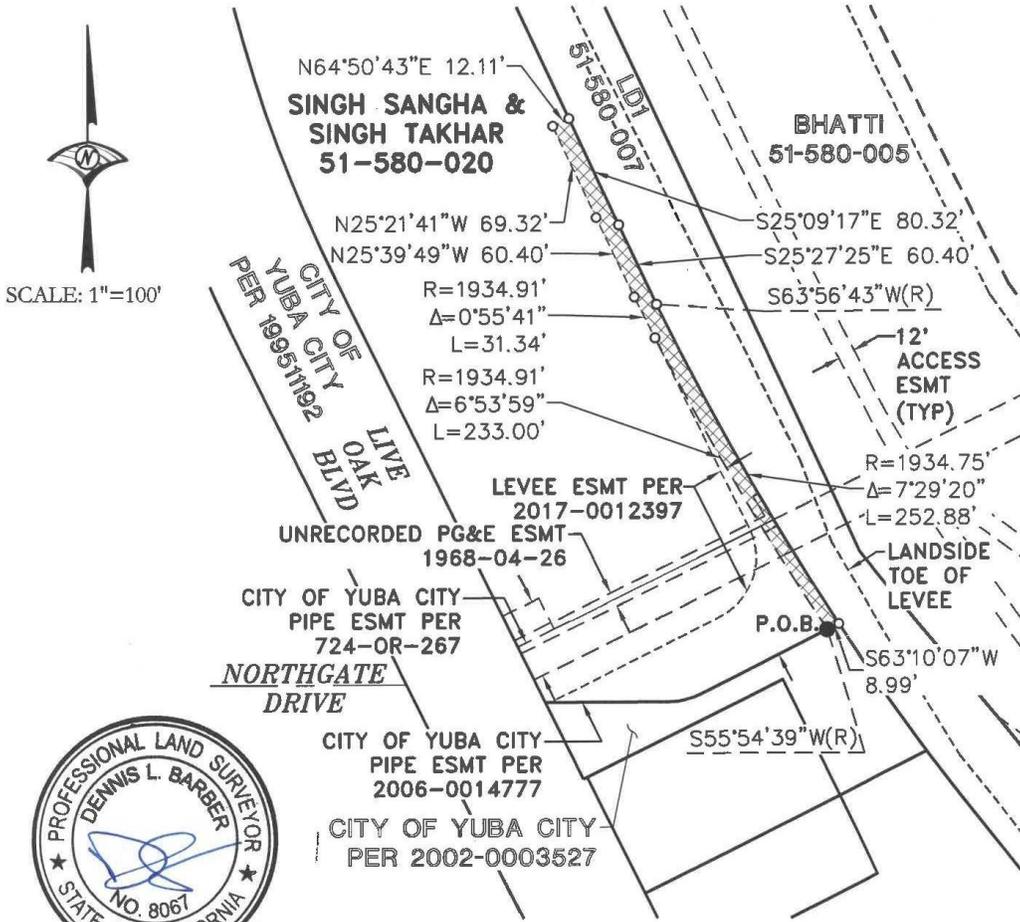


PREPARED BY WOOD RODGERS, INC.
SACRAMENTO, CALIFORNIA

EXHIBIT 2
DEPICTION OF EASEMENT

PLAT TO ACCOMPANY
 DESCRIPTION
 MAY 19, 2022
 PAGE 1 OF 1

SUTTER-BUTTE FLOOD CONTROL AGENCY
 PROPOSED ACQUISITION FOR
 FEATHER RIVER WEST LEVEE PROJECT
 SINGH SANGHA & SINGH TAKHAR - APN 51-580-020
 COUNTY OF SUTTER STATE OF CALIFORNIA



SCALE: 1"=100'



5/26/22
LEGEND

 ADDITIONAL LEVEE EASEMENT AREA = 0.10± ACRES

* NOTE: THE ACQUISITION AREA MAY BE SUBJECT TO PACIFIC TELEPHONE AND TELEGRAPH CO. EASEMENT (44-D-114) THE LOCATION OF WHICH CANNOT BE DETERMINED FROM RECORD.


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Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 9, 2022

TO: Board of Directors

FROM: Michael Bessette, Executive Director
Scott Shapiro, Agency Counsel

SUBJECT: Adoption of SBFCA Public Communication and Outreach Policy

Recommendation

Staff recommends that the Board adopt the Public Communication and Outreach Policy.

