1 p.m. Closed Session

Meeting Location:
City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA

The agenda is posted in the building of the Sutter Butte Flood Control Agency at 1227 Bridge Street Suite C, Yuba City, and at the Sutter County Library, 750 Forbes Avenue, Yuba City. The agenda summary, backup materials, and approved minutes are also posted on the Sutter Butte Flood Control Agency website at 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 1227 Bridge Street, 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 Sarah Modeste at the Sutter Butte Flood Control Office, 1227 Bridge Street, Suite C, Yuba City, CA 95991 or s.modeste@sutterbutteflood.org. Requests must be made one full business day before the start of the meeting.

1 PM CLOSED SESSION
1. Conference with real property negotiators pursuant to Govt. Code section 54956.8
   Agency negotiator(s): McElhern/O'Regan
   Properties and negotiating parties:
   
   Mary G. Albertini and Robert E. Albertini (APN 10-170-043)
   S. Jeff Fredericks and Darlene D. Fredericks (APN 025-290-027)

1:30 PM REGULAR MEETING/CALL TO ORDER
   Roll Call
   Pledge of Allegiance

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 August 14, 2013 Board Meeting

2. Approval of a Resolution Amending SBFCA’s Profit Sharing Plan and designating the Administrative Manager as an eligible participant in SBFCA’s 457(b) Deferred Compensation Plan

3. Approval of amendment to RiverSmith Engineering Inc. contract

PRESENTATION, DISCUSSION & ACTION ITEMS
4. Receive and file monthly financial report

5. Investigation of a basin-wide development impact fee and related actions

6. Approval of Amendment 1 to Task Order 10 with HDR Engineering, Inc. for Professional Engineering Services for the Feather River West Levee Project

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS
7. Program/Project Update

8. Other reports from Agency staff and consultants

9. Report (if necessary) by the Citizens’ Assessment District Advisory Committee (CADAC)

10. Report (if necessary) by member and partner agencies

CORRESPONDENCE
11. Report on correspondence sent by and received by the Board

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.

ADJOURNMENT
September 11, 2013

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of the minutes for the August 14, 2013 Board meeting

The proposed minutes for the Board of Director’s meeting on August 14, 2013 are attached for your review, modification and/or approval.

Recommendation
We recommend that the Board approve and authorize the Chair to sign the minutes.

Thank you.
The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above
date in Regular Session at 1 p.m. in the City of Yuba City Council Chambers, Yuba City, California.

MEMBERS PRESENT
County of Sutter: James Gallagher, Stan Cleveland
County of Butte: Bill Connelly, Steve Lambert
City of Yuba City: John Dukes, Kash Gill
City of Gridley:
City of Live Oak: Gary Baland
City of Biggs: Bo Sheppard
Levee District 1: Francis Silva, Barbara LeVake
Levee District 9: David Lamon

MEMBERS ABSENT: Directors Chris Schmidl, Al Montna, Jeff Draper

STAFF PRESENT: Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro,
Agency Counsel; Budget Manager Seth Wurzel; and Kim Floyd, Public Outreach Manager.

REGULAR MEETING/CALL TO ORDER
Board Chair James Gallagher opened the meeting at 1 p.m. and SBFCA Board Member Gary Baland led the
audience in the pledge of allegiance.

CLOSED SESSION
Conference with real property negotiators pursuant to Govt. Code section 54956.8
Agency negotiator(s): McElhern/O'Regan
Properties and negotiating parties:

John and Christie Rogers (APN 025-050-022)
Richard Bill and Jon Bill, as Trustees of the Bill Family Management Trust (APN 025-050-002)
Stephen and Lori Kramer (APN 025-180-023)
Teresa Frawley as Trustee of the Teresa Frawley Trust (APN 025-130-043)
William & Patricia Jaeger (APN 51-530-021)
Blane Moffit (APN 025-130-042)

Nothing to report.

CONSENT CALENDAR
On motion of Director John Dukes, seconded by Director Kash Gill and carried by those present, the Board approved
the Consent Calendar as follows:
1) Approval of the July 10, 2013 Board minutes
2) Approval of resolution for the levy and collection of fiscal year 2013-14 assessments for the Sutter
Butte Flood Control Agency Assessment District in Sutter and Butte counties
3) Approval of ICF Task Order 9 amendment
4) Authorize the Executive Director to submit grant applications to the CA Department of Water
Resources under the Yuba Feather Flood Protection Program

PRESENTATION, DISCUSSION & ACTION ITEMS
5) Receive and file monthly financial report
Executive Director Mike Inamine provided an overview of the Board agenda action items, and stated that
the majority of the Board meeting will focus on the program/project update with a review of construction
activities.

Budget Manager Seth Wurzel stated that the Agency has working capital of $4.4 million as of June 30,
2013, which does not include bond proceeds. The Agency’s revenue is unchanged from the previous
month as the Agency has received all assessment proceeds.
The Agency made its first payment of $1.52 million to the contractor on August 8.

On August 2, 2013, the Agency invested $27 million with Local Agency Investment Fund (LAIF), per the Board's approval at the July 2013 Board meeting. The funds can be drawn down as needed.

The fiscal year 2012-13 audit is underway and an update will be provided by the end of 2013.

No public comment.

No action taken on this item.

6) Approval of travel to Washington D.C. to attend USACE Civil Works Review Board for Sutter Feasibility Study

Mr. Inamine stated that the final deliverable of the Sutter Basin Feasibility Study, which is an approximately 18-month process, is the Chief's Report. The Study recommends a project with respect to federal interest, and then the USACE will recommend authorization to Congress to hopefully appropriate and build the project. SBFCA is already building a large portion of the USACE's project via DWR grant programs, and the State and SBFCA will receive federal credit for completed work.

One important component of the Feasibility Study is that it extends several miles south of the Agency's current project that has been approved by DWR. This is important because it would be additional to the Agency's current construction work. Because of this, it is important that the Agency participate in the Feasibility Study.

The next step of the Feasibility Study process is the Civil Works Review Board (CWRB) meeting in Washington D.C in which senior USACE executives will review the project. District USACE staff present the project to the senior board members, and the local sponsors – in this case SBFCA and CA DWR – also make brief presentations. Following the meeting, a recommendation is made to either concur with the staff recommendation and proceed with a Chief's Report, or not. Because the Sutter Basin Feasibility Study is a pilot project, the CWRB meeting is unprecedented. No other feasibility study in the nation has gone through this under the pilot process.

The action is to approve out-of-state travel for Mike Inamine, Michael Bessette and Scott Shapiro in order to participate in the Civil Works Review Board meeting.

Director Barbara LeVake stated that she is supportive of traveling to and attending the meeting. She asked for the cost of the travel. Mr. Shapiro responded and stated that Sarah Modeste called six hotels and found that the lowest local government rate was at the Phoenix Park Hotel with the cost per night of $226 per person. The group will fly on Monday, participate in a dry run of the CWRB presentation on Tuesday, attend the CWRB meeting on Wednesday and return to Sacramento on Thursday. Non-stop, round-trip airfare from Sacramento to Washington D.C. is $585 per ticket. Director LeVake stated that it was a great rate for the hotel.

A motion was made by Director Barbara LeVake to approve travel to Washington D.C. to attend USACE Civil Works Review Board for Sutter Feasibility Study. The motion was seconded by Director John Dukes and was carried by those present.

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

7) Program/Project Update

Director of Engineering Michael Bessette provided an overview of recent engineering activities; a full report is included in the August 14, 2013 Board agenda packet.

Mr. Bessette began with an overview of recent successes, including:

- 408 authorization for Reach 13 (one mile) approved on July 23 by the USACE
- Encroachment permit for Reach 13 issued on July 23 by the Central Valley Flood Protection Board
- Notice to Proceed on Reach 13 construction issued on July 24 by SBFCA
- Public Outreach meeting held on July 24
- Contractor began levee construction on July 25
- Groundbreaking ceremony held on August 7
Additionally, Mr. Bessette covered the upcoming milestones. A brief summary is as follows:

- FAA Coordination and determination of “No Hazard” – the deep soil mixing machines were penetrating the airspace and despite numerous attempts to work with the FAA, the Agency did not receive timely responses. On August 13, the Agency was given the “no hazard” determination from the FAA, thus resulting in no delay of schedule.

- The Agency is still working to obtain 408 permit approval for the remaining construction work. The following is a summary of potential milestones based on feedback from the USACE:
  - USACE headquarters completes review of remaining 408 package (expected August 27)
  - USACE issues 408 Approval (stated as late September or early October)
  - SBFCA contractor begins construction on Reach 17 (pending 408 approval and subject to timing)
  - SBFCA requires complete 408 approval by August 29 to complete an additional mile of slurry wall north of Yuba City this year

Mr. Inamine added that the USACE believes that it has worked above and beyond to award SBFCA with a one-mile 408 permit, but the Agency has consistently maintained that it needs full 408 approval by the end of August.

Director John Dukes asked how the Agency’s construction schedule would be impacted if the USACE does not issue the complete 408 by the end of August. Mr. Bessette stated that the additional work was above and beyond the Agency’s original schedule, which would decrease the amount of work needed in the 2014 constructions season. Mr. Bessette stated that it would not negatively impact the schedule or budget, but the additional construction work would be helpful in repairing the next mile of critical levees.

Director Francis Silva asked if the additional one-mile would reach the boat dock. Mr. Bessette stated that it was one mile, just south of the Union Pacific Railroad tracks.

Director James Gallagher stated that while it does not affect schedule, the Agency has been told that the 408 permit would be delivered in a timely manner and complete concurrent reviews. The USACE needs to continue to hear that they must keep their promises. Director Gallagher encouraged staff to emphasize that this is a critical project and we cannot afford delays and that receiving the 408 permit in October is not acceptable.

Mr. Bessette stated that the design team is working on 90 percent designs for Project Areas B and D. The Agency will review the design plans, and the plans will be sent to partner agencies and the IPE for review in early September. The next IPE meeting is scheduled for late September for the IPE members to review and discuss the 90 percent design as well as review construction activities. The design team is also looking at opportunities to fill in the gaps of work around utilities and include the work in the current or future contracts.

Construction is underway. The contractor has stripped the levee, degraded the top half of the levees, and the deep soil mixing machines are mobilizing to the site. The drill rigs will begin on Monday, August 19.

Director John Dukes asked if the 408 permit was necessary to start the utility relocation work. Mr. Bessette stated that the 408 permit is required for utility relocation work within the levee prism.

Mr. Inamine stated that the Agency sent a letter to Steve Stockton of the USACE to thank the USACE for the 408 permit for the first mile of construction. The letter also requests expedited review and approval of the remaining 408 permit by the end of August.

The Sutter Basin Feasibility Study public comment review period closed on July 29, 2013. All comments are being addressed by the USACE with some assistance from SBFCA. The CWRB meeting is September 18, 2013 in Washington D.C.

The Regional Planning effort is underway. A public draft of the regional plan will be available after late August for public review. As part of this effort, SACOG and the Yuba-Sutter Farm Bureau are participating in an agricultural study of the proposed widening of the Sutter Bypass to better understand the agricultural impacts. The first draft of the study will be out in mid-August.

Mr. Inamine stated in addition to the local and state regional planning efforts, the USACE is beginning its own Central Valley Integrated Flood Management Study, which is another large complimentary flood...
management study. The Feather River Regional Flood Management planning group met with the Mid & Upper Sacramento River Regional Flood Management group, CVFPB and DWR to discuss why/how Cherokee Canal would be included in the USACE’s study. The Cherokee Canal is slated for study in the USACE’s study, which is a controversial and difficult issue for those with property and interest in the Cherokee Canal area. The USACE must look at all possible ways to reduce flood risk for the region, including the review of Cherokee Canal. This does not affect anything related to the Agency’s objectives.

