

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

BOARD OF DIRECTORS

SUTTER - BUTTE FLOOD CONTROL AGENCY

AGENDA SUMMARY

Regular Meeting

February 10, 2010

1:30 P.M. Regular Meeting

New Meeting Location:

**Sutter County Superintendent of Schools, Training Center
1699 Sierra Avenue, Suite A West, Yuba City, CA 95993**

The agenda is posted in the building of the Sutter County Superintendent of Schools Training Center, 1699 Sierra Avenue, Suite A West, Yuba City, CA 95993, and at the Sutter County Library, 750 Forbes Ave., Yuba City. The Agenda Summary and backup materials, and Approved Minutes are also posted on the Sutter-Butte Flood Control Agency website at www.sutterbutteflood.org.

Materials related to an item on this Agenda and submitted to the Board of Directors after distribution of the Agenda Packet are available for public inspection in the office of the Board Clerk at 1160 Civic Center Blvd., Yuba City, during normal business hours. In compliance with the American with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability related modifications or accommodations to participate in this meeting, please contact Kimberly Hoover at the Sutter-Butte Flood Control Office, 1227 Bridge Street, Yuba City, CA 95993 at 530-755-9859. Requests must be made one full business day before the start of the meeting.

<u>County of Sutter</u>	<u>County of Butte</u>
1. Larry Montna 2. Stan Cleveland Alt. James Gallagher	1. Bill Connelly 2. Steve Lambert Alt. Maureen Kirk
<u>City of Yuba City</u>	<u>City of Gridley</u>
1. John Miller 2. Kash Gill Alt. John Dukes, Tej Maan	1. Owen Stiles Alt. Jerry Anne Fichter
<u>City of Live Oak</u>	<u>City of Biggs</u>
1. Malcolm Weston Alt. Gary Baland	1. Mike Bottorff Alt. Angela Thompson
<u>Levee District 1</u>	<u>Levee District 9</u>
1. Francis Silva 2. Al Montna Alt. Barbara LeVake	1. David Lamon 2. David Schmidl Alt. Chris Schmidl

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. The times listed on the agenda are approximate and items may be brought up for discussion within a reasonable length of time before or after the time scheduled.

1:30 P.M. REGULAR MEETING/CALL TO ORDER

Roll Call

Pledge of Allegiance to the Flag

CONSENT CALENDAR

The Consent Calendar groups together those items which are considered non-controversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chairman 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 Regular Board Meeting of January 13, 2010.

PRESENTATION, DISCUSSION, AND ACTION ITEMS

- 2) Report of the Agency Engineer re: Evolution of the Scope of the Project.
- 3) Report of the Assessment District Engineer re: Proposed Assessment District Formation.
- 4) Approval of Request for Qualifications (RFQ) for civil engineering design for the proposed Early Implementation Project (EIP).

DISCUSSION AND POSSIBLE APPROVAL ITEMS

- 5) Report (if necessary) by Levee District No. 1 re: progress report regarding setback levee project at Star Bend (an early implementation project).
- 6) Report (if necessary) by the USACE Project Manager regarding current status of the Feasibility Study for the Sutter Basin.
- 7) Report (if necessary) by the DWR Senior Project Manager regarding current DWR activities.

BOARD AND STAFF INFORMATIONAL ITEMS

- 8) Various reports to the Board of Directors from the General Counsel:
- a. Status of the amendments to the Feasibility Cost Sharing Agreement and an amendment to the Local Feasibility Cost Sharing Agreement, all in furtherance of completing the USACE Sutter Basin Feasibility Study, and
 - b. Status of the agreement with the Department of Water Resources relating to the Proposition 13 grant to Sutter County for the Sutter Basin Feasibility Study.

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.

OTHER BUSINESS – BOARD OF DIRECTORS

Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Clerk of the Board at (530) 822-7106. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

ADJOURNMENT

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Approval of the Minutes for the Regular Board Meeting of January 13, 2010.

We have attached the proposed minutes for the Board of Director's Regular meeting of January 13, 2010 for you review, modification, and/or approval.

Recommendation

We recommend that your Board approve the minutes and authorize the Chairman to sign the minutes.

Thank you.

A handwritten signature consisting of a circle with a diagonal slash through it.

**MINUTES OF THE BOARD OF DIRECTORS OF THE
SUTTER-BUTTE FLOOD CONTROL AGENCY
REGULAR MEETING OF
January 13, 2010**

The Sutter-Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date in regular session at 1:30 p.m. in the Yuba-Sutter Economic Development Corporation's Conference Room, 1227 Bridge Street, Suite C, Yuba City, California.

MEMBERS PRESENT: City of Yuba City: John Miller, Kash Gill
City of Gridley: Jerry Ann Fichter
City of Live Oak: Malcolm Weston
City of Biggs: Mike Bottorff
Levee District 1: Francis Silva, Barbara LeVake, Al Montna
Levee District 9: David Schmidl
County of Sutter: Larry Montna, Stan Cleveland
County of Butte: Bill Connelly, Steve Lambert

MEMBERS ABSENT: City of Gridley: Owen Stiles
Levee District 9: David Lamon

STAFF PRESENT: Bill Edgar, Interim Executive Director; Scott Shapiro, Agency Counsel; Kim Hoover, Staff Analyst, David Peterson, Agency Engineer, and Kim Floyd, Agency Public Information Officer.

REGULAR SESSION

Chairman John Miller called the meeting to order and asked the Clerk to call the roll. Director Kash Gill led the Board and the audience in the pledge of Allegiance to the Flag.