Background

The Sutter Butte Flood Control Agency (SBFCA) has successfully implemented a 37-mile levee improvement project to provide 200-year urban protection to the communities of Yuba City, Live Oak, Biggs, and Gridley, and continues to develop other levee improvements to protect the rural community in the southern portion of the SBFCA basin. From the outset, SBFCA has sought to have an open and transparent process when working with impacted property owners. That record has been largely positive, but recent interaction with some Second Street property owners in Yuba City demonstrates that SBFCA's outreach did not reach the level desired by staff or the Board. The purpose of this policy is to establish minimum standards for future outreach.

Fiscal Impact

This item has no fiscal impact.

Attachment

Public Communication and Outreach Policy

**Sutter Butte Flood Control Agency
Communication and Outreach Policy
For Agency Impacts on Private Property**

Draft of November 9, 2022

The Sutter Butte Flood Control Agency (SBFCA) has successfully implemented a 37-mile levee improvement project to provide 200-year urban protection to the communities of Yuba City, Live Oak, Biggs, and Gridley, and continues to develop other levee improvements to protect the rural community in the southern portion of the SBFCA basin. From the outset, SBFCA has sought to have an open and transparent process when working with impacted property owners. That record has been largely positive, but recent interaction with some 2nd Street property owners in Yuba City demonstrates that SBFCA's outreach did not reach the level desired by staff or the Board. The purpose of this policy is to establish minimum standards for future outreach.

When SBFCA's projects have the potential to impact properties, the following minimum standards for outreach to and engagement with property owners shall apply:

- Unless circumstances require otherwise, SBFCA shall use certified mail for all documents, including letters, sent via USPS.
- When using email to communicate, SBFCA shall request a receipt confirmation email in response. If a confirmation email is not received, then SBFCA shall use further email, phone calls, certified mail, or in-person outreach until receipt is confirmed.
- During the course of the engagement, SBFCA shall require two different staff members or consultants to communicate with property owners. This will better ensure that different voices and styles are used to communicate important information, thus increasing the likelihood that the information is understood as intended.
- SBFCA staff shall have at least one Board Member review all written materials to ensure that the materials are understandable from a lay-perspective.
- SBFCA shall continue to utilize small meetings with affected property owners, recognizing that in-person communication is often the most effective form.
- SBFCA shall continue to use its website as a source of background information and to share important updates on its efforts.
- Where appropriate, SBFCA should request support from member agencies where staff or elected officials from those member agencies have existing relationships with the affected property owner.
- Staff should make updates to the Board during public Board meetings on issues related to property impacts to create another forum in which to effectively communicate, and shall ensure that property owners are invited to attend the Board meetings.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 9, 2022

TO: Board of Directors

FROM: Michael Bessette, Executive Director
Seth Wurzel, Budget Manager

SUBJECT: Receive and File Monthly Financial Reports (September 2022)

Recommendation

Staff recommends that the Board receive and file the September 2022 Financial Reports and receive staff's monthly financial report update.

Background

Staff will provide a brief presentation of SBFCA's current financial position and financial activities at the Board meeting and will be prepared to answer any questions. For this report, staff is presenting financial information for September 2022. Staff's oral presentation will cover the financial activities of the Agency through August 2022.

The monthly financial reports include the following information:

- Current Working Capital Position: The reports provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial reports prepared in coordination with Yuba City finance staff. The current and past months' financial reports reflects the financial information as of September 2022. The information presented is compared to the Final Amended Final Budget for 2021/22 and 2022/23.

Fiscal Impact

This is an informational item with no fiscal impact.

Attachments

(Note – The Monthly Financial Report is not available prior to the finalization of the Agenda Packet – the Monthly Financial Report will be provided and made available prior to the start of the Board Meeting)

Yuba City Finance Department Memorandum, November 9, 2022 re: Monthly Financial Report: September 2022



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 9, 2022

TO: Board of Directors

FROM: Michael Bessette – Executive Director

SUBJECT: Receive and File Program/Project Update Report

Recommendation

Receive and file the November 2022 Program/Project update report and receive staff's monthly Program/Project presentation.