Director Dukes asked if any outstanding comments were received on the Feasibility Study. Mr. Inamine stated that there were a number of comments, but none were of consequence and none affect the 408 permit process.

Director LeVake asked who initiated the agricultural study. Mr. Inamine responded that it is the Yuba-Sutter Farm Bureau and the work is being completed by Cal Poly Professor Steven Hamilton. SBFCA is contributing $10,000 to the study, and SACOG is contributing much of the data for the study. Director Gallagher stated that the CVFP did not include a lot of strong information as it relates to agriculture thus the Yuba-Sutter Farm Bureau stated that a strong study was needed to show what the impacts would be if land was taken out of production. Director LeVake stated that she was concerned given her experience that past agricultural studies tend to underestimate the impacts to agriculture. She stated that hopefully someone is looking at the study draft to make sure Cal Poly has what it needs. Mr. Inamine responded that that was the premise of the study. He added that DWR was invited to participate financially, but DWR determined it would not financially participate, however they are providing input. Director LeVake requested the opportunity to review the study prior to it being finalized.

Director Gallagher stated that land owners and interested parties have made it very clear that they are not interested in the Cherokee Canal project, and it has already been determined that it is not economically feasible. Instead, upstream storage should be studied, which is something substantive. Mr. Inamine stated that this is a discussion point with USACE and DWR, and the USACE is looking at upstream storage through the CVIFMS.

Mr. Shapiro stated that he would like to preview an item that will likely be included on the September 11 Board meeting agenda. Mr. Shapiro stated that over the past 10-15 years, there has been a movement from flood control to flood management as a means of reducing risk, and the primary goal of SBFCA is to fix levees. Approximately one year ago, SBFCA became aware that its state and federal partners want SBFCA to also participate in flood management activities. This has been very apparent with DWR, who has not committed the full funding to complete work to Thermalito Afterbay as it would like to see a more robust program. Similarly, the USACE has been pushing for more comprehensive programs. Staff has pushed back on these requests as its first priority is to repair levees. Now that construction is underway, SBFCA is receiving increased pressure to incorporate more flood management activities into programs. Agency staff has met with City of Yuba City staff regarding these requests, and a potential program is in the works.

At the September 11 meeting, staff will bring a framework of a potential program that would allow SBFCA to accept money from Yuba City, if Yuba City wanted to allocate it, to buy down risk in creative ways – using that revenue stream and not assessment dollars. It would also lay out a framework that enables the entire basin to work together.

Director Dukes stated that if the program leveraged additional funding, then he would be supportive, but he would first require additional information on the program in September.

Director LeVake asked if the program would only include the jurisdiction of the City. Mr. Shapiro stated that SBFCA has no authority to impose an impact fee, so it is only based on what member agencies would like to do. Currently, there is a development impact fee in Yuba City, and one in Sutter County. For the program to work, and to buy down risk for the entire basin, it would apply in the two counties and all four cities within the program. However, it would be a voluntary program.

Director LeVake asked for clarification on what buying down the risk would mean as she would be concerned with any impacts that would discourage economic development. Mr. Shapiro stated that under AB1600, there is a requirement for a nexus study to be completed to determine if there is a connection between the fee being paid and the impacts of that development and therefore mitigating those impacts. Project examples would be the idea of hardening the backside of levees, the purchase of agricultural/flood/conservation easement for internal drainage, and the elevation of structures. The
SBFCA program provides for 200-year protection to Star Bend, so impact fees could be applied to the southern portion of SBFCA boundaries for increased protection.

Director Dukes asked for clarification on an increased in federal cost share. Mr. Shapiro stated that there could be an opportunity to obtain federal funds, and also an opportunity to receive an increase in state funds based on its new cost share guidelines.

Director Stan Cleveland stated that some of the proposed items were discussed when Sutter County led the Feasibility Study. Director Cleveland stated that he was a proponent of removing the impact fees, and they are currently suspended. There are also things to do with Gilsizer and Live Oak Canal. Director Dukes added that this study is timely as there are a number of things that can be done.

Director Kash Gill stated that the proposed program does cause a little alarm because it could be seen as double dipping because the property owner would be charged an impact fee as well as the assessment. Director Gill stated that transparency is very important, and it cannot just be Yuba City picking up the lion's share of the work. Director Gill stated that there are numerous fees on property owners already, and we need to be concerned about adding more fees.

Director Gallagher stated that the assessment will not take care of the entire problem. Director Gill agreed as it needs to be a basin-wide approach. Director Gallagher stated that new development should pay to offset the additional economic impact of the development.

Director LeVake stated that she is cautious about new ideas while the USACE still isn't able to issue the 408 permit.

Mr. Shapiro stated that staff will allow for sufficient time at the September Board meeting to discuss this item.

8) **Other reports from Agency staff and consultants**
Nothing to report at this time.

9) **Report (if necessary) by the Citizens’ Assessment District Advisory Committee (CADAC)**
Nothing to report at this time.

10) **Report (if necessary) by member and partner agencies**
Director LeVake stated that COL Farrell contacted Levee District 1 regarding a tour. Mr. Inamine stated that SBFCA is working with LD1 and USACE to coordinate the tour.

Director Baland stated that he has had a request to change the closed session to the end of the Board meeting. Director Gallagher stated that the goal is to be able to reduce costs by dismissing the consultants immediately following closed session. Director Baland added that perhaps the meeting could begin following closed session. Director Gallagher stated that the start time of the meeting and closed session would be reviewed for future meetings.

Pat Miller, Sutter County Tax Payers Association, requested that the Board hold closed session at 1 p.m. and start the regular meeting at 1:30 p.m. Mrs. Miller also stated that she has an issue with SBFCA contributing $10,000 to the agricultural impact study. She stated that the assessment district was passed to pay for the levees, not for the agricultural study or other items. Mr. Inamine responded that the study is part of the Feather River Regional Flood Management Plan, which is important because SBFCA needs its projects to be prioritized in order to obtain future funding for construction activities. The $10,000 spent by SBFCA on the ag study has not been cost shared by DWR, but the conversations are ongoing to obtain DWR funding. If SBFCA does become involved in the DWR and USACE studies, it could miss opportunities for funding and approval for fix-in-place projects. Mr. Shapiro added that the Board has previously approved a resolution delegating authority to the executive director for expenditures up to $50,000 so long as it is consistent with a previously approved budget, which is why it was not required to come before the Board for approval.

Mrs. Miller asked for clarification on which agency chose not to financially participate in the ag study. Mr. Inamine responded that DWR is providing staff and studies to comment on the study, but it is not contributing funding at this time. Director Gallagher stated that the Sutter Bypass should be fixed in place, which would provide protection to the basin. The state, however, would like to widen the bypass which would take more property out of production. As part of the Agency’s position, it must show that the
property should be kept in production. Mrs. Miller added that she is concerned that spending more on studies reduces that amount that could be spent on fixing the levees. Mr. Inamine stated that he agreed.

CORRESPONDENCE
   11) Report on correspondence sent by and received by the Board
       A copy of the letter from Mike Inamine to Steve Stockton was provided to the Board and public.

PUBLIC COMMENT
Director Cleveland stated that the fishermen are thankful for maintaining access at Shanghai Bend. Director Dukes stated that some residents have expressed concern about the access road that is located close to their properties. Additional discussions may still be necessary.

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

______________________________  ________________________________
ATTEST BY: ___________________________  JAMES GALLAGHER, CHAIR
       SARAH MODESTE
August 14, 2013

TO: Board of Directors

FROM: Mike Inamine, Executive Director
        Seth Wurzel, Budget Manager

SUBJECT: Approval of a Resolution Amending SBFCA’s Profit Sharing Plan and designating the Administrative Manager as an eligible participant in SBFCA’s 457(b) Deferred Compensation Plan

Recommendation
Approve the attached resolution amending SBFCA’s Profit Sharing Plan to allow the Administrative Manager to participate as a new employee in the plan. The attached resolution also designates the current Administrative Manager as an eligible participant in SBFCA’s 457(b) Deferred Compensation Plan.

Background
In September 2011, SBFCA established two retirement plans for the benefit of SBFCA’s first employee, the Director of Engineering, Mike Inamine, who later took on the role of Executive Director. As part of the Board’s approval of the Administrative Manager position at its July meeting, the Board authorized the Executive Director to negotiate and execute an employment agreement with the preferred candidate once staff has met with and received direction from an ad hoc committee of the Board regarding a salary and benefit package.

Discussion
As part of the compensation package for the Administrative Manager, SBFCA is able to provide retirement benefits through its two retirement plans. SBFCA’s Profit Sharing Plan allows the agency to make direct contributions to a defined contribution retirement plan. Contributions to such a plan are part of the negotiated compensation package approved by the Ad Hoc Board. However, in order to allow the Administrative Manager to participate in the plan, the plan must be amended to provide for specific eligibility. The attached resolution provides for this needed modification.

In addition to the defined contribution benefits provided by the Profit Sharing Plan, the benefit package approved by the Board also allows for the deferral of compensation through SBFCA’s 457(b) deferred compensation plan. In order to allow the Administrative Manager to participate in this plan, the plan requires that the Board designate the Administrative Manager as eligible to participate in the plan. The attached resolution provides for this needed designation.

Fiscal Impact
Modifications to SBFCA’s two retirement plans does not create or lessen any financial obligations of the Agency. Therefore, the Board’s approval of the recommendation action has no net fiscal impact to the approved 5-Year budget.
RESOLUTION NO. 2013-15

RESOLUTION OF THE SUTTER BUTTE FLOOD CONTROL AGENCY ADOPTING AN ELIGIBILITY AMENDMENT TO THE SUTTER BUTTE FLOOD CONTROL AGENCY PROFIT SHARING PLAN AND DESIGNATING THE ADMINISTRATIVE MANAGER AS AN ELLIGIBLE PARTICIPANT IN THE SUTTER BUTTE FLOOD CONTROL AGENCY 457(b) DEFERRED COMPENSATION PLAN AND TRUST

WHEREAS, for the benefit of its employees, the Board of Directors has established the SUTTER BUTTE FLOOD CONTROL AGENCY PROFIT SHARING PLAN (Profit Sharing Plan) and the SUTTER BUTTE FLOOD CONTROL AGENCY 457(b) DEFERRED COMPENSATION PLAN AND TRUST (Deferred Compensation Plan).

WHEREAS, on the July 10, 2013 the Board approved the creation of the Administrative Manager position and authorized the Executive Director to negotiate and execute an employment agreement with the preferred candidate once staff has met with and received direction from an ad hoc committee of the Board regarding a salary and benefit package, which shall not exceed $135,000;

WHEREAS, the approved Employment Agreement with the preferred candidate provided for the candidate’s participation in both the Profit Sharing Plan and the Deferred Compensation Plan;

WHEREAS, in order to allow for this participation the Board must amend the Profit Sharing Plan to allow for eligibility by the preferred candidate and the Board must designate the preferred candidate eligible to participate in the Deferred Compensation Plan;

NOW, THEREFORE, THE SUTTER BUTTE FLOOD CONTROL AGENCY RESOLVES AS FOLLOWS:

1. That the form of the amendment attached as Exhibit A to this resolution changes the Eligibility provisions under the plan and is accepted and that such amendment is to be effective August 19, 2013;

2. That SBFCA shall act as soon as possible to notify employees of SBFCA of the adoption of this amendment;

3. That the Executive Director is hereby authorized and directed to execute any and all such documents and to perform any and all such acts as may be necessary and proper to effect the foregoing; and,

4. That SBFCA’s hereby designates the Administrative Manager as an eligible participant in the Deferred Compensation Plan.
PASSED and ADOPTED this 11th day of September, 2013, by the Board of Directors of the Sutter Butte Flood Control Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

______________________________
Chair

ATTEST: _______________________
CLERK OF THE BOARD

______________________________

APPROVED AS TO FORM: GENERAL COUNSEL
SCOTT SHAPIRO

______________________________
This Amendment is adopted to change the Eligibility provisions to the Plan. This Amendment shall be effective beginning on and after **August 19, 2013**.