CONSENT CALENDAR

On motion of Director Kash Gill, seconded by Director Larry Montna and carried by those present, the Board approved the Consent Calendar as follows:

- 1) **Approval of the minutes of the Special Board Meeting of December 9, 2009.**
- 2) **Receipt and File of the Treasurer's second Quarterly Report for the 2009-10 Fiscal Year.**
- 3) **Receipt and file of one Task Order signed since the last SBFCA Board Meeting related to the Early Implementation Project (EIP) assessment engineering services for the preparation of the Engineer's Report and support services through the Proposition 218 election process, and one Task Order second amendment related to the cost sharing of the United States Corps of Engineers' (USACE) Feasibility Study for the Sutter Basin.**

SELECTION OF CHAIRMAN AND VICE-CHAIRMAN FOR THE 2010 YEAR

On Motion of Director Barbara LeVake, seconded by Director Kash Gill and carried by those present, the Board selected Director Larry Montna as the Chairman of the Board of Directors for the Sutter Butte Flood Control Agency for the 2010 year.

On Motion of Director Bill Connelly, seconded by Director Stan Cleveland and carried by those present, the Board selected Director Steve Lambert as the Vice-Chairman of the Board of Directors for the Sutter Butte Flood Control Agency for the 2010 year.

Newly selected Chairman Director Larry Montna assumed the Chairmanship duties and chaired the remainder of the regular session of the January 13, 2010 regular meeting of the Board of Directors.

PRESENTATIONS, DISCUSSION, AND ACTION ITEMS

5. Further report of the Assessment District Engineer re: proposed assessment district.

Bill Edgar, Interim Executive Director, provided a status report of the work group meetings with Levee District 1 and respective technical staff regarding the concerns and questions relative to adjusting the flood mapping boundary line in the South Area of Sutter County. He explained the meetings have been held weekly to discuss options for mitigating flooding issues in the southern part of Yuba City along the southern border of the proposed Early Implementation Project (EIP), as well as southern Sutter County. He explained that it is the intention of the administrative and technical staffs to present options for discussion by the Board relating to the issues raised by LD 1, however, input is still being received, therefore, the information on these revisions should be ready by the next Board meeting in February. He emphasized that this will be a more ambitious plan in the short term but more effective in the long run because it will address the problems of the entire basin. He added that if the citizens vote to approve the assessment, the positive outcome would be the receipt of local funds to help leverage state and federal funds to rehabilitate the entire basin.

Mr. Edgar introduced the two topics to be discussed today that affect this assessment, 1) the various flood mapping issues and 2) a new court decision regarding Proposition 218, which has implications for the methodology now being contemplated for the assessment that would be sponsored by the Flood Control Agency. He noted that Dan Peterson of Sutter County, and Stuart Edell of Butte County were present to answer detailed questions regarding the flood mapping issues. Mr. Edgar recapped that FEMA is focusing on the 100-year event, (which affects the insurance rates) and DWR is focusing on the 200- year event map, with better data available in a few months, which will affect the general plans for the cities and counties. He stated that Dave Peterson,

Agency Engineer, will give a presentation to the Board regarding the flood mapping issues, and announced that Scott Shapiro, Agency Counsel, will explain in more detail the effects of the new court decision regarding the methodology for a proposed Proposition 218 assessment.

Dave Peterson, Agency Engineer, gave a presentation regarding the FEMA Status/Issues which included a slide presentation, outlining a status update of the two counties (Sutter and Butte). The discussion included a summary of the south Sutter County Mapping Process as well as north Sutter County including Yuba City. Mr. Peterson stated that the representative from FEMA has agreed to delay the maps for north Sutter County including Yuba City until the process for establishing the base flood elevations has been completed and can be included on the new maps. This work will take approximately four to six months to complete. Mr. Peterson stated that the draft maps were issued in June, 2009 for Butte County and discussions have been on-going regarding the final determinations regarding the boundaries for the flood plains in Butte County.

Stuart Edell, Manager, Land Development Division for Butte County, was present to give the Board a recap of the status on Butte County Flood Mapping issues. Mr. Edell stated that although FEMA initially verbally indicated that the cities of Biggs and Gridley would be mapped out of the flood plain and placed into a 500-year flood plain (which would not require flood insurance), FEMA reconsidered their initial comments and invited Butte County to draw their own maps by the end of 2009 and to designate the boundary of the 100-year flood plain. However, Mr. Edell informed the Flood Control Board that without the technical information for the local agencies to draw the map, Butte County has sent a letter to FEMA asking for the same delay that has been granted to Sutter County, in order to do the work necessary to identify the base flood elevations on the new maps.

Scott Shapiro, Agency Counsel, asked Mr. Edell to clarify whether, it is his belief, improvements to the Feather River Levees that are now being contemplated by the Sutter Butte Flood Control Agency are required, in order that the communities of Biggs and Gridley and the unincorporated areas in Butte County, be able to continue to develop in the future and not be restricted by DWR's or FEMA's flood plain management practices. Mr. Edell answered that he believed that was the case. He informed the Board that as best as can be determined at this time, the area west of the Sutter Butte Canal is designated as the 500-year flood protected area, but in reality, he added, he believed the majority of Biggs and Gridley lie in a 200-year flood plain.

Mr. Edgar concluded the discussion by stating that since the implementation of the FEMA maps have been delayed in order to address these issues that are being raised by the local flood plain managers, this presents an opportunity to develop a plan that we can all agree upon, complete the assessment, and begin the repair of these levees before the FEMA's maps become effective.

Agency Counsel Scott Shapiro gave a presentation to the Board regarding the background and key points

of the recent ruling of the First District Court of Appeal in San Francisco. This ruling involved overturning an assessment on property owners in the City of Tiburon, CA relative to moving overhead utility wires underground, saying the town charged some owners too much, some too little, and wrongly exempted others. He explained that the basis of the court decision would change the methodology for the SBFCA benefit assessment's allocation of costs. He explained that initially, SBFCA's assessment team created a formula which took the estimated cost of a segment and allocated that estimated cost to affected parcels which benefited based upon three factors, 1) damage, 2) land use category, and 3) parcel size (sq. footage for a building, or acreage for farm land) and took the combination of these three factors within the 34,000 parcels in this basin to arrive at relative values for each, thus allocating the costs for each segment based upon that formula. Although SBFCA has correctly organized the assessment district according to specific benefit factors, which is in compliance with a part of the court findings, Scott Shapiro added that in order to comply with the rest of the findings of this court decision, SBFCA's assessment methodology will have to add a risk-based factor to the assessment formula which will calculate the value of each parcel based upon the **total** project cost, in order to produce a relative value of the total costs. As a result, he explained, the proposed parcel assessments will change as the formula is re-calculated. The new information is to be provided to the SBFCA Board in February.

