

**SECOND AMENDMENT TO THE
SUTTER-BUTTE FLOOD CONTROL AGENCY
JOINT EXERCISE OF POWERS AGREEMENT**

This Second Amendment to the Sutter-Butte Flood Control Agency Joint Exercise of Powers Agreement (“Amendment”) is entered into on this ____ day of _____, 2010, by and between the following parties (collectively, the “Parties”):

- a. County of Sutter
- b. County of Butte
- c. City of Yuba City
- d. City of Live Oak
- e. City of Gridley
- f. City of Biggs
- g. Levee District 1
- h. Levee District 9
- i. Sutter County Water Agency

WITNESSETH THAT:

WHEREAS, on July 14, 2010, SBFCA approved the formation of the Sutter-Butte Flood Control Assessment District (“Assessment District”) in order to fund levee rehabilitation work along the west bank of the Feather River (“Feather River West Levee Rehabilitation Project” or “FRWLRP”); and

WHEREAS, the boundaries of the Assessment District were fixed to include all properties receiving special benefits from the FRWLRP and to exclude any properties not receiving special benefits from the FRWLRP; and

WHEREAS, under the current Joint Exercise of Powers Agreement (“Agreement”), the boundaries of SBFCA do not conform with the boundaries of the Assessment District; and

WHEREAS, in order to conform the boundaries of the Assessment District to the boundaries of SBFCA, SBFCA members wish to amend to the Agreement in order to adjust the SBFCA boundary to include all of the properties benefitted by the FRWLRP.

NOW, THEREFORE, the Parties agree to amend the Sutter-Butte Flood Control Agency Joint Exercise of Powers Agreement as follows:

1. Article I, Section 3 (Boundaries of the Agency) shall be replaced in its entirety by the following:

Boundaries of the Agency: The geographic boundaries of the Agency situated in Butte County and Sutter County shall be described as BEGINNING at the intersection of the right [westerly] levee of the Feather River and the southerly boundary of the Thermalito Afterbay; thence southerly along said right levee to the confluence with Sutter Bypass; thence northerly along the left [east] levee of Sutter Bypass to State Highway 20; thence easterly along State Highway 20 for 4,693 ft; thence northerly 1,512 ft to intersect Butte Rd; thence easterly along Butte Rd to the intersection of Locust Rd; thence northerly along Locust Rd to the Intersection of Sutter Ave.; thence easterly along Sutter Ave to the intersection of Oak St; thence northerly along Oak St to the intersection of Butte Ave; thence westerly along Butte Ave to the intersection of Everett Rd.; thence northerly along Everett Rd to the intersection of the West Intercepting Canal; thence westerly along the north side of the West Intercepting Canal to the base of the Sutter Buttes (the base being defined as running along the 80-foot elevation [NAVD 29] contour of the USGS 7.5 minute Quadrangle maps); thence counter-clockwise along said base of the Sutter Buttes Mountains to North Butte Road; thence westerly along North Butte Rd to the North-South centerline of Section 29, Township 17 North, Range 1 East, MDM; thence northerly along the aforesaid line to the Cherokee Canal; thence northerly along the Cherokee Canal to its intersection with the Biggs Extension Canal; thence southeasterly along the Biggs Extension Canal to the westerly extension of the southern Thermalito Afterbay Levee; thence easterly along said westerly extension and the southerly boundary of the Thermalito Afterbay to the place of beginning. If any of the geographical features mentioned herein are relocated, it is the intention that the Agency boundary follows the relocated feature. A map of the Agency's geographic boundaries is attached hereto as Exhibit A."

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed on the day indicated below.