This Amendment shall supersede the provisions of the Plan to the extent those provisions are inconsistent with the provisions of this Amendment. Where appropriate, the term "Plan" shall mean the plan, trust, and adoption agreement.

**ELIGIBILITY**

Section 3.01 **PROFIT SHARING CONTRIBUTIONS**

Each Eligible Employee on or after the Effective Date shall become a Participant eligible to receive Profit Sharing Contributions on the first day of the first month and seventh month of the Plan Year coincident with or next following the date he attains age 21 and he completes two (2) Years of Eligibility Service; provided, that he is an Eligible Employee on that date.

Service with Kennedy Modeste Communications will be recognized for all Eligibility purposes under this Plan.

_____________________________
Director

**August 15, 2013**
Date
Sutter Butte Flood Control Agency
Sutter Butte Flood Control Agency Profit Sharing Plan
SUMMARY OF MATERIAL MODIFICATIONS

To: Participants of Sutter Butte Flood Control Agency Profit Sharing Plan
From: Sutter Butte Flood Control Agency
Date: August 15, 2013

This is a summary of recent changes to your Plan.

Please file this "Summary of Material Modifications" with your Summary Plan Description (the booklet that explains your Plan). If you would like to see the full text of the changes, you may inspect the Plan Document or receive a copy of the changes as explained in the "ERISA Rights" section of your Summary Plan Description.

Your plan has been amended effective August 19, 2013 as follows:

ELIGIBILITY

Computing Service

Service with Kennedy Modeste Communications for all eligibility purposes will be treated as service with the Employer for eligibility purposes.

Sarah Modeste
Sutter Butte Flood Control Agency
1227 Bridge Street, Suite C
Yuba City CA 95991
September 11, 2013

TO: Board of Directors

FROM: Mike Inamine - Executive Director  
       Michael Bessette - Director of Engineering

SUBJECT: Approval of Amendment 3 to the RiverSmith Engineering Inc. contract

Recommendation
Staff recommends that the Board of Directors approve the attached Amendment 3 to the RiverSmith Engineering, Inc. contract for work associated with the Independent Panel of Experts.

Background
Consistent with the Board’s approval of the 5-Year Budget, it is necessary to approve certain consultant contract amendments to increase the respective not-to-exceed amounts to cover budgeted expenditures as well as modify the duration term of the contracts. The RiverSmith Engineering, Inc. contract was last amended on March 14, 2012. The last amendment provisioned for service through June 2013. Now that Fiscal Year 2012/13 has come to a close, RiverSmith Engineering, Inc. has expended nearly the entire not-to-exceed budget authorized.

Discussion
In order to provision for services to continue to be provided by RiverSmith Engineering, Inc. the contract must be modified to increase its not-to-exceed limits for work. Staff proposes to increase the not-to-exceed limit by $100,000 to $290,000 for services budgeted through June 30, 2014.

Fiscal Impact
The approval of the above contract amendments and task orders will obligate the Agency to pay for the associated services delivered up to the amended contract budget limitation. The limitation for each of the contracts and task orders is within the appropriated expenditure limits of the approved Final 5-Year Budget. Furthermore, the capital contracts described above are within the current estimates for the FRWLP1 planned costs.

Thank you.
THIRD AMENDMENT
TO AGREEMENT BETWEEN
SUTTER BUTTE FLOOD CONTROL AGENCY
AND
RIVERSMITH ENGINEERING, INC.

This Third Amendment to the Agreement between Sutter Butte Flood Control Agency and RiverSmith Engineering, Inc. ("Amendment") is made and entered into this 11th day of September 2013, by and between Sutter Butte Flood Control Agency ("Agency") and RiverSmith Engineering, Inc. ("Contractor").

RECITALS:

WHEREAS, Agency and Contractor entered into an agreement to provide engineering services dated January 10, 2011 ("Agreement");

WHEREAS, Agency and Contractor have entered in to the First and Second Amendments to the Agreement dated June 8, 2011 and March 14, 2013 respectively;

WHEREAS, Article 21 of the Agreement states that modifications or amendments to the terms of the Agreement shall be in writing and executed by both parties;

WHEREAS, Agency and Contractor desire to amend the Agreement;

NOW, THEREFORE, Agency and Contractor agree as follows:

Section 3.A of the Agreement shall be modified to read in its entirety as follows: “The compensation to be paid by SBFCA to Contractor for services shall be in accordance with the Contractors Rate Schedule, but not to exceed two hundred and ninety thousand dollars ($290,000). Contractor shall be reimbursed for out-of-pocket expenses incurred for travel, postage and delivery, and long-distance telephone charges. Contractor shall provide SBFCA with an itemized statement of expense by category of expense a part of each monthly billing statement.”

All other terms and conditions contained in the Agreement shall remain in full force and effect.

This Amendment is hereby executed on the 11th day of September, 2013.

Agency

By: _____________________________

Sutter Butte Flood Control Agency

Contractor

By: _____________________________

Thomas W. Smith, PE, GE

APPROVED AS TO FORM:
SCOTT SHAPIRO

SUTTER BUTTE FLOOD CONTROL
AGENCY COUNSEL
September 11, 2013

TO: Board of Directors

FROM: Mike Inamine, Executive Director
Seth Wurzel, Budget Manager


Recommendation
We recommend the Board receive and file the July 2013 Financial Report and receive staff’s monthly financial report update.

Background
Staff will provide a brief presentation of the current financial position of the Agency and financial activities at the Board meeting and will be prepared to answer any questions.

The monthly financial report includes the following information:

- **Current Working Capital Position:** Provides an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial report prepared in coordination with Yuba City finance staff. The financial report reflects the financial information as of July 2013. The information presented is compared to the approved Final 5-Year Budget. Due to the timing of Board packet preparation, the final Yuba City financial report was not available prior to distribution of the packet. Copies of this report will be provided at the meeting.

- **Cash Flow Projection Update:** Provides an estimate of the cash needs of both the Agency and the project over time. This estimate forms the basis for Agency financial planning. The cash flow representing the unaudited actual expenses for FY 12/13 and a projection for FY 13/14 will be provided at the Board meeting.

**Fiscal Impact**
This is an informational item only with no fiscal impact to the Agency.
September 11, 2013

TO: Board of Directors

FROM: Mike Inamine, Executive Director
Scott Shapiro, General Counsel

SUBJECT: Investigation of a basin-wide development impact fee and related actions

---

**Recommended Action**
Approve the attached MOU with the City of Yuba City that (i) commits SBFCA to investigate a basin-wide development impact fee program; (2) seeks funding from Yuba City from its existing development impact fee for flood damage reduction programs; and (3) initiates an agricultural conservation purchase program; all of which combined will support a 200-year level of protection for the urban areas of the basin and a 100-year level of protection for the rural portions of the basin.

**Background**
The Sutter Butte Flood Control Agency (SBFCA) is advancing the Feather River West Levee Project (FRWLP), a public safety project that directly impacts the lives and livelihoods of approximately 88,000 people in an economically disadvantaged community that has suffered numerous failures of the Feather River west levee, including the deadly and devastating 1955 flood. Local funding for the FRWLP is generated by an assessment created in 2010 and imposed by SBFCA on all benefited properties in the Sutter Basin.

While the FRWLP will provide high levels of flood protection for many of the communities in the Sutter Butte Basin, the FRWLP does not, by itself, achieve the SBFCA goal of 200-year flood protection for the southwest corner of Yuba City and 100-year flood protection for the rural areas. In addition, changing hydrology, climate change, and system changes, can result in decreased levels of flood protection over time. In addition, while 200-year levels of protection will be provided by the FRWLP to large portions of the basin, the basin will always benefit from risk reduction measures for additional areas and further risk reduction for areas protected by FRWLP (including even higher levels of protection). Evolving policies of the State of California and the USACE recommend these measures, to the extent that they will likely be required for future funding. Therefore, SBFCA staff believes that SBFCA should create a program to implement flood risk reduction projects beyond the FRWLP.

**Discussion**
The existing residents of the basin have already made a strong financial commitment to flood protection for the basin. Flood risk is defined as the probability of flooding times the consequences of flooding. Additional development will have the result of increasing the potential consequences of flooding, and therefore will increase the future flood risk of the basin. Therefore it is perhaps appropriate that future development pay a development impact fee to implement projects and programs that offset that increased risk. However, SBFCA
does not have any authority to impose such a fee. In contrast to other regional entities such as the Sacramento Area Flood Control Agency, SBFCA may only suggest a fee but must look to the six land use agencies in the basin to consider, approve, and implement such a fee. For this reason, SBFCA proposes to begin a conversation among the land use entities as to the appropriateness for a fee and whether the necessary support exists for such a fee.

In 2007 the City of Yuba City prepared a comprehensive update to its AB 1600 capital facilities development impact fee program that collects money from new development within the City limits. In 2010, Sutter County updated its fee program to incorporate the City’s fees within the City’s Sphere of Influence. The City’s fee program includes a charge for flood control improvements. The funds from this component of the fee are to be used to implement levee improvements to mitigate the additional risk from flooding as a result of this new development. This is an example of the type of fee program which SBFCA staff believes should be discussed basin-wide. In addition, the existing Yuba City fee program funds could be used by the City to fund some of the further flood risk reduction programs which SBFCA plans to investigate.

Flood risk reduction programs come in many forms. Clearly, the FRWLP is a prime example of a way in which the risk to the community can be lessened. However, other measures are used by communities to supplement levee improvements, such as; levee armoring, flood insurance policies, emergency response plans, flood water storage, coordinated and more efficient operation and maintenance, land use planning, and agricultural conservation easements. Each of these measures are endorsed by the State of California and the U.S. Army Corps of Engineers as effective tools to be implemented and in combination these measures can help achieve the goal of 200-year protection for the urban portions of the basin and 100-year protection for the rural portions of the basin.

One of the measures listed above, agricultural conservation easements, has many benefits for this community and could be used by SBFCA almost immediately to reduce risk. First, the voluntary purchase of such easements can reduce the internal drainage load which must be handled by the urban areas. This benefit provides a direct nexus from the impacts caused by new development. Second, under cost sharing formulas authored by DWR, the purchase of agricultural conservation easements by SBFCA may increase the State’s cost share for flood control projects, thus allowing local dollars to leverage more State funds to build more projects mitigating the additional risk created with new development. This benefit also provides a direct nexus from the impacts caused by new development. Each of these meets the AB 1600 test to mitigate the additional risk from further development. In addition, the easements provide financial incentives to local farmers to continue farming, a benefit to the agricultural economy which drives this basin. This alone would not satisfy the AB 1600 nexus requirement but is worth considering. For all of these reasons, SBFCA staff believes that an agricultural easement program is a good first project for SBFCA to consider. In addition, the timing of such approval could help with further U.S. Corps of Engineers approvals and may result in a higher cost share from the State for future structural projects.