No action taken on this item.

6) Approval of an amendment to the 2009-10 Sutter-Butte Flood Control Agency Budget to fund project costs based upon expenditures for the first six months of the 2009-10 Fiscal Year.

Mr. Edgar reviewed the staff report that proposed an amendment to the 2009-10 Sutter-Butte Flood Control Agency Budget to fund projected costs to the end of the fiscal year based upon expenditures for the first six months. The purpose of this proposed amendment is to fund the required consulting costs related to completing the tasks requested of the Sutter-Butte Flood Control Agency by the United States Corps of Engineers (USACE) relating to the Sutter Basin Feasibility Study to continue the work necessary to implement the proposed Early Implementation Project (EIP) and to conduct a successful Proposition 218 mail-in ballot election in order to generate the local cost share of the various project expenses.

Mr. Edgar asked the Board for a motion to approve the Amendment to the 2009-10 SBFCA **Operational** Budget, but requested that an Amendment to the 2009-10 **Capital** Budget be deferred pending further discussions with LD1, Sutter County, and Yuba City, and requested permission from the Board to proceed with these discussions prior to a motion being taken to approve the Capital Budget amendment. **Director Kash Gill made a motion for approval of an amendment to the 2009-10 SBFCA Operational Budget to fund**

projected costs based upon expenditures for the first six months of the 2009-10 fiscal year. The motion was seconded by Director John Miller and carried by those present.

Mr. Bill Edgar described the plan for the Capital Budget, which is to bring on a design team to begin the design of the EIP so that when the assessment is passed, the final design of this project can be implemented expeditiously. He explained to the Board that LD1 Manager Bill Hampton and District Engineer Jeff Twitchell will work on seeking a determination of how much money is left over from the recently completed setback levee project at Star Bend. Mr. Edgar went on to explain that once LD1 has determined the amount of left over funds, he would like to request permission from the City of Yuba City and Sutter County to utilize the unused funds to retain a design team to begin the final design of the EIP and amend the SBFCA Capital Budget to reflect the policy decision. **Director Stan Cleveland made a motion for the Board to authorize Interim Executive Director Bill Edgar to proceed with discussions with Levee District 1, Sutter County, and City of Yuba City, regarding the utilization of unused funds from the Star Bend Levee Setback Project, and until such time information is brought to the Board, approval for the Capital Budget Amendment will be deferred. The motion was seconded by Barbara LeVake and carried by all present.**

7) Approval of the following consultant contract amendments to conform to the above amendment to the 2009-10 Budget.

Mr. Edgar informed the Board that based upon the previous Board's approval of the above agenda item (6) related to a proposed amendment to the 2009-10 SBFCA Operational Budget to fund projected cost needs for the next six months, it will be necessary to approve specific consultant contract amendments to increase the respective not-to-exceed amounts for the remainder of the 2009-10 Fiscal Year. The specific adjustments to the Agency's consultant contracts are outlined below.

a) Downey Brand, LLP has been working as the Agency's General Counsel since June 6, 2008 when they were selected by the Board of Directors through a competitive process. In accordance with the above proposed budget amendment it is necessary to amend the specific contract with Downey Brand by increasing the not-to-exceed amount from \$163,000 to \$248,500 in order to include the amended budgeted amount for 2009-10 within the limits of their contract. **On Motion by Director Kash Gill, seconded by Director Stan Cleveland and carried by those present, the Board approved the Second Amendment (A10-002) to the Agreement between the Sutter-Butte Flood Control Agency and Downey Brand, LLP for comprehensive legal services for the Agency, and authorized the Chairman to sign the agreement.**

b) Peterson Brustad, Inc. has been serving as the Agency's contract Engineer since April 2, 2008 when

the Board of Directors decided to retain their services as the Agency's Engineer since they had been working with Sutter County on flood control matters for several years, were familiar with the issues, and were originally selected through a competitive process. In accordance with the above proposed budget amendment it is necessary to amend the specific contract with Peterson, Brustad, Inc. by increasing the not-to-exceed amount from \$250,000 to \$384,000 in order to include the amended budgeted amount for 2009-10 within the limits of their contract. **On Motion by Director Kash Gill, seconded by Director Stan Cleveland and carried by those present, the Board approved the Fourth Amendment (A10-003) to the Agreement between the Sutter-Butte Flood Control Agency and Peterson Brustad, Inc. for engineering services related to serving as the Agency's Engineer, and authorized the Chairman to sign the agreement.**

c) Lincoln Crow Strategic Communications, LLC has been working with the Agency since January 9, 2008 when the Board of Directors decided to retain their services since they had been working with Sutter County on flood control outreach and public information matters for several years, were familiar with the issues, and were originally selected through a competitive process. In accordance with the above proposed budget amendment it is necessary to amend the specific contract with Lincoln Crow Strategic Communications, LLC by increasing the not-to-exceed amount from \$187,000 to \$202,000 in order to include the amended budgeted amount for 2009-10 within the limits of their contract. **On Motion by Director Kash Gill, seconded by Director Stan Cleveland and carried by those present, the Board approved the Fifth Amendment (A10-004) to the Agreement between the Sutter Butte Flood Control Agency and Lincoln Crow Strategic Communications, LLC for public information, education, and strategic communications services for the Agency, and authorized the Chairman to sign the agreement.**

Local Citizen Roberta Fletcher questioned the amounts of the consultant salaries contracts and whether or not they would be re-negotiated if the assessment is approved by the voters. Director Barbara LeVake explained that all the contracts would be re-negotiated and subject to change at the end of the year when these consultant contracts expire. Mr. Edgar explained that although the wage rates in the contracts had not been changed, the total contract prices had increased because of the increased number of hours that the contractors were expected to work over the next six months. Mr. Edgar further explained that all projected costs of all the contracts include the entire costs of the services provided by the respective consulting companies and are temporary due to the current temporary status of the Sutter Butte Flood Control Agency pending a decision on the up-coming parcel assessment.

