



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

Board of Directors Agenda Summary November 14, 2012

1 p.m. Regular Meeting

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 95993 or admin@sutterbutteflood.org. Requests must be made one full business day before the start of the meeting.

<u>County of Sutter</u> Larry Montna James Gallagher Alts. Larry Munger, Stan Cleveland	<u>County of Butte</u> Bill Connelly Steve Lambert	<u>City of Yuba City</u> John Miller John Dukes Alts. John Buckland, Tej Maan
<u>City of Live Oak</u> Gary Baland Alt. Ray Rogers	<u>City of Gridley</u> Owen Stiles Alt. Jerry Anne Fichter	<u>City of Biggs</u> Mike Bottorff Alt. Bo Sheppard
<u>Levee District 1</u> Francis Silva Al Montna Alt. Barbara LeVake	<u>Levee District 9</u> David Lamon Chris Schmidl Alt. David Schmidl	

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Sutter Butte Flood Control Agency office at (530) 755-9859. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

1 PM REGULAR MEETING/CALL TO ORDER

Roll Call
Pledge of Allegiance

CONSENT CALENDAR

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

- 1) Approval of the minutes for the Regular Board Meeting of October 10, 2012
- 2) Receive report on SBFCA's entry into CSAC EIA crime insurance program

PRESENTATION, DISCUSSION & ACTION ITEMS

- 3) Receive and file monthly management report
- 4) Approval of a contract with ICF International for environmental support services associated with the Regional Planning effort
- 5) Public contracting requirements
- 6) Approval of resolution adopting relocation assistance rules, regulations and grievance procedures

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

- 7) Financing Update
- 8) Program/Project Update
- 9) Other reports from Agency staff and consultants
 - a. Update to Board on conflict of interest waivers granted, if any
- 10) Washington D.C. Debrief
- 11) Report (if necessary) by the Citizens' Assessment District Advisory Committee (CADAC)
- 12) Report (if necessary) by member and partner agencies

CORRESPONDENCE

- 13) 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

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:

APN 10-170-017:	David and Vickie Owen
APN 18-070-001:	DiFiore Enterprises
APN 09-050-002:	Smith Ranches & Herbert
APN 10-120-003:	Amanjit and Kuldeep Dhoot
APN 10-170-050:	James A. Filter, et al.
APN 09-130-003, 011:	Berry Family

Under negotiation: Price and terms of payment.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of the minutes for the regular Board meeting October 10, 2012

The proposed minutes for the regular Board of Director's meeting on October 10, 2012 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.

**DRAFT MINUTES OF THE BOARD OF DIRECTORS OF THE
SUTTER BUTTE FLOOD CONTROL AGENCY
REGULAR MEETING OF
October 10, 2012**

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
City of Yuba City:	John Miller, John Dukes
City of Gridley:	Owen Stiles
City of Live Oak:	Gary Baland
City of Biggs:	Mike Bottorff
Levee District 1:	Francis Silva, Al Montna
Levee District 9:	David Lamon

MEMBERS ABSENT: Directors Chris Schmidl, Larry Montna, Steve Lambert, Owen Stiles

STAFF PRESENT: Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Andrea Clark, Agency Counsel; and Sarah Modeste, Staff Analyst.

REGULAR SESSION

Chair John Miller opened the meeting at 1:05 p.m. and Director Francis Silva led the Board and audience in the pledge of allegiance.

CONSENT CALENDAR

On motion of Director John Dukes, seconded by Director Al Montna and carried by those present, the Board approved the Consent Calendar as follows:

1) Approval of the minutes for the Regular Board Meeting of September 12, 2012

PRESENTATION, DISCUSSION AND ACTION ITEMS

2) Receive and file monthly financial report

Executive Director Mike Inamine opened the Board meeting with an overview of the meeting agenda. Budget manager Seth Wurzel stated that the Agency has \$3.3 million in cash reserves. The Agency's total cash burn is approximately \$1.1 million per month, and \$1 million of that relates to the Early Implementation Program activities. The Agency plans to draw approximately \$5 million from its line of credit at the end of October, 2012.