Background

The purpose of this report is to provide a regular, monthly update on SBFCA program and project activities:

Feather River Regional Flood Management Planning

DWR recently informed staff that the Phase 4 funding agreement for \$260,000 has been approved and will be delivered soon for execution. SBFCA will be the lead agency for the DWR funding agreement for this next phase of work. SBFCA's primary interests in the regional planning effort are; advance OMRR&R activities for Cherokee Canal, advance the multi-benefit OWA Robinson's Riffle project, advance critical repairs along the Sutter Bypass east levee, explore opportunities to fund construction of the Tudor Flood Risk Reduction and the Yuba City Sediment Removal Projects, participate in FEMA National Flood Insurance Program reform, initiate the LAFCO process to facilitate the annexation of MA3 by LD1, and identify and implement other regional flood risk reduction projects. On October 21 SBFCA's Executive Director gave a presentation to the Oroville Dam Citizens Advisory Commission on concerns related to flood inundation maps and how they relate to stakeholders downstream of the Oroville Dam. Other topics discussed in his presentation were concerns about a deficient levee in the City of Oroville and SBFCA's upcoming Oroville Wildlife Area planning study, which will be funded by DWR. Follow up meetings on all these topics are in the process of being scheduled.

Oroville Wildlife Area (OWA) Flood Stage Reduction Project

SBFCA received notice from DWR that its grant proposal was accepted and the agency will be awarded a \$1.1M planning grant from DWR's Floodplain Management, Protection, and Risk Awareness Grant Program. We anticipate receiving the funding agreement next month at which time we will initiate the second phase of the Oroville Wildlife Area Flood Stage Reduction and Ecosystem Restoration program. On other related funding pursuits, SBFCA staff is coordinating with the Wildlife Conservation Board (WCB) to fund the proposed improvements at the Thermalito Afterbay boat ramp and campground. A second grant opportunity, also with the WCB, will be submitted in the next month to fund the design and permitting of the second phase of OWA program. SBFCA staff, in coordination with DWR, are also pursuing potential funding through the National Fish and Wildlife Foundation (NFWF), along with a federal FEMA BRIC grant to fund the construction of the OWA project that will be fully defined in the next 12-18 months.

The project team continues to coordinate closely with CDFW and WCB on the documentation for closing out the Unit D project, including work on post-construction monitoring activities. Closeout for both remaining WCB grants will be completed soon. SBFCA staff also continues to coordinate with River Partners regarding their ongoing work

on the invasive species removal and the new vegetation planting efforts, which is scheduled to be complete in spring of 2023.

Sutter Bypass Critical Repairs

DWR recently informed staff that the \$4 million DWR funding agreement for design and permitting of the Sutter Bypass Critical Repairs was approved and should arrive for signature shortly. Once the final funding agreement is received the Executive Director will sign it and the project will begin. In addition, staff developed and issued a Request for Proposals (RFP) to bring on an engineering design team for the project. The RFP is due on November 4. Proposals will be reviewed, ranked, and interviews with the highest ranked firms will be conducted. We anticipate taking a professional services contract with the highest ranked firm to the SBFCA Board in December.

Tudor Flood Risk Reduction Project (lower Feather River West Levee)

SBFCA's design and environmental teams continue their work on the levee repair project. A team meeting was held in October to review the initial draft design plans, and a pre-application meeting with the Central Valley Flood Protection Board and USACE will be scheduled for this winter when a 35% design level package can be presented. It is anticipated that the design and permitting effort will take approximately 2 years to complete with construction scheduled to begin in 2025.

Proposition 68 Sediment Management Project

Staff is pursuing additional funding opportunities in order to remove additional sediment from the confluence of the Feather and Yuba Rivers (Phase 2 work). The grant application submitted to CDFW last March was not approved for funding. Staff also submitted a pre-application to the Wildlife Conservation Board (WCB) in June and has been invited to submit a full application, which staff is currently preparing. In addition, a meeting with the Natural Resources Agency was held on September 29th to discuss possible funding opportunities. Existing environmental permits acquired for the phase 1 work would cover this additional Phase 2 work and are valid through 2026. SBFCA staff also continues to coordinate with Yuba County staff to remove sediment at the Star Bend boat ramp on the east side of the Feather River.

Sutter Basin Flood Risk Management Project (federal project)

SBFCA staff continues to participate in frequent USACE project management team and construction coordination meetings in order to close out the project and is working with USACE on project crediting reports and other remaining project closeout items. The crediting reports are needed to perfect the credit established by SBFCA by advancing the levee improvements prior to the federal government appropriated funds for the project. SBFCA's Executive Director will meet with the Executive Director of the San Joaquin Area Flood Control Agency (SJAFC) on October 31 to advance discussions regarding the potential purchase (by SJAFC) of excess credits that SBFCA currently holds.