DISCUSSION AND POSSIBLE APPROVAL ITEMS

8) Report (if necessary) by Levee District No. 1 re: completion of setback levee project at Star Bend (an early implementation project) or other District activities.

No Report Given

9) Report (if necessary) by USACE Project Manager re: current status of the Feasibility Study for the Sutter Basin.

Laura Whitney-Tedrick, Project Manager for the United States Corps of Engineers (USACE) provided a brief overview on the status of the Feasibility Study for the Sutter Basin. She reported the Corps, as partners with SBFCA, continues to work on the amendment to the Cost Share Agreement and SBFCA has been added as a non-federal sponsor. She will be following up on the receipt of the California Department of Water Resources, (DWR) Central Valley Flood Protection Board (CVFPB) non-federal sponsor self-certification of financial capability for the Sutter County Feasibility Study.

Ms. Whitney-Tedrick stressed confidence in the project noting that we are in the President's budget. She encouraged the Board that all is looking good, with a committed staff, and a project delivery team that is working closely with Peterson, Brustad, Inc., (PBI) who are tasked with doing a flood plain analysis.

Ms. Whitney-Tedrick updated the Board on status of the Task Orders recently approved by the Board for ICF Stokes and Jones. She informed the Board that the Corps is finalizing the restoration inventory report and comments are due by end of this week. She highlighted the fact that this is a multi-purpose project of flood control, ecosystem restoration and recreation. She told the Board that everything is moving forward.

Ms. Whitney-Tedrick informed the Board that a report of findings on the relief well structures of the Levee District 1, located just north of the Star Bend setback levee project, will be forthcoming by the end of the month, and she will notify the LD1 Directors what the report reveals about the integrity of those relief well structures as soon as she receives it.

No action taken on this item.

10) Report (if necessary) by the Department of Water Resources' (DWR's) Senior Project Manager re: current DWR activities.

Scott Rice, Senior Project Manager assigned to California Department of Water Resources (DWR) reported that an internal review of the state plan of flood control for the Central Valley Flood Protection Agency will be delayed until March 2010. He announced that California Governor Arnold Schwarzenegger recently appointed

Director Lester Snow, as Secretary of the Natural Resources Agency effective February 1, 2010. Deputy Director Mark Cowin will succeed Snow as DWR Director.

No action taken on this item.

BOARD AND STAFF INFORMATIONAL ITEMS

11) Report of the General Counsel re: permitted activities, endorsements, statements, etc. by member agencies, local member agency staff, Flood Control Agency staff, and consultants related to the upcoming levee assessment vote.

At the request of the Board and other member agencies, Agency Counsel, Scott Shapiro, passed out his memorandum dated November 30, 2009 that detailed the permissible activities in a Proposition 218 Assessment Election. He summarized the key points of the memo and gave examples of activities, endorsements, statements, etc., that would be allowed and those that would not by the Board and staff relative to the Proposition 218 efforts.

Various status reports to the Board of Directors from the General Counsel.

a) Status of the amendments to the Feasibility Cost Sharing Agreement and an amendment to the Local Feasibility Cost Sharing Agreement, all in furtherance of completing the USACE Sutter Basin Feasibility Study.

Agency Counsel Scott Shapiro, announced that the amendments to the Agreement are finalized and going through the signature process. It was brought to the attention of Counsel Shapiro by the Assessment District Engineer, Dave Peterson that minor corrections were noted and that those corrections were being addressed now.

b) Status of the agreement with the Department of Water Resources regarding Proposition 13.

Agency Counsel Scott Shapiro, informed the Board that the Agreement is now being signed by Sutter County and that certain minor revisions are anticipated.

No action taken on this item.

PUBLIC COMMENT

No public comment given.

OTHER BUSINESS-BOARD OF DIRECTORS

No action taken on this item.

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 3:12 p.m.

LARRY MONTNA, CHAIRMAN

ATTEST:

By _____
Kimberly Hoover
Staff Analyst, SBFCA

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Report of the Agency Engineer re: Evolution of the Scope of the Proposed Early Implementation Project (EIP).

Recommendation

Approve staff recommendation to revise proposed Early Implementation Project (EIP) by adding additional segments to the EIP, to approve the Area Plan fundamentals for the basin, and to approve the next steps in the implementation planning for the EIP.

Background

The Sutter Butte Flood Control Agency has been in the planning stages of an Early Implementation Project (EIP) to rehabilitate the west levee of the Feather River from Yuba City to the Thermalito Afterbay, since January 2009. The goals of the project include:

1. Accreditation by FEMA to provide protection against the 100-Year flood.
2. Meet the new State standard of 200-Year flood protection for the urban and urbanizing areas within the basin.
3. Utilize State bonds monies to fund as much of the cost of the project as possible.
4. Obtain Federal crediting for as much of the State and local expenditures as possible.

In 2009, the Sutter Butte Flood Control Agency contracted with Kleinfelder, Inc., and Peterson Brustad Inc., to identify problems with the portion of the levee from Thermalito Afterbay to Yuba City, and to identify conceptual options to rehabilitate the levee. The findings of these preliminary studies were that the entire 24 mile levee north of the Yuba City limits would require some form of remedial construction to correct for seepage and/or stability deficiencies. This 24 mile reach was divided into four 6-mile segments for assessment engineering purposes, and labeled as Segments 1-4, with the numbers increasing as you move south.