CITY OF YUBA CITY

By: *John Duker*
Mayor Pro Tem

Date: 3/15/11

ATTEST:

Terri Locke
City Clerk

APPROVED AS TO FORM:

Frank P. Hayes
City Attorney

COUNTY OF SUTTER

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

"Boundaries of the Agency: The geographic boundaries of the Agency situated in Butte County and Sutter County shall be described as BEGINNING at the intersection of the right [westerly] levee of the Feather River and the southerly boundary of the Thermalito Afterbay; thence southerly along said right levee to the confluence with Sutter Bypass; thence northerly along the left [east] levee of Sutter Bypass to State Highway 20; thence easterly along State Highway 20 for 4,693 ft; thence northerly 1,512 ft to intersect Butte Rd; thence easterly along Butte Rd to the intersection of Locust Rd; thence northerly along Locust Rd to the Intersection of Sutter Ave.; thence easterly along Sutter Ave to the intersection of Oak St; thence northerly along Oak St to the intersection of Butte Ave; thence westerly along Butte Ave to the intersection of Everett Rd.; thence northerly along Everett Rd to the intersection of the West Intercepting Canal; thence westerly along the north side of the West Intercepting Canal to the base of the Sutter Buttes (the base being defined as running along the 80-foot elevation [NAVD 29] contour of the USGS 7.5 minute Quadrangle maps); thence counter-clockwise along said base of the Sutter Buttes Mountains to North Butte Road; thence westerly along North Butte Rd to the North-South centerline of Section 29, Township 17 North, Range 1 East, MDM; thence northerly along the aforesaid line to the Cherokee Canal; thence northerly along the Cherokee Canal to its intersection with the Biggs Extension Canal; thence southeasterly along the Biggs Extension Canal to the westerly extension of the southern Thermalito Afterbay Levee; thence easterly along said westerly extension and the southerly boundary of the Thermalito Afterbay to the place of beginning. If any of the geographical features mentioned herein are relocated, it is the intention that the Agency boundary follows the relocated feature. A map of the Agency's geographic boundaries is attached hereto as Exhibit A."

IN WITNESS WHEREOF, the Parties hereto have caused this Amendment to be executed on the day indicated below.

CITY OF YUBA CITY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF SUTTER

By: Stanley Chubb, Jr.
Chairperson

Date: 12/28/10

ATTEST:

[Signature]
Clerk of the Board - D. [Signature]

APPROVED AS TO FORM:

Ronald Erickson
County Counsel



CITY OF LIVE OAK

By: Deane Hodges
Mayor

Date: 11/17/10

ATTEST:

[Signature]
City Clerk



APPROVED AS TO FORM:

[Signature]
City Attorney

CITY OF BIGGS

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF GRIDLEY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF BUTTE

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

CITY OF LIVE OAK

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF BIGGS

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF GRIDLEY

By: *[Signature]*
Mayor

Date: Feb 7, 2011

ATTEST:

[Signature]
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

COUNTY OF BUTTE

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

CITY OF LIVE OAK

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF GRIDLEY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF BIGGS

By: *Robert L. Lusk*
Mayor

Date: 11-22-10

ATTEST:

Robert Dewenup
City Clerk

APPROVED AS TO FORM:

[Signature]
City Attorney

COUNTY OF BUTTE

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

CITY OF LIVE OAK

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF GRIDLEY

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

CITY OF BIGGS

By: _____
Mayor

Date: _____

ATTEST:

City Clerk

APPROVED AS TO FORM:

City Attorney

COUNTY OF BUTTE

By: Bill Connolly
Chairperson

Date: DEC 4 2010

ATTEST:

[Signature]
Clerk of the Board

APPROVED AS TO FORM:

[Signature]
County Counsel

LEEVE DISTRICT 1

By: Francis Silva
Chairperson

Date: 11/8/10

ATTEST:
Robert Wake
Secretary

APPROVED AS TO FORM:
[Signature]
Counsel for District

SUTTER COUNTY WATER AGENCY

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

LEEVE DISTRICT 9

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

**SUTTER COUNTY WATER
AGENCY**

LEVEE DISTRICT 1

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

By: _____
Chairperson

Date: _____

ATTEST:

Clerk of the Board

APPROVED AS TO FORM:

County Counsel

LEVEE DISTRICT 9

By: David Chen
Chairperson

Date: 1/11/11

ATTEST:

Joseph [Signature]
Secretary

LEVEE DISTRICT 1

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

LEVEE DISTRICT 9

By: _____
Chairperson

Date: _____

ATTEST:

Secretary

APPROVED AS TO FORM:

Counsel for District

SUTTER COUNTY WATER AGENCY

By: _____
Chairperson

Date: 9/14/11

ATTEST:

Clerk of the Board



APPROVED AS TO FORM:

County Counsel