Engineering Design

The design team is overseeing the construction of the Second Street vegetation removal and fence installation project. This project started construction on October 3rd and will take approximately 6 weeks to complete. The design team continues to process the encroachment permits for facilities (pipes, electrical, levee ramps, etc.) modified by the Feather River West Levee Project (FRWLP). Those permits are processed through the Central Valley Flood Protection Board after approval by the Corps of Engineers. SBFCA has been coordinating with USACE and CVFPB regarding the USACE's latest levee inspection which they completed last year. It is anticipated that the draft inspection results will be available this fall. Lastly, the design team has successfully completed the USACE review and approval of the Operation and Maintenance manuals for the FRWLP levee improvements (3 separate manuals). These manuals were accepted by the Central Valley Flood Protection Board (CVFPB) at their board meeting in September and will soon be transferred the respective Local Levee Maintaining Agencies (Levee Districts 1&9, and State Maintenance Areas 7&16) for maintenance responsibility for the completed levee improvements.

Environmental Documentation/Permitting/Monitoring/Mitigation

Work on the Star Bend and Mathews Property environmental mitigation sites continues. SBFCA staff and the Sacramento Valley Conservancy team continue to work on completing all the associated land transfers, easement

establishments, regulatory reviews, and other associated activities required to establish and manage the mitigation sites in perpetuity. The revised draft management plan and associated easement documents were sent to California Department of Fish and Wildlife (CDFW) and the US Fish & Wildlife Service for their respective reviews and staff continues to coordinate toward final approval. Coordination calls have been held with the agencies to help closeout this process. Staff continues to coordinate with Levee District 1 on the required land transfer and ongoing maintenance cost reimbursement at Star Bend.

Right of Way

The Right of Way team updated the closeout schedule for right of way transfer to the State. Coordination with PG&E on the easements SBFCA was required to acquire for their relocated facilities is also taking place. DWR will cost share in these property easement acquisitions through SBFCA's UFRR Funding Agreement. The SBFCA right-of-way team and DWR (real estate branch and geodetics group) continue to conduct monthly coordination meetings to streamline the real estate acquisition reimbursement process and ultimate transfer of property to the State by the end of this year. DWR is making good progress on reviewing and approving the Final Accounting Packages, which allow SBFCA to be reimbursed by DWR for land acquisitions.

Regional Development Impact Fee

At SBFCA's August 2021 Board meeting the board unanimously approved the development of a Regional Development Impact Fee (DIF) Program to help fund implementation of the SBFCA Strategic Plan and directed staff to proceed on completing an AB1600 compliant Nexus Study. The DIF would be imposed on new development within the Sutter-Butte Basin, collected by the land-use agency members and the funds would be remitted to SBFCA to construct flood risk reduction projects. Staff prepared drafts of the Nexus Study and Collection Agreement and is coordinating review of the draft documents with member agency staff prior to presentation to SBFCA and the land-use agencies' Councils/Boards for approval. Coordination meetings with staff from Butte County, Biggs, Gridley, Yuba City, and Sutter County are ongoing. Staff will take the revised Nexus Study to the SBFCA Board in December for final approval.

Sutter County FEMA Accreditation

SBFCA has finished with incorporating the updates to the post-FRWLP 100-year floodplain maps and continues to coordinate with City and County staff on the upcoming FEMA accreditation package submittal. SBFCA's design team has prepared an initial draft of the FEMA accreditation package and SBFCA's Independent Panel of Experts (IPE) have provided comments on the draft package. The project team is currently reviewing and addressing the IPE's comments. It is anticipated that SBFCA, in coordination with Sutter County and Yuba City, will submit the 100-year accreditation package for the southern Feather River west levee reaches to FEMA in late 2022 following the closeout of the Federal project. Following submittal, it is anticipated that the review and processing period with FEMA will take approximately 3 to 5 years before the proposed mapping changes become effective. SBFCA staff has also been in contact with Yuba County staff and their consultants to help coordinate the ongoing hydraulic modeling efforts and to maintain consistency with recent levee work performed by both SBFCA and Three Rivers Levee Improvement Authority.

State & Local Funding and Coordination

EIP / UFRR Agreement

SBFCA staff continues to work with DWR to process additional payments and reimbursement requests for various items of work. The last payment received and reported to the Board was in the amount of \$2,060,217 on June 18, 2022 for costs incurred during the 28th, 29th, 30th and 31st Quarters. SBFCA has since received \$2,499,794 for the Emergency Work Retention Release. SBFCA is currently requesting five payments totaling \$3,957,105 from DWR including FAPS payments for ROW and reimbursements of costs incurred during the 31st Quarter of the Project. Additional Requests for a Partial Closeout Retention Release and 33rd through 35th (covering costs accrued through June 2022) Quarter Reimbursement Requests are forthcoming. Additional final closeout work is also underway for a January 2023 closeout deadline.