**Fiscal Impact**

SBFCA would only move forward with the purchase of agricultural easements if funding is made available from the City of Yuba City’s Development Impact Fee Program. Should the attached MOU be approved by the City, as part of program implementation, SBFCA staff would present an annual plan which would include a proposed budget amendment for the Board’s approval. There is no net budgetary impact to the current approved 5-Year Budget.
Draft Memorandum of Understanding
Regarding
Sutter Butte Flood Control Agency’s
Flood Risk Reduction Program

This Memorandum of Understanding (MOU) is by and among the Sutter Butte Flood Control Agency (SBFCA) and the City of Yuba City (City).

1. **Recitals.** This MOU is executed in light of the following facts:

1.1. SBFCA is advancing the Feather River West Levee Project (FRWLP), a public safety project that directly impacts the lives and livelihoods of approximately 88,000 people in an economically disadvantaged community that has suffered numerous failures of the Feather River west levee, including the deadly and devastating 1955 flood.

1.2. Local funding for the FRWLP comes from an assessment created in 2010 and imposed by SBFCA on all benefited properties in the Sutter Butte Basin.

1.3. In 2007, City prepared a comprehensive update to its AB 1600 capital facilities development impact fee program that collects fees from new development within, or to be annexed within, the City limits. A component of this fee program includes a charge for levee improvements. The funds from this component of the fee program are to be used to protect new development.

1.4. SBFCA is creating a program to implement flood risk reduction projects beyond the FRWLP. Such a program is important for many reasons, including: (1) the communities of the basin are entitled to seek the highest levels of flood protection practicable, (2) it is important that new development not result in additional flood risk for the basin, and (3) some lower portions of the basin, including the southwest corner of Yuba City, will not have 200-year protection for new development. For these reasons, SBFCA is seeking to implement such a program and seek funding for this program.

1.5. SBFCA plans to develop a comprehensive program of continuing flood risk reduction, consistent with its longtime commitment to the community of providing 200-year protection to the urban portions of the basin and 100-year protection to the rural portion of the basin, and using the FRWLP as the foundational base upon which to provide long lasting flood protection to the community. This comprehensive program may include such elements as: (1) other levee improvements, in particular along the Feather River and Sutter Bypass or internal to the basin to provide protection to particular areas; (2) the promotion of flood insurance policies; (3) the purchasing of agricultural conservation easements; (4) the development of emergency response plans; (5) flood water storage; (6) the consolidation of operation and maintenance responsibilities to assure the lowest cost for the beneficiaries; (7) land use planning, and (8) further
improvements to the levees already receiving improvements as a result of the FRWLP.

1.6. SBFCA believes that there are benefits to starting with agricultural conversation easements as a first element of this comprehensive program. Agricultural easements as a form of further flood risk reduction have many benefits for the City community, the largest population base in the basin, two of which meet the AB 1600 test to mitigate the additional damages from further development beyond the existing expected annual damages. First, the voluntary purchase of such easements can reduce the internal drainage stormwater load which must be handled by the urban areas. This benefit provides a direct nexus from the impacts caused by new development. Second, under cost sharing formulas authored by DWR, the purchase of agricultural conservation easements by SBFCA may increase the State’s cost share, thus allowing existing local dollars to leverage more State funds to build more projects mitigating the additional damages from the new development beyond the existing expected annual damages. This benefit also provides a direct nexus from the impacts caused by new development.

1.7. Two other benefits for the community exist which are worth considering, even if they alone would not satisfy the AB 1600 nexus requirement: first, the easements provide financial incentives to local farmers to continue farming, a benefit to the agricultural economy which drives this basin.

1.8. As noted below, in addition to starting with agricultural easements, SBFCA believes that the development of a basin-wide comprehensive program will allow SBFCA to best achieve the goal of continued, long lasting 200-year protection for the urban areas and 100-year protection for the rural areas. This MOU therefore also outlines a process to begin the basin-wide conversation on this issue.

2. Commitments of Sutter Butte Flood Control Agency. By this MOU, SBFCA commits to the following.

2.1. Potential development of a basin-wide development impact fee. SBFCA agrees to take the lead in investigating the feasibility of a basin-wide development impact fee. In doing so, SBFCA commits to meet with each of the six land use entities, and other interested parties within the basin to discuss the potential for a fee and gather information from those entities and interested parties on their concerns, if any, regarding the potential fee. Because SBFCA does not have the authority to impose and collect such a fee, if SBFCA and land use entities desires, after gathering of the information, to pursue the fee, SBFCA will then request formal support from each of the entities. If necessary support exists, SBFCA will propose an action plan for the development, consideration and eventual adoption by each of the entities that can allow for a comprehensive flood risk reduction development mitigation fee for the basin. A basic outline of this effort is provided in Attachment 1.
2.2. **Creation of further flood risk reduction projects.** SBFCA intends to develop additional flood risk reduction projects to ensure that the basin reaches and maintains the goal of 200-year protection for the urban areas and 100-year protection for the rural areas and to offset the flood risk impacts of new development within its boundaries.

2.2.1. As a first project, SBFCA will create a program which will allow for the voluntary purchase of agricultural conservation easements within the Sutter Basin. This program will allow for these lands to continue to process interior drainage. A description of the program is provided in Attachment #2.

2.3. **Coordination on funding of projects.** SBFCA agrees to provide frequent updates to the City on the development and implementation of such programs and projects and to seek funding from the City for such projects. SBFCA also agrees to seek suggestions from the City for future programs and projects.

3. **Commitments of the City.** By this MOU, the City commits to do the following:

3.1. **Financial Support for SBFCA Projects.** Annually, in preparing the City budget, the City agrees to consider allocating funds from the City’s existing development impact fee to flood risk reduction projects developed by SBFCA and making those funds available to SBFCA for the projects.

3.2. **Agreement to Collaborate.** The City agrees to work in good faith with SBFCA to develop potential flood risk reduction projects with SBFCA.

4. **Miscellaneous Provisions.**

4.1. **Amendment.** This MOU may be amended only by further written instrument executed by all Parties.

4.2. **Dispute Resolution.** The Parties agree to use good faith efforts to resolve any disputes that may arise in the implementation of this MOU. If any party to this MOU believes that another party is not satisfying its obligations under the MOU, then the complaining party may provide written notice of the concern along with a request that the other party cure the concern within a reasonable and stated period of time. If, upon expiration of the period set for cure, the complaining party does not believe that the concern has been cured, then the complaining party may provide written notice that it is withdrawing from the MOU, and the complaining party thereafter have no further obligations to comply with the provisions of this MOU.

4.3. **Counterparts.** This MOU may be executed in counterparts.

4.4. **Term.** Unless terminated earlier or extended longer pursuant to Section 4.1, this MOU shall terminate upon any amendments to the City’s development fee impact program or replacement of that program by a basin-wide development fee.
4.5. **Effective Date.** This MOU shall be effective upon the last date signed by the two Parties.

This MOU is executed by the Parties as follows:

Dated: __________

________________________________
Michael Inamine
SBFCA

Approved as to form:

____________________
Scott Shapiro, SBFCA General Counsel

Dated: __________

________________________________
Steve Jepsen
City of Yuba City

Approved as to form:

____________________
City Attorney
Attachment #1
Overview of Process for Investigation of Basin-wide Development Impact Fee

SBFCA intends to investigate the feasibility of a basin-wide development impact fee. SBFCA anticipates the following steps and timelines:

**Step #1:** SBFCA will perform outreach and collect information, including:
- Meeting with each of the six land use entities within the basin to discuss the potential for a fee and gather information from those entities on their concerns, if any, regarding the potential fee.
- Meeting with other stakeholders, including the realtors, chambers of commerce, taxpayers groups, and other NGOs.

**Step #2:** If SBFCA desires, after gathering of the information, to pursue the fee, SBFCA will then request formal support from:
- Each of the land use entities.
- Any NGOs that have provided information in the process.

**Step #3:** If support exists, SBFCA will propose a specific plan for consideration and eventual adoption by each of the entities that can allow for a comprehensive flood damage development mitigation fee for the basin. This step includes the development of an actual flood risk reduction fee program, including anticipated projects, costs, and timeline.

**Step #4:** SBFCA will then work with the six entities to obtain adoption and implementation.

**Step #5:** Once the revenue stream is identified, SBFCA will work to expand its flood risk reduction program to achieve the required purposes consistent with the fee program.
Attachment #2

Agricultural Easement Program Description

Overview
The Sutter Butte Flood Control Agency (SBFCA) is advancing the Feather River West Levee Project (FRWLP), a public safety project that directly impacts the lives and livelihoods of approximately 88,000 people in an economically disadvantaged community that has suffered numerous failures of the Feather River west levee, including the deadly and devastating 1955 flood. Local funding for the FRWLP is generated by an assessment created in 2010 and imposed by SBFCA on all benefited properties in the Sutter Butte Basin. That local funding is then leveraged against State funding based on a cost sharing formula that considers multiple factors. While the FRWLP will provide high levels of flood protection for the communities in the Sutter Butte Basin, changing hydrology, climate change, and system changes, can result in decreased levels of flood protection over time. In addition, while SBFCA is proud of the 200-year levels of protection to be provided by the FRWLP, not all portions of the basin will receive that protection, and the community will always benefit from even higher levels of protection. Finally, additional projects to achieve further flood risk reduction are simply wise flood risk management.

In 2007, Yuba City prepared a comprehensive update to its AB 1600 capital facilities development impact fee program that collects fees from the owners of properties to be developed within the City limits. In 2010, Sutter County updated its fee program incorporate the City’s fees within the City’s Sphere of Influence. The City’s fee program includes a charge for flood control improvements. The funds from this component of the fee are to be used to implement levee improvements to mitigate the additional flooding risks as a result of the development. Because the further flood risk reduction projects implemented by SBFCA will mitigate this impact, the City is considering making funds available from the program to be used by SBFCA.

Agricultural easements as a form of further flood risk reduction have many benefits for this community, two of which meet the AB 1600 test to mitigate the additional damages from further development beyond the existing expected annual damages. First, the voluntary purchase of such easements can reduce the internal drainage stormwater load which must be handled by the urban areas. This benefit provides a direct nexus from the impacts caused by new development. Second, under cost sharing formulas authored by DWR, the purchase of agricultural easements by SBFCA may increase the State’s cost share, thus allowing local dollars to leverage more State funds to build more projects mitigating the additional damages from the new development beyond the existing expected annual damages. This benefit also provides a direct nexus from the impacts caused by new development.

Two other benefits for the community exist which are worth considering, even if they alone would not satisfy the AB 1600 nexus requirement: first, the easements provide financial incentives to local farmers to continue farming, a benefit to the agricultural economy which drives this basin; second, such easements reduce future development and thus prevent further future damages.
This program is merely one of a number of programs being pursued by SBFCA to ensure that the urban portions of the basin receive 200-year protection and that the rural portions of the basin receive 100-year protection. This program, in conjunction with other SBFCA efforts, demonstrates SBFCA’s commitment to increased protection and wise floodplain management for the basin and the residents of the basin.

**Process**

Upon receiving an allocation of funding from the City to be used for agricultural easements, SBFCA will determine the approximate number of acres of agricultural easements which can be acquired using the allocated funding. SBFCA will then prepare a list of conditions for the purchase of such easements, including specific language as to the appropriate future uses for the property by the seller of the easement.