2

The State Department of Water Resources (DWR) had presented preliminary findings to the SBFCA Board that the section of levee between the end of Segment 4 at about Cassidy Avenue in Yuba City and Shanghai Bend did not require rehabilitation. In DWR's draft levee evaluation report the segment was shown as a "green line" which meant that, from their preliminary analysis, that segment of levee seemed to meet the current standards. Therefore, our early studies relied on this assumption. By rehabilitating Segments 1-4, we believed that SBFCA would have been able to accredit the entire levee reach between the Thermolito Afterbay and Shanghai Bend.

However, at the December SBFCA Board meeting, LD1 voiced concerns that the "green line" section of levee may actually need some work, and that the project may need to be extended south to achieve the project goals of removing all of Yuba City out of the 200 year floodplain.

The staff has been meeting weekly with the representatives of LD1 and Yuba City to discuss and analyze the issues that were raised at the December meeting in more detail.

Summary of discussions, analyses, and conclusions

A summary of our recent discussions, analyses, and conclusions are as follows:

1. The "green line" levee likely needs some work, albeit less intensive than the rest of the project. A 6-mile segment extending the EIP to 0.6 mi south of Shanghai Bend should be added at a cost of \$20M.
2. New levee breach inundation analyses now show that ending the EIP after Segment 5 would leave nearly 50% of Yuba City in the 200-yr floodplain. Therefore, the EIP must be extended to achieve the project goals. By extending the EIP to at least Star Bend, 200-yr protection would be provided to nearly all of Yuba City, and most of its Sphere of Influence (SOI).
3. Extending the EIP to the confluence with the Sutter Bypass would complete all of the segments requiring cost sharing by SBFCA. The Sutter Bypass and its backwater channel (Wadsworth Canal) are 100% State responsibility.
4. A relief structure at the south end of the basin was discussed, analyzed, and found to be infeasible. A white paper will be prepared to memorialize this analysis.

5. Based upon our discussions, analyses, and conclusions, the staff is recommending the addition of three segments to the EIP:
 - a. Segment 5 – Cassidy Avenue to Barry Road (6 mi – \$20M).
 - b. Segment 6 – Barry Road to Peck Avenue, just south of the completed EIP at Star Bend (6 mi – \$40M).
 - c. Segment 7 – Peck Avenue to the Sutter Bypass (8.5 mi, \$25M).

Area Plan

As you are aware DWR now requires the development of an “Area Plan to achieve 200 year protection by 2025. The SBFCA Area Plan is currently under development, and the staff is recommending the following Area Plan fundamentals for the Board’s consideration:

1. Achieve 200 yr protection for the Yuba City Sphere of Influence and northward.
2. Achieve 100 yr protection for the remainder of the Basin south of the Yuba City Sphere of Influence.
3. The current EIP will be the first “Area Project”, which will take care of the Feather River portion of the Area Plan at a 65/35 State/Local cost share.
4. A future Area Project will take care of the Sutter Bypass and Wadsworth Canal at 100% State cost.

Next Steps

The staff has been made aware that DWR’s competitive EIP grant process is expected to start within the next two months, and it is hoped that SBFCA’s plans will be far enough along to justify State funding to start the final design of the proposed EIP and initiate the preparation of the environmental documents. We believe that the next steps in the implementation of the EIP include:

1. The completion and submittal of the EIP grant application.
2. The approval of an amendment to SBFCA’s Capital Budget to re-program the savings from the Star Bend Levee Setback Project to the start of final design for the proposed EIP, initiation of the environmental work for the project (CEQA/NEPA), and cash flow to fund the Agency until the revenue from the proposed assessment begins to flow to the Agency in December, 2010.

3. Select an engineering design team to begin the final design of the EIP.
4. Authorize Jones & Stokes to begin the environmental work for the EIP (CEQA/NEPA).
5. Initiate selection of the right of way team to assist with the project.
6. Finalize the Assessment District Engineer's Report and authorize the Proposition 218 mail in ballot election.

Thank you.

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Report of the Assessment District Engineer re: Proposed Assessment District Formation.

Recommendation

Direct the Agency's Assessment District Engineer to prepare a preliminary Assessment Engineer's Report for the formation of the proposed assessment district for discussion by the Board of Directors at their meeting scheduled for March 10, 2010.

Background

At your October 14th, November 18th, December 9th, and January 13th meetings the SBFCA Board of Directors heard reports from the Agency's Assessment Engineer regarding the progress for preparing the Engineer's Report and other key activities related to the conduct of a Proposition 218 mail-in ballot election to support the Flood Control Agency's Early Implementation Project.

Since that time the staff has been meeting with representatives of LD 1, the respective technical staffs, and representatives from the State Department of Water Resources (DWR) in order to discuss options for mitigating flooding issues in the southern part of Yuba City along the City's southern border of the proposed Early Implementation Project (EIP) as well as southern Sutter County. It is the intention of the administrative and technical staffs to present a revised plan for discussion by the Board at this meeting, and an up-date of the formation of the proposed assessment district in accordance with the attached outline of the Assessment District Engineer's presentation.

The Agency's Assessment Engineer will discuss the proposed assessment boundary, the proposed zones of benefit, the proposed assessment formula, the dollar amount required to finance the project as well as other pertinent items related to establishing an assessment district.

3

Feedback from the Board of Directors regarding the above items is necessary to begin the preparation of the Preliminary Engineer's Report. It is hoped that with the Board's input from this meeting, the Assessment Engineer will be able to prepare and present the preliminary Engineer's Report at your Board of Directors meeting scheduled for March 10, 2010.

Thank you.