The Agency received approximately \$41,000 from the City of Yuba City's pooled budget accounts for fiscal year 2011-12. The Agency owes its first interest payment of \$22,000 to Rabobank for its line of credit.

Director of Engineering Michael Bessette presented an update on the Agency's earned value summary, which compiles all of the administration, hydraulics, hydrology, environmental, right-of-way, permitting, and civil engineering work to track progress and costs. The Agency is very close to tracking at the "base line," which is the projected time and expense of completing the design phase of FRWLP1. The right-of-way shows that it is slightly delayed, but upon closer evaluation the outstanding work relates to eminent domain which the Agency has not begun.

The Agency was previously four months behind on its environmental work, but is now tracking one month behind and is under budget. The total project costs has not changed, but updated costs will be available at the Board's November meeting.

No public comment.

No action taken on this item.

3) Approval of Bender Rosenthal Amendment 1 to Task Order 2

Scott McElhern, right-of-way counsel, requested Board approval of Amendment 2 to Bender Rosenthal's Master Agreement. The not-to-exceed amount would be increased from \$1,500,000 to \$2,900,000. Mr. McElhern also requested Board approval of Amendment 2 to Task Order 2 for additional right-of-way acquisition support services for Projects Areas B and D in the amount of \$1,440,300. The costs associated with the amendment are part of the Agency's already adopted five-year costs.

Bender Rosenthal was hired in September 2012, at which time a master agreement was executed, then Task Order 1 to cover right-of-entry support for HDR's geotechnical explorations, right-of-way constraints analysis, preparation of a right-of-way manual, early acquisition assistance and miscellaneous right-of-way services.

At the December 14, 2011 Board meeting the Board approved Task Order 2. This Task Order covered obtaining right of entries, conducting property appraisals, negotiating property acquisitions, providing relocation assistance, and administration and management oversight of parcels to be acquired for the project. Task Order 2 initially included 169 parcels in Project Areas C and D at a proposed budgeted cost of \$2,021,000. At the December 14, 2011 meeting, the Board directed staff to revise Task Order 2 to provide a budgeted amount not to exceed \$1,000,000, and to bring back to the Board at the future date a Task Order amendment to cover the remaining project areas. Task Order 2 was then revised to include parcels in just Project Area C and proposed borrow site parcels at a budgeted amount of \$995,650. Amendment 1 to Task Order No. 2 was approved by the Executive Director on September 10, 2012, to reflect changes in the task order scope which were 'no cost increase' scope changes.

To maintain the project schedule and have Project Areas B and D ready for construction by 2014, we must now start right way of acquisition activities for these project areas. Pursuant to the Board's direction on December 14, 2011, we are now presenting an amendment to Task Order 2 for your consideration. This amendment will cover right-of-way acquisition services for 106 parcels in Project Areas B and D.

A motion was made by Director Owen Stiles to approved Bender Rosenthal Amendment 1 to Task Order 2. The motion was seconded by Director Stan Cleveland and was carried by those present.

4) Approval of Amendment 1 to Master Contract Agreement with Diepenbrock Elkin

Michael Bessette stated that at its June 2012 Board meeting, the Board authorized the Executive Director to enter into an agreement for construction legal services. Agency staff issued a request for qualifications to four highly qualified firms. All four firms participated in the RFQ process, and the Agency conducted interviews with each firm. Ultimately, Diepenbrock Elkin was hired.

Diepenbrock Elkin has been working with Agency staff and the design team to develop the construction bid document language and is developing creative approaches to maximize the Agency's construction timeframe.

Director Al Montna asked for clarification on when Diepenbrock Elkin would begin. Mr. Bessette responded that the Agency has already started working with Diepenbrock Elkin on the construction specs and contracts and will continue to do so through the construction bid process. Mr. Inamine added that the funding has been moved from construction management forward into design because the Agency saw value in engaging legal services. Diepenbrock Elkin bills on an hourly time and materials basis.

No public comment.

A motion was made by Director Al Montna to approve Amendment 1 to Master Contract Agreement with Diepenbrock Elkin. The motion was seconded by Director John Miller and was carried by those present.