SBFCA will publish a request for proposals, including the estimated number of acres to be acquired, the price to be paid, and all relevant conditions. Upon receipt of proposals, SBFCA will evaluate the proposals and rank them in priority order based upon the most benefits to be achieved by SBFCA and its member agencies. SBFCA will then fund property-specific appraisals to validate the estimated cost of the easement. After the appraisal, SBFCA will negotiate with the easement seller the proposed terms of the sale, consistent with the published conditions and the proposal. Once the negotiation is completed, the SBFCA Board will evaluate the purchase and decide whether to consummate the deal.
TO: Board of Directors

FROM: Mike Inamine, Executive Director
Michael Bessette, Director of Engineering

SUBJECT: Approval of Amendment 1 to Task Order 10 with HDR Engineering, Inc. for Professional Engineering Services for the Feather River West Levee Project

RECOMMENDATION
Agency staff recommends that the Board of Directors approve Amendment 1 to Task Order 10 with HDR Engineering, Inc. for professional engineering services associated with the Feather River West Levee Project (FRWLP).

BACKGROUND
The Sutter Butte Flood Control Agency (SBFCA) entered into a Master Services Contract with HDR Engineering, Inc. (HDR) on July 14, 2010 to provide professional engineering services for the Feather River West Levee Project.

The Master Services Agreement has twice been amended, in March 2012 and May 2013, to increase the overall master services contract limit to $25,000,000. Services under the master contract were issued on a task order basis with a negotiated scope and fee. To date, eleven (11) task orders have been issued:

- **Task Order 1** - Perform geotechnical and civil analyses, generate a Pre-Design Formulation Report (PFR) for the west bank of the FRWLP, as well as 30% designs
- **Task Order 2** - Complete additional geotechnical explorations for design
- **Task Order 3** - Prepare survey base mapping to support SBFCA’s Right of Way team
- **Task Order 4** - Prepare 65 percent construction documents for the FRWL Project between Station 461+00 and 2368+00
- **Task Order 5** - Prepare 65 percent construction documents for the FRWL Project between Station 202+00 and 461+00
- **Task Order 6** - Perform additional borrow assessments, right of way support and design activities
- **Task Order 7** - Prepare Phase 1 Environmental Site Assessments for the non-urban portion of Project Area C
- **Task Order 8** - Prepare groundwater assessments in support of the project EIR/EIS
- **Task Order 9** - Complete additional Phase 1 Environmental Site Assessments and Surveys as part of on-going Right of Way support
- **Task Order 10** - Prepare final design for 2013 and 2014 construction packages
- **Task Order 11** - Provide Engineering Design Services during Construction for the Project Area C contract
The total authorized amount for HDR’s 11 task orders is $23,244,160. HDR has closed out 7 of the 11 previously approved task orders as the designated work has been completed. These 7 task orders were completed under budget by an amount of $78,871. Staff proposes to apply this cost savings to Task Order 10 Amendment 1.

The work outlined in Task Order 10 Amendment 1 is divided into tasks in accordance with the work breakdown structure of the Master Services Contract. Specific activities include: project management and coordination, design engineering for 2014 construction packages (Project Areas B and D), right of way support for 2013 construction (Project Area C), right of way support for 2014 construction (Project Areas B and D), and final borrow assessment for 2014 construction (Project Area D).

Task Order 10 included contingency that required the Executive Director’s authorization before additional scope and budget could be utilized. Authorization to use contingency are submitted and approved as addenda to the Task Order 10 scope and budget. To date, five addenda have been authorized as follows:

<table>
<thead>
<tr>
<th>Task Order 10 Authorizations</th>
<th></th>
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<tbody>
<tr>
<td>Original Authorized Scope Budget</td>
<td>$7,032,529.00</td>
</tr>
<tr>
<td>Addendum 1</td>
<td>$245,608.00</td>
</tr>
<tr>
<td>Addendum 2</td>
<td>$139,612.00</td>
</tr>
<tr>
<td>Addendum 3</td>
<td>$242,190.00</td>
</tr>
<tr>
<td>Addendum 4</td>
<td>$126,032.00</td>
</tr>
<tr>
<td>Addendum 5</td>
<td>$116,695.00</td>
</tr>
<tr>
<td><strong>Total Authorized Budget to Date</strong></td>
<td><strong>$7,902,666.00</strong></td>
</tr>
<tr>
<td>Proposed Amendment 1</td>
<td>$1,115,181.00</td>
</tr>
<tr>
<td><strong>Total Proposed Budget TO 10</strong></td>
<td><strong>$9,017,847.00</strong></td>
</tr>
</tbody>
</table>

HDR’s additional Task Order 10 work activities proposed herein would be Addendum 6 and Addendum 7 (see attachments A and B). The budget for the two new addenda, in combination with the original scope and already approved addenda will exceed the original authorization of $7,966,093 for Task Order 10 by $1,051,754. SBFCA staff will track and manage these proposed services following this structure.

During the real estate negotiations, additional utilities have been identified that require design support services not previously anticipated. These utilities need to be addressed during the FRWLP construction in order to comply with current standards. The additional work associated with the real estate acquisition process is one of the primary reasons for the proposed Task Order 10 Amendment 1.

Additionally, many out-of-scope items of work necessary for a successful real estate acquisition process have been identified. These items include: obtaining land in fee vs. easement, preparing base map revisions per updated Preliminary Title Reports, revising acquisition plats and legals based on final design modifications (some due to landowner requests), performing utility easement revisions due to PG&E layout requirements, adding adjoiner property calls to legal descriptions per DWR direction, and numerous other tasks outlined in the attachments. Work will be performed on a time and materials basis.
**Fiscal Impact**
The cost breakdown of the proposed Task Order 10 Amendment 1 is as follows:

<table>
<thead>
<tr>
<th>Description</th>
<th>Cost</th>
</tr>
</thead>
<tbody>
<tr>
<td>Task Order 10, Addendum 6 (Additional Right of Way Support and Design)</td>
<td>$1,058,697</td>
</tr>
<tr>
<td>Task Order 10, Addendum 7 (Final Borrow Assessment, Project Area D)</td>
<td>$135,355</td>
</tr>
<tr>
<td>Proposed Task Order 10 Amendment 1</td>
<td>$1,194,052</td>
</tr>
<tr>
<td>Applied Cost Savings</td>
<td>&lt;$78,871&gt;</td>
</tr>
<tr>
<td>Additional Authorization Required</td>
<td>$1,115,181</td>
</tr>
</tbody>
</table>

The approval of Task Order 10 Amendment 1 would obligate the Agency to pay for the associated services on a time and materials basis up to the negotiated task order amendment budget limitation. This effort exceeds the current budgeted expenditures included within the 5-Year Capital Budget for the existing Task Order 10.

However, SBFCA’s budgeted expenditures are expected to be substantially reduced in the future. The design team has recently reduced the FRWLP estimated total cost by as much as $15 million. This cost reduction effort has been achieved in the following areas: gaps design, Project Area B and D design, environmental mitigation, and real estate acquisition costs.

The reduced project costs are expected sufficiently offset the additional expenses associated with the proposed HDR Task Order 10 Amendment 1. When taking into consideration the forecasted savings from construction coupled with this amendment, it is expected that there would be a net budgetary savings to the approved 5-Year Capital Budget.

**Attachments**
Attachment A – HDR Scope and Fee Estimate for Task Order 10, Addendum No. 6
Attachment B – HDR Scope and Fee Estimate for Task Order 10, Addendum No. 7
SCOPE AND FEE ESTIMATE FOR ENGINEERING DESIGN SERVICES

TASK ORDER 10

Addendum No. 6

Feather River West Levee Project 1

Sutter Butte Flood Control Agency
Yuba City, California

July 23, 2013

HDR
2365 Iron Point Road, Suite 300
Folsom, CA 95630
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Introduction

The Feather River West Levee (FRWL) project encompasses roughly 44 miles of levee from the Sutter Bypass to Thermalito Afterbay through Sutter and Butte Counties. The HDR team has been issued Task Orders by the Sutter Butte Flood Control Agency (SBFCA) for execution of the project work as follows:

◆ Task Order 1: Perform geotechnical and civil analyses, generate a Pre-Design Formulation Report (PFR) for the west bank of the FRWL as well as 30% designs (July 14, 2010).
◆ Task Order 2: Complete additional geotechnical explorations for design.
◆ Task Order 3: Prepare survey base mapping to support SBFCAs Right of Way team.
◆ Task Order 4: Prepare 65 percent construction documents for the FRWL Project between Station 461+00 and 2368+00.
◆ Task Order 5: Prepare 65 percent construction documents for the FRWL Project between Station 202+00 and 461+00.
◆ Task Order 6: Perform additional borrow assessments, right of way support and design activities.
◆ Task Order 7: Prepare Phase 1 Environmental Site Assessments for the non-urban portion of Project Area C.
◆ Task Order 8: Prepare groundwater assessments in support of the project EIR/EIS.
◆ Task Order 9: Complete additional Phase 1 Environmental Site Assessments and Surveys as part of on-going Right of Way support.

▲ Addendum 1 was issued for additional explorations and analyses in Reach 13, providing Surface Mine and Reclamation Act (SMARA) permitting activities, and construction representation and support.
▲ Addendum 2 was issued for the completion of additional geotechnical investigations and analyses in Reaches 22, 23, 24, 31, and 34.
▲ Addendum 3 was issued for additional borrow investigation and assessment for Project Areas B, C and D.
▲ Addendum 4 was issued for ground water well inventory, testing and reporting related tasks.
▲ Addendum 5 was issued for secondary geotechnical investigations for borrow for Projects Areas B and D.

The following scope of work has been prepared by the HDR team to perform additional services necessary by the design team for right of way coordination and to support.
Scope of Work

The work outlined in this scope has been divided into tasks in accordance with the work breakdown structure (WBS) consistent with our previously approved contract. The additional work outlined in this scope includes activities that fall within the following tasks:

- Project Management and Coordination
- Design Engineering – 2014 Construction Packages
- Right of Way Support – 2013 Construction
- Right of Way Support – 2014 Construction

1.0 Project Management

1.1 Project Management

HDR’s project manager will manage the design contract scope, schedule and budget for all HDR Team project activities outlined for this Task Order. Project management will also occur at the activity level for each team member as shown on the attached breakdown of hours. In addition, the project manager will coordinate with the Client, the subconsultant teams, agencies and stakeholders throughout the duration of the task. The project manager will oversee HDR’s efforts for all segments of work noted in this Task Order.

Deliverables:
- None

Assumptions:
- This subtask includes project management activities from August 2013 to June 2014.

2.0 Design Engineering - 2014 Construction Packages

MHM will ultimately prepare finished construction drawings, specifications, and estimates of probable construction costs suitable for bidding and construction for the additional work. Under Task Order 10, the HDR Team will advance the design to a construction bid-ready package for Project Areas B, D1, D3 and cutoff wall windows (see Table 1). The 90%, 100% and final PS&E will be reviewed by SBFCA, the IPE and other agencies (including USACE, the CVFPB and DWR). The preparation of PS&E will include plans, details, cross sections, general and technical specifications, quantity calculations, and final estimates of probable construction costs.

2.1 90 % PS&E

Design will proceed to the 90% level, during which comments received on the 65% design will be incorporated. The 90% submittal will include a full set of drawings, specifications (general conditions through technical sections), a bid schedule, and an updated cost estimate. Final
detailed survey topography and survey control will be included. 90% PS&E will be submitted following internal QC.

2.1.1 90% Plans
MHM will complete 90% designs and associated drawings. Drawings will be prepared using AutoCAD Civil 3D software. These plans will include general layouts, updated topographic survey and mapping data, a levee profile, cross-sections, typical sections of repair methods, details and survey control.