Proposed SBFCA Assessment District

Update

Sutter Butte Flood Control Agency (SBFCA) wishes to explore the feasibility of establishing a benefit assessment district to fund the local cost share of flood protection improvements. At the SBFCA Board meeting on February 10, 2010, PB Americas (PB) will present an update on the proposed SBFCA assessment district. The concepts to be covered are the following:

1. District Boundary
 - a. Based on 200-year floodplain resulting from levee failures
 - b. South Area – reflect reduced benefit (100-year protection)
 - c. High ground and residual floodplain areas excluded
2. Project
 - a. Seven benefit segments along Feather River from Thermalito Afterbay to confluence with Sutter Bypass
 - b. Segment #7 extended to include Sutter Bypass
3. Benefit Areas
 - a. Based on levee failures within each segment
4. Assessment Formula (based on avoidance of flood damages)
 - a. Flood Depths
 - b. Structure and Content Damage
 - c. Damage to Land
 - d. Relative Risk
5. Annual Assessment Amount Needed
 - a. Estimated Total Cost of Project
 - b. Local Cost Share
 - c. Annual District Administration
 - d. Annual Assessment
6. Preliminary Assessment Results (subject to revision)
 - a. Average single-family residential assessments by benefit area and flood depth zone
 - b. Average assessments for other land use categories

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Approval of Request for Qualifications (RFQ) for civil engineering design for the proposed Early Implementation Project (EIP).

Recommendation

Approval of the attached RFQ and approval for the staff to solicit proposals for engineering design services from consulting teams for the rehabilitation of the west levee of the Feather River, and to designate the Sutter Butte Flood Control Agency's Technical Advisory Committee as the body to receive and ~~review~~ proposals and to make recommendations to the Board regarding the consultant selection.

Background

The Sutter Butte Flood Control Agency is seeking to implement an EIP to rehabilitate, restore, and as necessary improve 30-44 miles of the west levee of the Feather River from south of Yuba City to Thermalito Afterbay, through Sutter and Butte counties. The goal of the project is to rehabilitate sections of the levee so that these sections can be certified to meet FEMA standards for providing protection against the 100-Year flood event and also meet the new State standard of 200-Year flood protection.

In 2009, the Sutter Butte Flood Control Agency contracted with Kleinfelder, Inc., and Peterson Brustad Inc., to identify problems with the portion of the levee from Thermalito Afterbay to Yuba City, and to identify conceptual options to rehabilitate the levee. The findings of these preliminary studies were that the entire west levee from Thermalito Afterbay to Yuba City will require some form of remedial construction to correct for seepage and/or stability deficiencies. In addition, LD 1 has recently raised concerns about the integrity of the Feather River west levee from Yuba City to Star Bend.

4

The next step in the implementation of the EIP is to solicit proposals for engineering design services so that project design can commence. Staff is recommending that a single consultant team be selected encompassing all the required disciplines. The disciplines that will be required are as follows:

- Geotechnical Evaluation and Engineering
- Surveying, Topographic Mapping and Right of Way Engineering
- Civil Design of Levee Rehabilitation Improvements
- Engineering Services During Construction

Staff is recommending that the Board designate the SBFCA Technical Advisory Committee (TAC) as the body to receive and review proposals and to make recommendations to the Board regarding consultant selection. The TAC is comprised of representatives from LD1, LD9, Sutter County, Butte County, the City of Yuba City, and the Agency Engineer. The meetings of the TAC are, of course, public meetings. Therefore, any other representatives of the member agencies or members of the public are welcome to attend and participate in the meetings of the TAC..

The first step in the solicitation process will be for staff to issue a Request for Statement of Qualifications (SOQ) from interested consultant teams. The TAC would receive and review the SOQ submittals, and develop a shortlist of three to five consultant teams to be invited to submit a more detailed proposal for the work. Depending on the number and/or quality of the SOQ submittals received, the TAC may elect to skip the Request for Proposal (RFP) process and select a consultant team based upon the SOQ submittals received. The TAC would then make a recommendation to the Board on the preferred consultant team.

Thank you.

REQUEST FOR QUALIFICATIONS

Sutter Butte Flood Control Agency's Feather River West Levee Rehabilitation Early Implementation Project

You are invited to submit a Statement of Qualifications (SOQ) and other materials, in accordance with the outline below, to be considered for selection to provide the Sutter Butte Flood Control Agency (SBFCA) with geotechnical, surveying, and engineering design services for the Feather River West Levee Rehabilitation Early Implementation Project (FRWL EIP).

A. Categories of Services

SBFCA is seeking a consultant team to provide services necessary to proceed with implementation of the FRWL EIP. It is anticipated that a single consultant team will be selected encompassing all the required disciplines. The disciplines that shall be included in the team are as follows:

1. Geotechnical Evaluation and Engineering
2. Surveying, Topographic Mapping and Right of Way Engineering
3. Civil Design of Levee Rehabilitation Improvements
4. Engineering Services During Construction

B. Consultant Services Provided by SBFCA

SBFCA has or will contract with previously selected consultants for:

1. Program Management Services (Peterson Brustad Inc.)
2. Hydraulic modeling of the Feather River (Peterson Brustad Inc.).
3. Environmental Compliance and Regulatory Permitting (ICF-JSA)
4. Assessment District formation (PB)
5. General Counsel (Downey Brand)
6. Independent Technical Review (to be determined)

SBFCA will procure Right-of-Way and Construction Management services separately.

C. Background

SBFCA is seeking to implement an Early Implement Project to rehabilitate, restore, and as necessary improve 30-44 miles of the west levee of the Feather River from south of Yuba City to Thermalito Afterbay, through Sutter and Butte counties. The goal of the project is to rehabilitate sections of the levee so that these sections can be certified to meet FEMA standards for providing protection against the 100-Year flood event and also meet the new State standard of 200-Year flood protection.

The project is in preliminary stages of design development and is estimated to cost \$165M- \$280M. The project will primarily focus on eliminating levee underseepage issues by constructing a combination of seepage cutoff walls and/or levee seepage berms along the levee system. Construction is anticipated to begin in 2012 and take two and a half years to complete.

A Preliminary Problem Identification and Conceptual Analysis Report has been completed by Kleinfelder Inc., and a 10% preliminary design and cost estimate have been prepared by PBI for the northern 24 miles of the project. These documents are available for review on the SBFCA website at www.sutterbutteflood.org.

Since the completion of the Kleinfelder and PBI reports, SBFCA has been in discussions with Levee Maintenance District 1 (LD 1) regarding whether or not to extend the project southward to Highway 99. No technical work has been done by SBFCA on this southerly reach. Discussions are ongoing with LD 1 regarding this matter.