The table below presents the funding status of the Agency's UFRR Grant.

FRWLP DWR EIP/UFRR Funding

Agreement

| | <u>Design</u> | | <u>Construction</u> | | <u>Total</u> |
|-----------------------|----------------------|--|----------------------------|--|----------------------|
| Agreement No. | #4600009480 | | #4600010296 | | |
| Capital Outlay Amount | \$9,000,000 | | \$56,780,000 | | \$65,780,000 |
| Amendment 1 | \$0 [1] | | \$0 [2] | | \$0 |
| Amendment 2 | \$14,869,280 [3] | | \$57,803,791 [4] | | \$72,673,071 |
| Amendment 3 | \$0 | | \$43,861,587 | | \$43,861,587 |
| Amendment 4 | \$0 | | \$40,828,931 | | \$40,828,931 |
| Amendment 5 | -\$2,529,451 [5] | | \$31,730,451 [5] | | \$29,201,000 |
| Amendment 6 | \$0 | | \$0 [1] | | \$0 |
| Amendment 7 | \$0 | | \$3,744,017 [6] | | \$3,744,017 |
| TOTAL FUNDING | \$21,339,829 | | \$234,748,777 | | \$252,344,589 |
| Receipts | | | | | |
| Payments to Date | \$21,339,829 | | \$224,307,701 | | \$247,079,499 |
| Pending | \$0 | | \$3,957,105 | | \$3,957,105 |
| TOTAL PAYMENTS | \$21,339,829 | | \$224,307,701 | | \$247,079,499 |
| GRANT BALANCE | \$0 | | \$5,052,002 | | \$5,052,000 |

- [1] Amendment 1 to the Design Agreement and Amendment 6 to the Construction Agreement amended the terms of the agreements (time extensions only).
- [2] Amendment 1 to the Construction Agreement amended the scope agreement to include the closure of gaps (at reaches 13 and 24) in Area C.
- [3] Amendment 2 to the Design Agreement increased the cost share from 50% to 76% State Cost Share and increased the State funding limit.
- [4] Amendment 2 to the Construction Agreement increased the scope to include Areas B & D2A and increased the State funding limit. It also incorporated many of the guideline provisions of the UFRR Program.
- [5] Reflects pending transfer of remaining design funding to the CFA and additional funding from DWR for emergency work (\$25,000,000 for R 14 – 16 and \$4,201,000 for emergency storm response).
- [6] Additional funding for other scope items (OWA) included in Amendment 7 are included in the above analysis.

OWA (CDFW & WCB) Grant Agreements

SBFCA staff is working with the WCB and CDFW to process payments for the ongoing OWA work. Recent payments were received for all of the WCB grants in the amount of \$7,358,542 to date and for the CDFW Box Culvert grant in the amount of \$5,453,161 through the 9th Quarter, with \$87,882 for the 10th through 13th Quarters submitted and pending payment. Payments on the CDFW Veg Planting grant for the first through eighth quarters were received in the sum amount of \$1,058,172 with \$111,059 currently pending for the 9th Quarter. A 10th Quarter package is currently being formulated with submittal this coming month. SBFCA also presently has \$0 in pending payments due from all additional WCB packages that were recently resubmitted with modifications and updates at WCB's request.

The tables below present the funding status of the Agency's WCB Grants and CDFW Grants, respectively.