**Deliverables:**
- 90% Plans. (Half-size drawings only). (2 copies, 10 CD’s)

**Comments/Assumptions:**
- 4 separate volumes of plans will be prepared for the 90% submittal, covering Project Areas B, D1, D3 and cutoff wall windows.

2.1.2 Utility Designs for 90% Design
The HDR team will advance the design of these additional pipe crossings that the scope of work has changed or pipe crossing not previously included on the 65% design submittal as outlined below. The HDR Team will complete 90% designs and associated drawings for these pipe encroachments and pump station. MHM will work with SBFCA on potential consolidation of interior drainage facilities, and/or the need to downsize or upsize based on SBFCA’s interior drainage analysis. The HDR Team will consider typical details when utility crossings are similar but since many of the locations are unique most sites will include a site specific plan and profile.

**Deliverables:**
- 90% Plans. (Half-size drawings only). (Drawing files, pdf files, and 1 CD)

**Comments/Assumptions:**
- SBFCA will provide interior drainage capacity information.
- Utility relocations will be shown for pump stations, canals, and pipelines at the 90% design stage. A list of utility relocations anticipated to be included in the 90% design are listed below:
  - RD 777 Lateral No. 7 Storm Drain Crossing – 36 Inch (1536+12) – Design changed to removal and disposal of the pipe crossing. The new design required installation of manhole, removal of pipe, survey of existing storm drainage system, and other miscellaneous work.
  - New Relief Well Pump Station (location to be determined)
  - New Relief Well Pump Station Pipe Crossing (location to be determined)
  - Sierra Gold Nursery SD Pipe Crossing – 5 Inch (536+64)
Feather Water District North IR PS – 4-26 Inch (647+68) – Extra work requested by Feather Water District to extend pipes into the reservoir. The work will also require replacement of outfall structure.

Yuba City Wastewater Treatment Plant – 24 Inch (832+20)

City of Yuba City Wastewater Treatment Plant – 24 Inch (832+25)

Levee District No.1 Relief Well PS – 6 Inch (881+40) – Design changed to removal and disposal of the pipe crossing, and pump station. The design required new system to contact into the City detention pond. This includes concrete lined ditch, chain link fencing, removal of underground collector pipe, modification to the relief wells, manholes, surveying, storm drainage manholes, and other miscellaneous work.

Levee District No.1 Relief Well PS – 14 Inch (881+43) – Design changed to removal and disposal of the pipe crossing, and pump station. The design required new system to contact into the City detention pond. This includes concrete lined ditch, chain link fencing, removal of underground collector pipe, modification to the relief wells, manholes, surveying, storm drainage manholes, and other miscellaneous work.

Mackensen IR Pipe Crossing – 3 Inch (988+05) – Pipe was removed from Project Area C. Needs to be included in the Gap Contract

Village Green Trailer Park SD Pipe Crossing – 10 Inch (1127+48) – Pipe was originally within the Project C work but was removed because located within the gap area. The scope of work will change based on the gap closure but for this cost proposal will assume changes to a rapid closure device installation only.

RD 777 Lateral No. 7 Storm Drain Crossing – 36 Inch (1536+12) – Design changed to removal and disposal of the pipe crossing. The new design required installation of manhole, removal of pipe, survey of existing storm drainage system, and other miscellaneous work.

Waller Irrigation Pipe Crossing – 8 Inch (1799+44) – Previously considered no work item. Need to add rapid closure device

Unknown Owner IR Pipe Crossing – 8 Inch (1891+95)

Kramer IR Pipe Crossing – 12 Inch (2025+83)

Kramer IR Pipe Crossing – 12 Inch (2032+94)

Moffit Irrigation Pipe Crossing – Unknown Size (2109+57)

Banes Ranch IR Pipe Crossing – 10 Inch (2201+87) – Pipe crossing now includes a pressurized 10 inch pipe above the design water surface. 65% design was remove and disposal.

Williams Irrigation Pipe Crossing – 24 Inch (2256+71) – Pipe crossing now includes a pressurized 10 inch above the design water surface. 65% design was a gravity line.
Storm Drainage Pipe Crossing – 24 Inch (2260+55) – Extra work to install culvert under the access ramp and direct drainage water to 2262+69 via a drainage swale.

Hazelbush Pump IR Pipe Crossing – 10 Inch (2345+79) – Recently found pipe. Not part of the 30% or 65% plans.

Sutter Butte Main Canal Headgates (2359+25) – Design changed from the 65% plans.

Storm Drain Pipe Crossing – 24 Inch (2365+66) – Recently found pipe. Not part of the 30% or 65% plans.

Typical Construction Details and Miscellaneous Items

2.1.3 90% Specifications

Technical specifications will include specifications for major design features. General specifications (front-end documents) and Special Provisions will also be prepared at the 90% level as required to additional these additional pipe crossings and pump station. Unless SBFCA has a preferred template for these documents, they will be developed by the HDR team based upon examples from other flood control agencies.

Deliverables:

- 90% General Conditions, Special Provisions and Technical Specifications. (2 copies, 10 CD’s)

2.1.4 90% Cost Estimate

MHM will prepare a detailed cost estimate for these additional pipe crossings and pump station. Quantity take-off calculations and cost estimates will be prepared in a Microsoft Excel spreadsheet for the 90% submittal. A draft bid schedule with updated quantities will be included. Cost estimates at the 90% level of design will include a contingency of 15 to 25%.

Deliverables:

- 90% Cost Estimate. (2 copies, 10 CD’s)

Comments/Assumptions:

- All required environmental mitigation and real estate acquisition costs will be provided by other SBFCA consultants.

2.1.5 90% Design Documentation Report

MHM will prepare written documentation of engineering design for these additional pipe crossings and the pump station. Documentation will consist of a binder containing a design decision log, analyses, design calculations, quantity take-offs and geometric calculations, utility information, quality control reviews and meeting notes.

Deliverables:

- 90% Design Documentation Report. (2 copies, 10 CD’s)
2.2 100 % PS&E

2.2.1 100% Plans
MHM will complete 100% designs and associated drawings. Drawings will be prepared using AutoCad Civil 3D software. These plans will include general layouts, updated topographic survey and mapping data, a levee profile, cross-sections, typical sections of repair methods, details and survey control.

Deliverables:
- 100% Plans. (Half-size drawings only). (2 copies, 10 CD’s)

Comments/Assumptions:
- 4 separate volumes of plans will be prepared for the 100% submittal, covering Project Areas B, D1, D3 and cutoff wall windows.

2.2.2 Utility Designs for 100% Design
The HDR team will advance the design of those previously included in the 90% design submittal as outlined below.

Deliverables:
- 100% Plans. (2 copies, 10 CD’s)

Comments/Assumptions:
- SBFCA will provide interior drainage capacity information.
- Utility relocations will be shown for pump stations, canals, and pipelines at the 100% design stage. A list of utility relocations anticipated to be included in the 100% design is included in Section 3.1.2.

2.2.3 100% Specifications
Technical specifications will include specifications for all design features. General specifications (front-end documents) and Special Provisions will also be prepared.

Deliverables:
- 100% General Conditions, Special Provisions and Technical Specifications. (2 copies, 10 CD’s)

2.2.4 100% Cost Estimate
MHM will prepare a detailed cost estimate. Quantity take-off calculations and cost estimates will be prepared in a Microsoft Excel spreadsheet for the 100% submittal. A draft bid schedule with updated quantities will be included. Cost estimates at the 100% level of design will include a contingency of 10 to 20%.

Deliverables:
- 100% Cost Estimate. (2 copies, 10 CD’s)
Comments/Assumptions:

- All required environmental mitigation and real estate acquisition costs will be provided by other SBFCA consultants.

2.2.5 100% Design Documentation Report

MHM will prepare written documentation of engineering design. Documentation will consist of a binder containing a design decision log, analyses, design calculations, quantity take-offs and geometric calculations, utility information, quality control reviews and meeting notes. The Engineer's report will focus on materials prepared following completion of 90% design.

Deliverables:
- 100% Design Documentation Report. (2 copies, 10 CD’s)

2.3 2Final PS&E

2.3.1 Final Plans

MHM will complete final designs and associated drawings. Final plans will generally incorporate any final received during the backcheck of the 100% plans.

Deliverables:
- 100% Plans. (Half-size drawings only). (2 copies, 10 CD’s)

Comments/Assumptions:

- 4 separate volumes of plans will be prepared for the 100% submittal, covering Project Areas B, D1, D3 and cutoff wall windows.

2.3.2 Utility Designs for Final Design

The HDR team will advance the design of those previously included in the 100% design submittal as outlined below.

Deliverables:
- Final Design Plans. (Drawing files, pdf files, and 1 CD)

Comments/Assumptions:

- SBFCA will provide interior drainage capacity information.
- Utility relocations will be shown for pump stations, canals, and pipelines at the final design stage. A list of utility relocations anticipated to be included in the final design is included in Section 3.1.2.

2.3.3 Final Specifications

Final specifications will be completed, which will generally incorporate any final received during the backcheck of the 100% plans.
Deliverables:
- Final General Conditions, Special Provisions and Technical Specifications. (2 copies, 10 CD’s)

### 2.3.4 Final Cost Estimate

MHM will prepare a final cost estimate. Quantity take-off calculations and cost estimates will be prepared in a Microsoft Excel spreadsheet for the final design submittal. A final bid schedule with final quantities will be included. Cost estimates at the Final Design level of design will include a contingency of 10 to 20%.

Deliverables:
- Final Design Cost Estimate. (2 copies, 10 CD’s)

Comments/Assumptions:
- All required environmental mitigation and real estate acquisition costs will be provided by other SBFCA consultants.
- Any opinions of probable project costs or probable construction cost provided by MHM are made on the basis of information available to MHM and on the basis of MHM’s experience and qualifications, and represents its judgment as an experienced and qualified engineer. However, since MHM has no control over the cost of labor, materials, equipment or services furnished by others, or over the contractor methods of determining prices, or over competitive bidding or marked conditions, MHM does not guarantee that proposals, bids or actual project or construction cost will not vary from opinions of probable costs MHM prepares.

### 2.3.5 Final Design Documentation Report

MHM will prepare written documentation of engineering design. Documentation will consist of a binder containing a design decision log, analyses, design calculations, quantity take-offs and geometric calculations, utility information, quality control reviews and meeting notes. The Engineer's report will focus on materials prepared following completion of 100% design.

Deliverables:
- Final Design Documentation Report. (2 copies, 10 CD’s)

### 2.4 Bidding Support

After the Final PS&E are submitted, MHM will assist SBFCA during the pre-construction phase of the project. MHM bidding and construction services for 2013 construction will consist of the following:

#### 2.4.1 Bidding Support (Addenda and Clarifications)

MHM will assist SBFCA with the bidding process for each phase of the project, including responding to provide addenda clarifying or technical questions related to the construction drawings from potential bidders.
Deliverables:
- One addendum to bid documents.

Comments/Assumptions:
- One addendum will be required.

2.4.2 Pre-Bid Meetings
MHM will attend a pre-bid meeting as requested by SBFCA. In addition, one meeting is assumed for coordination with SBFCA.

Deliverables:
- Meeting notes.

Comments/Assumptions:
- One pre-bid meeting and one coordination meeting are assumed.