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

5) Engineering Update

Mr. Inamine stated that Agency staff and the design team is busy preparing design documents, permits, etc. An updated format for the engineering update will be provided to the Board prior to the next Board meeting.

Mr. Bessette highlighted many of the recent design team successes, and stated that the design team has submitted the 90 percent design to Agency staff for review. On October 15, the documents will be

submitted to the independent panel of experts, partners, and regulators. Eight explorations are underway in Reach 13 to confirm the slurry wall depth. Borrow material is a critical component of the project as sufficient soil is needed to rebuild the levees to geotechnical standards. The Agency is completing explorations of potential borrow sites.

The team has just completed the third administrative draft of the EIR/S, and it has been submitted to DWR and the USACE for review. The Agency's goal is to issue a public draft of the environmental document in late December, 2012.

The Agency needs USACE headquarters to complete its review prior to the public draft being released. Significant permitting work is also underway.

Director James Gallagher asked if the Agency could award a contract in advance of the issuance of the 408 permit. Mr. Besette stated that Agency plans to award a construction contract in April, 2013 even if the 408 permit had not been issued. At the time, the contract would begin preparing its pre-construction documentation to insure it was ready to begin construction upon 408 award.

Mr. Inamine added that the Agency prefers to work through the administrative components of the construction contract, so once the permit is issued the construction team is ready to begin work.

Mr. Inamine stated that the Agency began its 408 permit process in December 2011 and due to the complexities and uniqueness of each 408 permit, the Agency and USACE are navigating the process. The primary focus of the trip to Washington D.C. will be to advocate for early approval of the 408 permit so the Agency can proceed with construction in 2013. Mike Inamine, Michael Besette and Scott Shapiro are scheduled to travel to Washington D.C. on October 22-24. The group currently has 11 meetings scheduled during the two days.

Director Al Montna stated that nothing is more critical than the staff spending time in Washington D.C. to obtain the necessary permits to begin levee work. He added that the region is only one winter away from a levee disaster. Director John Dukes agreed.

The formal request from the Central Valley Flood Protection Board to the USACE for the 408 permit will be held on October 26, 2012 in a public meeting. The Agency hosted the CVFPB on September 14 for levee tour and briefing. Mr. Inamine thanked Levee District 1 General Manager Bill Hampton for his assistance in planning the levee tour.

The USACE has recently found an error its benefit estimates for the Feasibility Study preferred alternative. As a result, the USACE identified two new alternatives. On November 2, the USACE will review the tentatively selected plan and all levels of the USACE will review and potentially approve the recommended alternative.

Mr. Inamine stated that the USACE's three alternatives are as follows: 1) National Economic Development Plan (Sunset Weir south to Laurel Avenue) 2) LPP (Thermalito Afterbay to 4400 feet south of Laurel Avenue) 3) LPD: Fix-In-Place Feather River, Sutter Bypass & Wadsworth Canal.

Director John Dukes asked if the USACE's LPP would change the southern portion of Sutter County from 100-year protection to 200-year protection. Mr. Inamine responded the southern reach of the Feather River would receive 200-year protection.

Director James Gallagher asked what the main discussion items will be during the Decision Point 2 meeting. Mr. Inamine responded that the group will be discussing alternatives 1 and 2, "wise use of the floodplain," and the public safety component.

Director Dave Lamon stated that the Feasibility Study does not alter the Agency's project scope, instead it provides additional opportunities for future funding. Mr. Inamine responded that the Agency would like to have the USACE find a federal interest in the project as it is a back-up plan should the Agency project exceed budget.

Mr. Inamine stated that the Agency has been working with Levee District 1 and Three Rivers Levee Improvement Authority on several grant opportunities through the Department of Water Resources. The Agency saw the grants as a great opportunity to comply with the Central Valley Flood Protection Plan. The largest benefit is that it could be an additional source of funding for necessary work. The Agency's

three submittals were: Oroville Riparian Restoration Project 9ORRP), TRLIA Feather River Floodway Corridor Restoration Project and Star Bend Setback Levee Phase 2 Eco-Restoration Project. The initial proposals were due on October 2, 2012, and the formal grant applications will be due in December 2012.

Director Francis Silva asked if the levees are tailing piles or engineered levees. Mr. Inamine responded that there are both.