In addition, the project may also include ecosystem restoration elements associated with tailings borrow site(s), recreation sites, and/or setback levee elements.

D. Selection Committee

SBFCA will establish a Selection Committee to review the SOQ submittals received, and to develop a shortlist of three to five consultant teams to be invited to submit a more detailed proposal for the work.

Depending on the number and/or quality of the SOQ submittals, SBFCA reserves the right to skip the Request for Proposal (RFP) process and select a consultant team based upon the SOQ submittals received.

E. Work to be Completed

The Consultant Team shall develop the design, plans, specifications, and cost estimates for strengthening the Feather River West Levee. Multiple construction packages may be prepared depending on right of way acquisition, funding constraints and permitting timelines. Required tasks may include:

1. Project Management
 - 1.1 Attend and Document Design Meetings
 - 1.2 Correspondence
 - 1.3 QA/QC Administration and QCP Development
 - 1.4 Subcontractor Management
 - 1.5 Maintain Project Files Overall Team Management
2. Quality Control and Quality Assurance
3. Project Design
 - 3.1 Project Scoping
 - 3.2 Review existing reports, utility surveys, geotechnical data, hydraulic analyses, existing Reclamation Board Permits, etc.
 - 3.3 Develop 30% Design Documents & Cost Estimates
 - 3.4 Develop 60% Design Documents & Cost Estimates
 - 3.5 Develop 90% Design Documents & Cost Estimates
 - 3.6 Develop 100% Design Documents & Cost Estimates

- 3.7 Basis of Design Documentation
- 3.8 Coordination with DWR, CVFPB, and USACE on project design issues.

- 4. Acquisition of Central Valley Flood Protection Board Permits

- 5. Acquisition of encroachment permits from local Levee Districts, cities and counties.

- 6. Identification of Right of Way needs

- 7. Engineering During Construction

- 8. FEMA Accreditation - The selected design team need to certify through the FEMA CLOMR/LOMR process, that the levee improvements will meet FEMA standards for providing protection against the 100-Year flood event.
 - 8.1 Prepare FEMA CLOMR application at 30% Design stage.
 - 8.2 Prepare FEMA LOMR application for FEMA accreditation of levee system after construction.

- 9. Topographic Survey and Right of Way Engineering Tasks - The Topographic Survey and Right of Way Engineering Services tasks shall provide aerial photos and topographic mapping for design purposes, prepare legal descriptions and plats for right of way acquisition, and provide quality assurance surveys during construction. Required tasks may include:
 - 9.1 Review of existing topographic data obtained by SBFCA, DWR, and the Corps.
 - 9.2 Development of design topography including:
 - a. Field surveys to establish project horizontal control.
 - b. Digital aerial orthophotos of project area extending a minimum of 600 feet beyond the levee alignment. Photos shall be in both black & white and color
 - c. Topographic mapping at a scale of 1"=40' with a contour interval of 1 ft.
 - d. Cross sections measured at 200 ft intervals by conventional methods from 50 feet waterward (no bathymetry is required) of the waterside toe of levee to 500 feet landward of the landside toe of levee. Provide additional cross sections to document ramps and road intersections.
 - e. Field surveys to locate planimetric features.
 - f. Field surveys to locate trees with trunk diameter greater than 4-inches and drip line perimeter of elderberry shrubs.
 - g. Topographic mapping of any material borrow sites.
 - 9.3 Preparation of right of way acquisition documents including:
 - a. Overlay of Assessor's Parcel Maps on design topography.

- b. Recovery of section and parcel corners.
 - c. Preparation of right of way maps showing all parcels and easements along the project levees.
 - d. Legal descriptions and plats of temporary and permanent easements.
 - e. Legal descriptions and plats of fee acquisition parcels.
- 9.4 Construction surveying including:
- a. Establish project horizontal and vertical control for contractor's surveyor.
 - b. Quality assurance field check at 500 ft intervals of pre-construction cross sections surveyed by contractor.
 - c. Quality assurance check of contractor's surveys of borrow site(s).
 - d. Quality assurance field check at 500 ft intervals of post-construction cross sections surveyed by contractor.
- 9.5. Horizontal control shall be on State Plane Coordinates (CCS83)
- 9.6 Vertical control shall be on National American Vertical Datum 1988 (NAVD88) .
10. Geotechnical Evaluation and Engineering
- 10.1 Review existing technical report/studies pertaining to the project. - Research, gather and review all existing and available documents including geotechnical and geological studies, and other documents.
- 10.2 Subsurface Explorations & Laboratory Testing:
Consultant shall collect all soil data necessary to supplement data provided by SBFCA that will be required to support the design process, and meet FEMA 44 CFR 65.10. accreditation requirements. This task will include performing subsurface explorations and geotechnical testing, materials testing and analysis. Prior to the start of this task, Consultant shall prepare a work plan for geotechnical assessment that includes a sketch of bore hole locations, depth of each bore hole, soil sampling intervals along the bore hole, sample custody protocols, and the soil testing methods that follow standard geotechnical procedures (i.e. ASTM). Consultant shall meet with the SBFCA to go over the work plan prior to the start of this task. Subsurface explorations methods are to include hollow stem auger borings and Cone Penetrometer Testing.
- Consultant shall perform laboratory testing of the samples collected during the subsurface exploration. Laboratory testing will include in-situ moisture and density, grain size distribution, shear strength and hydraulic conductivity.
- 10.3 Geotechnical Analyses
Once subsurface conditions are evaluated and laboratory testing is completed, the Consultant shall perform a geotechnical analysis of the levee system. To demonstrate embankment and foundation stability, slope stability will be

analyzed for long-term (steady state), post construction, sudden draw down, and seismic in accordance with USACE manuals EM 1110-2-1913 and ER 1110-2-1806. Also through and under seepage analyses will be conducted utilizing finite element methods (SEEPW) in accordance with ETL 1110-2-569, SOP (2004), and DWR Interim Levee Design criteria.