3.0 Right of Way Support - 2013 Construction
Reference is made to Wood Rodgers’ letter of May 31, 2013, which fully describes the Scope of Work assigned to Wood Rodgers among the various task orders relating to Right-of-Way Support, Base Mapping, and Plat and Legal Descriptions, the out-of-scope work encountered during performance of the work, the overall status of Right-of-Way support activities, and supplemental funding necessary to complete the work. The following primary decisions and unforeseen circumstances, as outlined in the May 31, 2013 letter, form the basis for the additional work identified in this Scope of Work.

1. Obtaining land in fee versus easement
2. Preparing Real Estate Base Map revisions per updated Preliminary Title Reports (PTRs)
3. Revising acquisition based on final design modifications
4. Performing utility easement revisions per PG&E layout requirements
5. Revising Temporary Construction Easements (TCE) based upon final designs
6. Preparing legal descriptions for non-APN numbered parcels
7. Adding adjoining calls to legal descriptions per DWR requirements
8. Performing additional area breakdown calculations
9. Performing re-staking of show-me stakes
10. Preparing Special Exhibits to support ROW acquisition
11. Provide Legal Descriptions for Utility, Construction, and Access Easements
3.1 Base Mapping and Plat/Legal Descriptions

Under this task, Wood Rodgers will perform work related to the above out-of-scope items within Project C in support of 2013 Construction. It is noted that it has been necessary to complete this work as it occurred during the development of Project C Base Mapping and Plat and Legal Descriptions, and the supplemental funding will be used to complete overall ROW support tasks as authorized under previous Task Orders.

**Deliverables:**
- Updated Base Mapping, Real Estate Appraisal Exhibits and Plat and Legal Descriptions are to be prepared on up to 40 parcels for Project C, 2013 Construction.

**Comments/Assumptions:**
- The DWR Geodetic Branch has indicated that they will have additional comments and revisions to the Plat and Legal Descriptions at the time of property transfer between SBFCA and the DWR. Wood Rodgers original Scope of Work, and this supplemental Scope of Work, do not include the revisions and supplemental work that are likely to occur at that time.

3.2 Right of Way Coordination and Support

The HDR team will coordinate with the Right of Way (ROW) team and provide support on an as needed basis. The scope of this subtask is general and will include the following typical activities:

- Attend weekly ROW coordination meetings
- Respond to Requests for Information submitted by the ROW team
- Attend meetings in the field and with landowners as requested by the ROW team
- Research County and Health Department records to locate septic systems
- Prepare conceptual designs as requested by the ROW team
- Prepare exhibits as requested by the ROW team
- Prepare cost estimates to support the ROW team

**Comments/Assumptions:**
- This subtask includes ROW coordination and Support from August 2013 to December 2014.
- The scope defined above is based on ROW coordination efforts and requests to date and is not intended to be all inclusive. The HDR team will provide additional support to the ROW team on an as needed basis and as requested.

4.0 Right of Way Support - 2014 Construction

Under this task, Wood Rodgers will perform work related to the above out-of-scope items within Projects B and D in support of 2014 Construction. It is noted that it has been necessary
to complete this work as it occurred during the development of Project B and D Base Mapping and Plat and Legal Descriptions, and that the supplemental funding will be used to complete overall ROW support tasks as authorized under previous Task Orders.

**Deliverables:**
- Updated Base Mapping, Real Estate Appraisal Exhibits and Plat and Legal Descriptions are to be prepared for up to 16 parcels for Project B, and 67 parcels for Project D Construction.

**Comments/Assumptions:**
- The DWR Geodetic Branch has indicated that they will have additional comments and revisions to the Plat and Legal Descriptions at the time of property transfer between SBFCA and the DWR. Wood Rodgers original Scope of Work, and this supplemental Scope of Work, do not include the revisions and supplemental work that are likely to occur at that time.

### 4.1 Right of Way Coordination and Support

The HDR team will coordinate with the Right of Way (ROW) team and provide support on an as needed basis. The scope of this subtask is general and will include the following typical activities:

- Attend weekly ROW coordination meetings
- Respond to Requests for Information submitted by the ROW team
- Attend meetings in the field and with landowners as requested by the ROW team
- Research County and Health Department records to locate septic systems
- Prepare conceptual designs as requested by the ROW team
- Prepare exhibits as requested by the ROW team
- Prepare cost estimates to support the ROW team

**Comments/Assumptions:**
- This subtask includes ROW coordination and Support from August 2013 to June 2014.
- The scope defined above is based on ROW coordination efforts and requests to date and is not intended to be all inclusive. The HDR team will provide additional support to the ROW team on an as needed basis and as requested.

### 5.0 SBFCA Team Coordination

MHM will provide ROW support and coordination. MHM will work with the HDR Team to address request for information prepared by ROW Team. MHM will also provide support to prepare cost estimates for private irrigation, storm drainage, waste water (septic), and other as needed support. There is no defined scope of work so the budget is assumed to be time and material. Once the budget is reached additional budget will be required.
# HDR Geotechnical, Surveying, and Engineering Design Services
## Feather River West Levee Project
### TOTAL FEE SUMMARY - TASK ORDER 10 Addendum 6

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## GEOTECHNICAL, SURVEYING, AND ENGINEERING DESIGN SERVICES - FEATHER RIVER WEST LEVEE REHABILITATION EARLY IMPLEMENTATION PROJECT

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Subtotal Project Management and Coordination: 48 hours, $11,308

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Subtotal ROW Support - 2013 Construction: 132 hours, $83,160

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Subtotal ROW Support - 2014 Construction: 132 hours, $83,160

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Subtotal SBFCA Program Team Coordination: 0 hours, $0

**TOTAL EFFORT:** 48 hours, $122,208

**TOTAL EXPENSES:** $9,777

**TOTAL:** $131,985
### GEOTECHNICAL, SURVEYING, AND ENGINEERING DESIGN SERVICES - FEATHER RIVER WEST LEVEE REHABILITATION EARLY IMPLEMENTATION PROJECT

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#### ROW Support - 2013 Construction

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#### ROW Support - 2014 Construction

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**TOTAL LABOR ($)**

- **$630,320**

**EXPENSES**

- **$31,481**

**TOTAL**

- **$661,801**
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SCOPE AND FEE ESTIMATE FOR ENGINEERING DESIGN SERVICES

TASK ORDER 10

Addendum No. 7

Feather River West Levee Project 1

Sutter Butte Flood Control Agency
Yuba City, California

July 23, 2013

HDR
2365 Iron Point Road, Suite 300
Folsom, CA 95630
Contents

Scope of Work ................................................................................................................................. 1

1.0 Project Management ..................................................................................................................... 1
  1.1 Project Management .................................................................................................................. 1

2.0 Field Services ............................................................................................................................. 1
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  2.2 Dredge Tailings Investigations - Project D ................................................................................ 2
Scope of Work

The work outlined in this scope has been divided into tasks in accordance with the work breakdown structure (WBS) consistent with our previously approved contract. The additional work outlined in this scope includes activities that fall within the following tasks:

- Project Management and Coordination
- Field Services

1.0 Project Management

1.1 Project Management

HDR’s project manager will manage the design contract scope, schedule and budget for all HDR Team project activities outlined for this Task Order 10 Amendment No. 7. Project management will also occur at the activity level for each team member as shown on the attached breakdown of hours. In addition, the project manager will coordinate with the Client, the subconsultant teams, agencies and stakeholders throughout the duration of the task. Weekly borrow team conference calls, currently held each Friday at 8:30 am, are anticipated to continue as a part of this scope. The project manager will oversee HDR’s efforts for all segments of work in this Addendum. This subtask includes project management activities from August 1, 2013 to March 1, 2014.

Deliverables:
- None

Assumptions:
- Amendment duration is from August 1, 2013 to March 1, 2014.
- Continuation of weekly borrow team conference calls.

2.0 Field Services

2.1 Secondary (final) Investigation - Project B and D

The current contract scope of work includes initial investigations at three sites totaling 240 acres for Projects B and D. To date, one initial investigation has been performed for Projects B and D at the City of Biggs Wastewater Treatment Plant (WWTP) site.

A secondary (final) investigation is required at the City of Biggs WWTP site, which has been identified by initial investigation as a potential source of Type 1 clay core material for Projects B and D.

Secondary investigation to be performed at the site will include eighteen (18) additional test pits to provide a total density of one (1) exploration for every three (3) acres. The proposed density has been relaxed from one (1) exploration for every one (1) acre performed at other sites based on the uniformity of the materials observed from the initial investigation, the
planned depth of borrow of approximately five (5) feet, and the desire to minimize cost. If this uniformity is not supported by the proposed secondary investigation, additional test pits will be necessary.

**Deliverables:**

- Geotechnical Data Report encompassing initial and secondary (final) investigations (One Draft and one Final Report for Projects B and D). The report will be appended to the Phase 3 Assessment of Borrow Requirements and Potential Borrow Sites Report.

**Assumptions:**

- One (1) secondary (final) investigation at the Biggs WWTP to supply Projects B and D with the necessary borrow material with a testing density of one exploration every three (3) acres. This proposed density is based on the planned depth of borrow of approximately five (5) feet and the uniformity of the material type as observed in the initial exploration.

### 2.2 Dredge Tailings Investigations - Project D

To obtain the quantity of coarse borrow material necessary for Project D, this scope of work assumes a secondary (final) investigation at four (4) dredge tailing sites along the Feather River right bank southeast of the Thermalito Afterbay. Field investigations will consist of test pits across each of the four dredge tailing sites as outlined in Table 1 below.

#### Table 1 - Exploration Plan

<table>
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<tr>
<th>Site ID</th>
<th>Anticipated Number of Test Pits</th>
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<td>B1</td>
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<td>B2</td>
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<tr>
<td>Berm</td>
<td>4</td>
<td>Landside</td>
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The presence of fine-grained material in the dredge tailing is expected to be minor; as such, explorations depths greater than 10 feet may be unachievable due to caving of the test pit side walls. Based on our experience in the materials of this type, the exploration approach will be to excavate multiple locations across each of the sites; including low elevations in close proximity to the planned borrow elevations and extending 5- feet deeper, as well as at high elevations. Test pits excavated at higher elevations of the tailings piles may or may not extend to the planned borrow elevations due to depth limitations in these materials.

Exploration of the four sites may require two mobilization events if the necessary environmental and right-of-entry permits are not obtained concurrently.

**Deliverables:**

- Geotechnical Data Report encompassing the tailings investigations (One Draft and one Final Report for Project D). The report will be appended to the Phase 3 Assessment of Borrow Requirements and Potential Borrow Sites Report.
Assumptions:

- One secondary (final) investigation at four (4) dredge tailing sites per Table 1 above.
## HDR Geotechnical, Surveying, and Engineering Design Services
### Feather River West Levee Project
#### TOTAL FEE SUMMARY - TASK ORDER 10 Addendum 7

<table>
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**TOTAL EFFORT** | $14,826 | $117,590 | $132,416 |

Subconsultant Markup (2.5%) | $2,940 | $2,940 |

**TOTAL EFFORT w/MARKUP** | $17,766 | $117,590 | $135,355 |
### HDR Geotechnical, Surveying, and Engineering Design Services
#### Feather River West Levee Project

**HDR FEE SUMMARY - TASK ORDER 10 Addendum 7**

**Rates**
- E1: $236.00
- E2: $195.00
- E3: $176.00
- E4: $156.00
- E5: $123.00
- E6: $105.00
- E7: $89.00
- T1: $116.00
- T2: $107.00
- T3: $93.00
- T4: $71.00
- C1: $89.00

#### GEOTECHNICAL, SURVEYING, AND ENGINEERING DESIGN SERVICES - FEATHER RIVER WEST LEVEE REHABILITATION EARLY IMPLEMENTATION PROJECT

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**TOTAL EFFORT**
- Hours: 64
- Labor: $14,120
- Expenses: $706
- Total: $14,826
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**TOTAL EFFORT** | 30 68 0 277 0 48 48 16 16 8 0 0 30 68 | 633 | $74,920 | $42,070 | $117,590 |
September 11, 2013

TO: Board of Directors

FROM: Mike Inamine - Executive Director
       Michael Bessette - Director of Engineering

SUBJECT: Receive and file Program/Project Update Report

Recommendation
Receive and file the September 2013 Program/Project Update report.