6) Central Valley Flood Protection Plan and Regional Flood Management Plan Update

Mr. Inamine updated the Board on a number of important developments on the regional planning process. The Agency is nearly complete with its grant application for a 100 percent funded regional planning grant. The regional planning process for the Feather River region will begin in December 2012.

Bill Edgar and the coordinating committee have contracted with an “ombudsman” to maintain communication among the coordinating committee and the regions. Kim Floyd has been hired to fulfill this role. Three agencies, including SBFCA, have each agreed to pay \$10,000 for this work.

No public comment.

7) Other reports from Agency staff and consultants regarding current Sutter Butte Flood Control Agency activities

- a. Update to Board on conflict of interest waivers granted, if necessary
- b. SB 1278 Update

No conflict of interest waivers granted this month.

Agency Counsel Andrea Clark stated that in addition to compliance with the CVFPP, SB 5 also put requirements on cities and counties on the flood protection plan process. The original legislation required cities and counties amend general plans within 24 months of the adoption of the CVFPP (summer 2014), required cities and counties not enter into development agreements for property located within flood zones, and required DWR to develop maps for 100-year and 200-year floodplains and provide them to cities and counties. The maps have not been developed.

SB 1278 changes the time requirements for the general plan updates. Now, general plans must be updated by summer 2015, and sets a release date for the DWR maps to July 2013.

Director Stan Cleveland asked if Lois Wolk spearheaded the bill. Ms. Clark responded that it was Lois Wolk's bill.

8) Report (if necessary) by the Citizens' Assessment District Advisory Committee (CADAC)

CADAC Chair Jon Munger stated that the CADAC had its last meeting on September 24. At the meeting, the CADAC decided that it would send a letter to the USACE with signatories from local organizations and businesses requesting the USACE expedite its 408 review. The letter, once finalized, will be sent to USACE HQ.

No public comment.

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

Nothing to report at this time.

CORRESPONDENCE

10) Report on correspondence sent by and received by the Board.

Nothing to report at this time.

PUBLIC COMMENT

No public comments.

Director Gary Baland

Chuck Smith from Sutter County did the layout of the document and

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 2:45 p.m.

ATTEST BY: _____
SARAH MODESTE, STAFF ANALYST

JOHN MILLER, CHAIR



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

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

SUBJECT: SBFCA Entry into CSAC-EIA Crime Insurance Program

Recommendation

This is an informational item only and no action is requested by the Board.

Background

SBFCA's Joint Exercise of Powers Agreement (JPA) requires that any officers or persons who have charge of handling Agency funds or securities be bonded by the Agency at the Agency's expense. Section 16 of the JPA designates the Agency officers, including the treasurer and financial officer. Agency staff has determined that the surety bond requirement applies to these officers. Both of these positions are filled by the Yuba City Finance Director Robin Bertagna.

To this end, SBFCA staff has investigated the costs of acquiring a surety for the officer positions and in doing so we contacted our current liability insurance provider, CSAC-EIA (brokered through Alliant Insurance Services). Alliant provided two alternatives to the Agency that would meet the surety bond requirement as outlined within the JPA. The first option was to purchase a surety bonds only for the two positions filled by Robin Bertagna; the second option was for the Agency to enter into CSAC-EIA's Master Crime Insurance Program.

Discussion

Public official surety bonds and government crime insurance policies (such as the CSAC-EIA Crime Program) both provide similar coverage for a public entity. Both provide a means by which a public entity can be reimbursed for monetary losses sustained by the public entity that result from an elected or appointed official's dishonesty or failure to faithfully perform duties as prescribed by law.

A public official bond is a guarantee of performance of a public official by a surety. A public official bond is an agreement where one party, the surety (the insurance company), obligates itself to a second party, the obligee (the Agency), to answer for the default of a third party, the principal (the public official). The surety bond simply guarantees that officials will fulfill their duties according to law. If they do not, they must make good on any loss resulting from their dishonest acts and from their misconduct while in office.