Settlement analysis to ensure that adequate freeboard is maintained will be performed in accordance with USACE. EM 1110-2-1913 and EM 1100-2-1940.

Analyses will be conducted for 100-Year, 200-Year, 1957 Profile and Top of Levee water surface elevations. Where deficiencies exist, Consultant shall recommend and design mitigation remedies.

10.4 Consultant shall document geotechnical explorations and analyses in reports to support the FEMA accreditation process as required under Task 8 above.

11. Assist with acquisition of Section 104 Agreement, Section 408 permit, and DWR EIP funding documentation requirements.

F. Consultant Selection Schedule

1.	Issue Request for Qualifications	Insert date
2.	SOQ Submittal Deadline	3 weeks after 1
3.	Develop short list of Consultant Teams	2 weeks after 2
4.	Issue Request for Proposals to shortlisted teams	1 week after 3
5.	Proposed Submittal Deadline	4 weeks after 4
6.	Interview short-listed consultants	2 weeks after 5
7.	Select consultants	1 week after 6
8.	Finalize contract negotiations	4 weeks after 7
9.	SBFCA Board Approval of Contracts	4 weeks after 8

As stated, earlier, depending on the number and/or quality of the SOQ submittals, SBFCA reserves the right to skip steps 3, 4, and 5 and select a consultant team based upon the SOQ submittals and any scheduled interviews.

G. Statement of Qualifications

Teams who are interested in providing the consultant services described above are to submit an **SOQ not exceeding 30 pages in length** (not including cover letter, table of contents, or fly sheets) that includes the following:

1. Identification of prime and subconsultants: Include key personnel (those who will provide the majority of the labor hours) and lead persons to be assigned to the project. Please be very specific about education and background of the key staff as

- well as current and past participation directly with the primary applicant. Short resumes of key participants must be included.
2. A written description of projects recently completed. Be specific regarding projects that are the same, or similar in nature to what is described in this RFQ. Provide contact data for references. Please cross reference key team members to the listed projects.
 3. Demonstration of knowledge of Federal, State and local laws, rules, regulations, ordinances, etc., specific to related projects.
 4. Conceptual approach, and schedule for services requested.
 5. Present workload and staff availability.
 6. List any potential conflicts of interest and a strategy for negating them. For purposes of this Request for Qualifications, a potential conflict of interest is defined as the past retention (within 3 years) and/or current retention of any member of the team by (i) any agency that will be providing permitting, funding, or oversight for this project (e.g., Corps, DWR, CVFPB, F&G, F&WS, etc), or (ii) any member agency of SBFCA.

Questions may be directed to Dave Peterson, SBFCA's Agency Engineer, via email at dpeterson@pbieng.com.

H. Selection Criteria

Applicants shall submit 10 bound copies of their SOQ, one unbound copy, and one electronic pdf copy on cd. The SBFCA Selection Committee will evaluate all submitted SOQs in accordance with the criteria stated below. The Selection Committee will decide which applicants will be short listed and invited to submit a more detailed proposal and attend an interview. The Selection Committee may also elect to select a consultant team based upon the SOQ submittals. Evaluation and selection criteria may include the following:

1. Consultant Team's qualifications and experience on similar projects.
2. Qualifications and experience of the project manager and key personnel.
3. Consultant Team's project understanding and conceptual approach.
4. Consultant Team's present workload and staff availability.
5. Consultant Team's ability to meet established project schedule.
6. References for prime and key subconsultants.
7. Consultant Team's ability to negate any identified conflicts of interest

I. Submittal Deadline

Applicants who are interested in providing the services for this project are required to submit a Statement of Qualifications no later than 2:00 pm on **Insert date**. All SOQs and materials submitted in response to this RFQ will become the property of SBFCA and will not be returned. Please submit the SOQ to:

David Peterson
SBFCA Agency Engineer
Peterson Brustad Inc.

1180 Iron Point Road, Suite 260
Folsom, CA 95630

Receipt in the above office must be by the deadline stated regardless of postmark.

J. Evaluation Process

Each submittal will be reviewed for completeness of documentation. The submittals will be evaluated and scored by the Selection Committee based on the selection criteria.

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Report (if necessary) by Levee District No. 1 re: completion of setback levee project at Star Bend (an early implementation project) or other District activities.

This time has been set aside on the agenda for a report and discussion (if necessary) by representatives of Levee District No. 1 to provide the Board of Directors a progress report regarding the completion of the setback levee project at Star Bend or other activities of the District.

Thank you.

5

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Report (if necessary) by the United States Army Corps of Engineers' (USACE) project manager re: current status of the Feasibility Study for the Sutter Basin.

This time has been set aside on the agenda for a report and discussion (if necessary) by the USACE project manager regarding the current status of the Sutter Basin Feasibility Study.

Thank you.

6

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors

FROM: William H. Edgar, Interim Executive Director

SUBJECT: Report (if necessary) by the Department of Water Resources' (DWR's) Senior Project Manager re: current department activities.

This time has been set aside on the agenda for a report and discussion (if necessary) by DWR's senior project manager regarding the current activities of the Department.

Thank you.

7

SUTTER BUTTE FLOOD CONTROL AGENCY

A PARTNERSHIP FOR FLOOD SAFETY

February 10, 2010

TO: Board of Directors
FROM: William H. Edgar, Interim Executive Director
SUBJECT: Various reports to the Board of Directors from the General Counsel.

Scott Shapiro of Downey Brand and Counsel for the Sutter-Butte Flood Control Agency, will discuss the status of the following activities for the Board's information, discussion, and possible direction to the staff:

1. Status of the amendments to the Feasibility Cost Sharing Agreement and an amendment to the Local Feasibility Cost Sharing Agreement, all in furtherance of completing the USACE Sutter Basin Feasibility Study, and
2. Status of the agreement with the Department of Water Resources relating to the Proposition 13 grant to Sutter County for the Sutter Basin Feasibility Study.

Thank you.

8