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

Engineering Design
The engineering design team delivered the 90% contract documents for Project Areas B and D on September 19 for SBFCA’s review and comment. The documents are scheduled to be sent no later than September 4 to the Independent Panel of Experts (IPE) and partner agencies for their independent review. The next IPE meeting is set for September 25 and 26 and will include both design review (Project Areas B and D) and project construction observation (Project Area C). The design team has also updated the cost estimates for the entire FRWLP (Project Areas A, B, C, D) and the new total cost estimate will reduced by approximately $15 million.

The design team is also providing construction support services for Project Area C which is now one full month into construction. Services include contractor submittal review for conformance to contract documents, addressing contractor requests for information, utility relocation coordination (PG&E and public/private facilities), construction oversight of cutoff wall operations in Reach 13, and coordination with the construction management team. Focused efforts have been on the following items: borrow material utilization and conformance to specifications, deep soil mix method of installation and corresponding mix design, FAA and airport coordination, and levee embankment material re-utilization plan.

Borrow site activities for Project Area D have been temporarily delayed as we work on securing the temporary rights to enter State property to perform the required field investigations. We expect to have State approval very soon which will allow activities to proceed in early September. Coordination with the City of Biggs continues to occur and geotechnical testing of one of the City’s identified sites for a sewage detention pond is in process. Initial results of the testing have been favorable and additional tests will be conducted in the near future.

The design team also continues to support right of way acquisition efforts, providing appraisal exhibits, plats and legal descriptions, and coordinating with landowners on utility crossings, relocations and access during construction.
Construction Management (Project Area C)
The construction management and design team have been very busy processing contractor submittals to allow construction activities to proceed according to schedule. The contractor has completed the installation of stormwater pollution prevention best management practice facilities and construction fencing, and continues to make repairs to these items as necessary mostly due to vandalism. Operations at the North Valley borrow site have ramped up and the contractor has hauled borrow material for two days in advance of slurry wall construction for the construction of an observation trench. Borrow site operations will continue throughout August and September to process the material to meet contract specifications and to be ready for the hauling activities starting in late September. The exploratory borings for the deep mix method (DMM) wall installation continue in advance of the DMM operation. The DMM construction which had been operating on a normal schedule began its 24-hour operations on August 26 and will continue to run in that manner for most of September. A third DMM drill rig mobilized and setup began the last week of August.

Environmental Documentation and Permitting
In July, the USACE issued our Section 408 approval for Reach 13 allowing construction to begin. We continue to press USACE for the final Section 408 for the remainder of the project. We expect USACE Headquarters to respond by the end of August, either with approval or with questions that must be addressed.

The issue with the Federal Aviation Administration (FAA) that was reported last month has been resolved. Due to the close proximately of Reach 13 to the Sutter County Airport, coordination with the Federal Aviation Administration (FAA) was required. It was difficult for the design team to receive timely feedback from the FAA on the status of our filed applications and we were worried that the lack of communication could delay construction. On August 13, we received word back from the FAA that they concluded their analysis and issued a “No Hazard” determination with the requirements that the equipment be flagged, lighted, and that pilots were notified of the construction equipment activity. The SBFCA team coordinated very closely with Sutter County throughout this process and the county, who manage the airport facility, have issued the pilot notifications. A link on the SBFCA website has also been established to communicate the project and the existence of the construction equipment to the pilots. The airport will remain open and will implement some minor runway operation modifications beginning August 26 and lasting into October.

Right of Way
The right of way acquisition process is continuing in Project Areas C, D and B. Purchase offers have been made to nearly all property owners in Project Area C. To date, we have acquired the rights necessary for construction for over 60% of Project C and property owner negotiations are ongoing for the remainder required property. In Project Area D, notices have been sent to the property owners to schedule site inspections for appraisal purposes, and a majority of the inspections have been conducted. In Project Area B, we have sent notices to the property owners to schedule site inspections for appraisal purposes, and the inspections are underway.

We are on schedule to obtain the necessary property rights for construction in 2014. Staff continues to meet regularly with property owners upon request to answer questions and facilitate the acquisition process.
State & Local Funding and Coordination
The Construction Funding Agreement continues to be processed by DWR’s contracts office. The next step is for it to be circulated for signatures then it will be routed to the State Department of General Services for final processing and approval. All issues that have arisen since July have been resolved by SBFCA and DWR staff. SBFCA staff is hopeful that the construction funding agreement will be in place within the next 60 days. SBFCA staff has started the process of preparing a request for credit for construction expenses incurred in advance of the effective date of a funding agreement. This credit request will allow DWR to reimburse SBFCA for the State cost share of those expenses.

Since last reported in August, SBFCA staff and its consultants have worked diligently to respond to DWR comments on invoices previously submitted as part of the Design Funding Agreement. SBFCA staff has submitted expenses under the agreement for costs incurred through July and DWR is reviewing those expenses. Staff expects to receive funding under this agreement within the next 30 days once DWR has completed its review.

The Design Funding Agreement term expires on September 30, 2013. The term of this agreement needs to be extended and over the last two months staff has worked with DWR to prepare an amendment to the Funding Agreement for that time extension. That amendment has been approved and the agreement is being circulated for signature.

With respect to local funding, SBFCA made its first and only draw to date from its Project Funds from its 2013 Assessment Revenue Bonds in the amount of $5,733,376.09. This initial draw leaves approximately $34.27 million in Project Funds available to fund project expenses. As previously reported, in August SBFCA invested $27 million of the remaining project proceeds in LAIF leaving $7.27 million with our trustee. As SBFCA incurs additional project expenditures, additional draws on bond proceeds will take place. A discussion of forecasted project proceeds draws will be presented during SBFCA’s monthly financial report.

DWR Grant Opportunities
At the August Board meeting, the Board authorized the Executive Director to submit three grant requests to the Department of Water Resources under the Yuba Feather Flood Protection Program for the following proposed projects:

- **Oroville Wildlife Area Flood Stage Reduction Project**: This project would reduce flood stage within the Feather River within the Oroville Wildlife Area by eliminating flow obstructions and would also include enhancing riparian habitat. We requested $1,537,800 for environmental review and feasibility study.

- **Feather River Bank Erosion, Gridley Bridge Site**: This project would address an active 300 foot long erosion site located upstream of E. Gridley Road Bridge. We requested $460,000 for design and permitting.

- **Feather River West Levee Seepage Remediation at Laurel Avenue**: This project is located just north of Laurel Avenue along the Feather River West Levee and would remediate a known levee seepage site through the construction of a 100’ wide undrained seepage berm and a soil-bentonite cutoff wall. We requested $995,000 for design, permitting, and right of way acquisition services.

We expect to learn if our applications were successful by end of 2013.
Corps Feasibility Study Pilot Project
The final Feasibility Study Report was sent to Division and HQ on August 21, and the focus has shifted to preparations for the Civil Works Review Board (CWRB) meeting at USACE/HQ on September 18. The desired outcome of the CWRB is approval to release the final report for final Agency review. A late-breaking issue (and a rather ironic one) is that apparently HQ wants the USFWS and NMFS Section 7 consultations completed as a prerequisite to the CWRB, and those agencies are taking the full allotted time to complete their reviews. USACE has requested that SBFCA make some phone calls to speed things up. A meeting is scheduled for Sept 4 at the USACE to make a decision on whether the CWRB must be delayed. We'll have a verbal update regarding the outcome at the board meeting.

The most significant issues at this point appear to be policy level vegetation and growth inducement concerns. SBFCA and the State co-authored a letter to USACE registering our intent to continue working on several issues: vegetation, Star Bend crediting, and the cost sharing decision. USACE has requested clarification on whether we were registering an objection to the Feasibility Study, so the State is drafting a follow-up joint letter to clarify that our intent is to pursue these issues after the chief’s report; during authorization and during the Corps’ design phase.

Regional Planning
A revised draft of the Feather River Regional Flood Management is being prepared for public distribution the week of October 4. The revised document will reflect comments received to date and input received during an internal work session on August 22. The draft will be shared with the Steering Committee the week of September 23, and with the community during a public workshop to be scheduled the week of October 28 or November 4. In the meantime, small group meetings are continuing, most recently with residents from Nicolaus and Rio Oso. The program can be accessed at www.frrfmp.com, and a project hotline has been established (530-845-5988).

Urban Level of Protection (ULOP) Development
Since Hurricane Katrina, California has passed bonds and legislation to address flood risks in the Central Valley. In 2007 the Legislature passed SB 5, which not only called for development of the Central Valley Flood Protection Plan, but also incorporated the concept of protecting urban areas to a 200-year level of protection. In order to tie this requirement to land use decisions in the Central Valley, SB 5 requires that land use entities – that is, cities and counties – ensure that 200-year protection is either achieved or close to being achieved before approving new development. In making this 200-year protection determination, cities and counties can use criteria developed by DWR called the Urban Level of Flood Protection criteria, or ULOP. After DWR developed the first draft ULOP, which was through a collaborative process, some fairly significant issues remained and legislation was introduced to address those issues. More recently, DWR selected a small work group to revise the ULOP document in an attempt to iron out any remaining issues. Two of those work group members, Andrea Clark and Barry O'Regan, are SBFCA consultants and have represented SBFCA’s interests in this process. The final ULOP document is anticipated this fall. The city and county members of this board will want to understand the ULOP, and staff is happy to work with them to facilitate their compliance with these new land use requirements. We would be happy to put together an informational presentation or workshop on this topic once the ULOP is final.
Significant milestones have been achieved in July 2013 that were necessary to begin construction of Project Area C. With the completion of these milestones, the design and right-of-way efforts have refocused on Project Areas B & D. Budgets are being reviewed to determine revised planned cost projections for the remaining work. As can be seen in the earned-value chart below, the actual cost of the work performed is in line with the value of the work completed. Given the current level of effort (i.e. burn rate), the project is expected to be on schedule for delivery of the 100% design submittal for Project Areas B & D by January 2014. The variance between the planned project cost curve and the earned value curve is the result of reprioritization of work to advance Project Area C into construction in 2013.

**FRWLP1 – Earned Value**

![Total Non-Construction Project Performance Graph](image)

**Fiscal Impact**

This is an informational item only with no fiscal impact to the Agency.
Item 8
TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Other reports from Agency staff and consultants

This time has been set aside on the agenda for other reports from Agency staff and consultants.

Item 9
TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report by the Citizens’ Assessment District Advisory Committee

This time has been set aside on the agenda for a report from the CADAC and Board discussion (if necessary).

Item 10
TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report (if necessary) by member and partner agencies

This time has been set aside on the agenda for a report and discussion (if necessary) by member and partner agency representatives.

Item 11
TO: Board of Directors
FROM: Mike Inamine, Executive Director
SUBJECT: Report on correspondence sent by and received by the Board

This time has been set aside on the agenda for Board discussion and staff response (if necessary) regarding correspondence received by the Agency.

Fiscal Impact
The above items are informational only with no fiscal impact to the Agency.