A Government Crime insurance policy is a policy that reimburses an employer (the Agency) as the named insured for loss of money, securities or other property resulting from the dishonest acts of an "employee" or failure of a covered "employee" to perform duties as prescribed by law up to the limit of the policy. In the CSAC-EIA Crime program, the definition of "employee"

is amended by endorsement to include all elected or appointed officials and any other employees required to be bonded.

Conclusion

Review by SBFCA counsel concluded that CSAC-EIA's Master Crime Insurance Program would meet the requirements as set forth within the JPA.

In working with Alliant on the costs of surety bonds as compared to the Crime Insurance Program, Alliant staff indicated the costs were similar for surety bonds which would cover only the two officer positions versus the Crime Insurance Program which would cover all officers, employees and directors and provide broader endorsement coverage for the Agency. Given the additional advantages and negligible cost difference between the two programs, Agency staff is prepared to move forward with the Crime Insurance Program option.

The annual premium cost for SBFCA in the CSAC-EIA Master Crime Insurance Program is \$2,170 (reference the attached quotation).

Next Steps

No Board action is required to bind coverage for the Agency because SBFCA is already a CSAC-EIA member for its General Liability Insurance. Alliant only needs a formal written request to bind coverage with a complete listing of the named insured.

Pending no objection from Board, the Executive Director is prepared to submit this required information to bind the coverage.

Budget Implications

The approved 5-Year budget includes sufficient budget with the insurance expenditure account to cover the annual premium costs of the CSAC-EIA Master Crime Insurance Program coverage for SBFCA. As a result, there would be no net budgetary impacts as result of binding this insurance coverage.

Attachments:

- 1) CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA) MASTER CRIME PROGRAM PROPOSAL



**CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)
MASTER CRIME PROGRAM**

PROPOSAL

NAMED INSURED	Sutter Butte Flood Control Agency
COMPANY AFFORDING COVERAGE	National Union Fire Insurance Company of Pittsburgh, PA (Chartis)
A.M. BEST'S GUIDE RATING	A (Excellent), Financial Size Category XV (\$2,000,000,000 or more)
STANDARD & POORS' RATING	A (Strong)
CALIFORNIA STATUS	Admitted
COVERAGE TERM	Primary: To be determined to June 30, 2013 Excess: To be determined to June 30, 2013
COVERAGE PROVIDED	Primary: Government Crime Policy on <u>Discovery form</u> including: <ul style="list-style-type: none">• Employee Theft including Faithful Performance of Duty (Per Loss Coverage)• Forgery or Alteration including Credit, Debit or Charge Card Forgery• Inside The Premises: Theft of Money and Securities• Inside The Premises: Robbery or Safe Burglary of Other Property• Outside The Premises• Computer Fraud• Funds Transfer Fraud• Money Orders and Counterfeit Paper Currency Excess: <ul style="list-style-type: none">• Follow Form Excess Government Crime Policy on <u>Discovery form</u>
RETROACTIVE DATE	To be determined
LIMITS	Primary: \$10,000,000 Each occurrence Excess: \$5,000,000 Each occurrence <ul style="list-style-type: none">• Retroactive date applies to the excess limit only
DEDUCTIBLE	\$2,500 Each occurrence

NOTE: THIS INDICATION IS FOR INFORMATIONAL PURPOSES ONLY AND DOES NOT AMEND, EXTEND OR ALTER THE POLICY FORM IN ANY WAY. PLEASE REFER TO THE POLICY FORM FOR COMPLETE COVERAGE AND EXCLUSION INFORMATION.

**CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)
MASTER CRIME PROGRAM**

PROPOSAL

**MAJOR EXCLUSIONS
(Including but not limited to)**

- Governmental action
- Indirect loss
- Legal expenses
- Nuclear
- War
- Employees cancelled under prior insurance
- Inventory shortages
- Trading losses
- Accounting errors and omissions
- Exchanges or purchases
- Fire
- Money operated devices
- Motor vehicles or equipment and accessories
- Transfer or surrender
- Vandalism
- Voluntary parting of title or possession of property
- Loss caused by an employee if that employee had also committed a dishonest act (resulting in a loss of \$25,000 or more) prior to the effective date of this policy-Exclusion does not apply unless the prior dishonest act is discovered by the Risk Management Department or other department designated to handle insurance matters for the named insured prior to the effective date of the policy
- Loss resulting from unauthorized disclosure of confidential information
- Pollution