OWA WCB Funding

| Grant Agreement No. | <u>Agreement</u> | | | | <u>Total</u> |
|--------------------------|--------------------|--------------------|------------------|------------------|--------------------|
| | WC-1736BC | WC-1842AP | WC-1729SS | WC-1554MM | |
| Grant Amount | \$5,070,900 | \$1,542,100 | \$484,000 | \$792,522 | \$7,889,522 |
| TOTAL FUNDING | \$5,070,900 | \$1,542,100 | \$484,000 | \$792,522 | \$7,889,522 |
| <i>Payment Received</i> | | | | | |
| PMT 1 | \$768,688 | \$1,011,120 | \$484,000 | | \$2,263,808 |
| PMT 2 | \$1,593,679 | | | | \$1,593,679 |
| PMT 3 | \$17,073 | | | | \$17,073 |
| PMT 4 | \$53,946 | | | | \$53,946 |
| PMT 5 | \$1,558,060 | | | | \$1,558,060 |
| PMT 6 | \$139,225 | | | | \$139,225 |
| PMT 7 | \$12,169 | | | | \$12,169 |
| PMT 8 | \$9,228 | | | | \$9,228 |
| PMT 9 | \$23,227 | | | | \$23,227 |
| PMT 10 | \$23,143 | | | | \$23,143 |
| PMT 11 | \$10,840 | | | \$101,525 | \$112,365 |
| PMT 12 | \$354,531 | | | | |
| Retention Release | \$507,090 | | | | |
| Previous Amounts Sum [1] | | | | \$690,997 | \$690,997 |
| TOTAL PAYMENTS | \$5,070,900 | \$1,011,120 | \$484,000 | \$792,522 | \$7,358,542 |
| GRANT BALANCE | \$0 | \$530,980 | \$0 | \$0 | \$530,980 |

[1] Amount includes payments 1 thru 10 for WC-1554MM grant.

OWA CDFW Funding

| Grant Agreement No. | <u>Agreement</u> | | <u>Total</u> |
|----------------------|--------------------|--------------------|--------------------|
| | P1796010 | Q1996015 | |
| Grant Amount | \$5,648,836 | \$1,716,847 | \$7,365,683 |
| TOTAL FUNDING | \$5,648,836 | \$1,716,847 | \$7,365,683 |
| <i>Receipts</i> | | | |
| <i>Received</i> | | | |
| PMT 1 | \$22,457 | \$404,324 | \$426,781 |
| PMT 2 | \$29,825 | \$113,379 | \$143,205 |
| PMT 3a | \$3,253,250 | \$56,180 | \$3,309,430 |
| PMT 3b | \$1,458,029 | | \$1,458,029 |
| PMT 4 | \$303,191 | \$42,759 | \$345,950 |
| PMT 5 | \$164,122 | \$139,725 | \$303,847 |
| PMT 6 | \$114,971 | \$102,987 | \$217,958 |
| PMT 7 | \$27,302 | \$112,641 | \$139,943 |
| PMT 8 | \$13,837 | \$86,177 | \$100,015 |
| PMT 9 | \$66,177 | | \$66,177 |
| <i>Pending</i> | | | |
| PMT 9 | | \$111,059 | \$111,059 |
| PMT 10 | \$54,444 | | \$54,444 |
| PMT 11 | \$1,319 | | \$1,319 |

| | | | |
|-----------------------|--------------------|--------------------|--------------------|
| PMT 12 | \$4,350 | | \$4,350 |
| PMT 13 | \$27,770 | | \$27,770 |
| TOTAL PAYMENTS | \$5,541,044 | \$1,169,232 | \$6,710,275 |
| GRANT BALANCE | \$107,792 | \$547,615 | \$655,408 |

CNRA Proposition 68 Sediment Management Project

SBFCA staff finalized a grant with California Natural Resources Agency (CNRA) for Sediment Management along the Feather River in February 2020 for \$5,000,000. The first four invoice packages cover costs through March 31, 2021. All five packages have been submitted to CNRA for payment, with the first quarter through fourth quarter payments of \$658,922 received and the remaining package for the 5th Quarter pending. Sixth, seventh and eighth invoice packages are being formulated and will be submitted in near time after execution of a task budget amendment adjustment request SBFCA had filed with CNRA. Additional invoices for subsequent quarters will proceed in coming months. SBFCA has been in close contact with CNRA to process payments.

CNR Sediment Removal Funding

| | <u>Agreement</u> | <u>Total</u> |
|-----------------------|--------------------|--------------------|
| Grant Agreement No. | R31866-0 | |
| Grant Amount | \$5,000,000 | \$5,000,000 |
| TOTAL FUNDING | \$5,000,000 | \$5,000,000 |
| Receipts | | |
| Received | | |
| PMT 1 | \$15,477 | \$15,477 |
| PMT 2 | \$233,338 | \$233,338 |
| PMT 3 | \$151,111 | \$151,111 |
| PMT 4 | \$258,997 | \$258,997 |
| Pending | | |
| PMT 5 | \$232,895 | \$232,895 |
| TOTAL PAYMENTS | \$891,817 | \$891,817 |
| GRANT BALANCE | \$4,108,183 | \$4,108,183 |

Fiscal Impact: This is an informational item only with no fiscal impact to SBFCA.