ENDORSEMENTS

- California Changes
- Omnibus Named Insured endorsement (All agencies, authorities and districts (including special districts) which are governed directly by the governing body of the Named Insured
- Additional Named Insured
- Add Faithful Performance of Duty Coverage for Government Employees - \$10,000,000 Limit
- Include Expenses Incurred to Establish Amount of Covered Loss - \$75,000 limit for third party investigation of covered losses
- Add Credit, Debit or Charge Card Forgery - \$10,000,000
- Include Designated Person Required to Have Knowledge of Loss (Discovery Form) Risk Management Department or other department designated to handle insurance matters for the Named Insured. Prior Theft or Dishonesty - \$25,000
- Notice of Cancellation – 120 Days
- Include Specified Non-Compensated Officers or Any Elected or Appointed Officials as Employees (blanket coverage)
- Include Volunteer Workers as Employees
- Include Treasurers or Tax Collectors and Employees

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**CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)
MASTER CRIME PROGRAM**

PROPOSAL

**ENDORSEMENTS
(continued)**

- Include Designated Persons or Classes of Persons as Employees-Siskiyou County
- Include Specified Directors or Trustees as Employees (blanket coverage)
- Delete bonded employee exclusions
- Cal Works Program Employee Endorsement
- Designated Agents Endorsements (applies to specific Members)
- Joint Loss Payable Endorsements (applies to specific Members)
- Policy Change – Discovery Form – Special Deductibles for San Diego County and Riverside County
- Food Stamps Coverage Endorsement
- Coverage Territory Endorsement (OFAC)
- Cancellation Endorsement – Change to Pro-Rata
- Definition of Employee Amended-Public Guardian
- Include Leased Workers as Employees – Include Leased Workers For Any Insured
- Provide Required Notice of Cancellation to Another Entity (GSRMA and Ventura County)
- Include Chairperson and Chairpersons as Employees (blanket coverage)
- Vendor Fraud –Limit of \$1,000,000 excess of vendor insurance policy required by contract. If vendor policy is not valid or collectible, this sublimit applies to loss excess of \$500,000. Coverage not applicable if crime insurance is not required in a written agreement (see specimen attached)
- Conditions Amended-Subrogation – with respect to losses resulting from the failure of any employee to faithfully perform his or her duties as prescribed by law, the company may subrogate only due to actual fraud, corruption, actual malice, or where the employee or a person or entity was unjustly enriched as a result of the employee's failure to faithfully perform his or her duties as prescribed by law (see specimen attached)
- Employee Post Termination Coverage
- Notice of Claim (Reporting by e-mail)
- Third Party Coverage Endorsement-Limit of \$250,000 subject to \$25,000 deductible
- Guaranteed Extension Endorsement
- Fidelity Endorsement (applies to excess limits only)
- Provide Excess for Designated Agents currently at the \$10M underlying limit

CONDITIONS

- Subject to receipt of complete named insured listing
- Must provide written request to bind coverage

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**CSAC EXCESS INSURANCE AUTHORITY (CSAC EIA)
MASTER CRIME PROGRAM**

PROPOSAL

PROPERTY COVERED Property covered includes property owned, leased, or held by the insured, or for which the insured is legally liable.

2012-2013 ANNUAL PREMIUM \$2,170

- Premium subject to change based on effective date
- Premium shown above is annual installment
- Premium due within 30 days of effective date

PROPOSAL DATE October 22, 2012

DATE QUOTE VALID UNTIL November 17, 2012

BROKER **ALLIANT INSURANCE SERVICES, INC.**
Nazie Arshi, Senior Vice President
Tom E. Corbett, Senior Vice President
Kevin Bibler, ARM, Senior Vice President
Candace Porter, CSAC EIA Program Specialist Team Lead
Mariana Salyer, CSAC EIA Assistant Program Specialist

ALLIANT EMBRACES A POLICY OF TRANSPARENCY WITH RESPECT TO ITS COMPENSATION FROM INSURANCE TRANSACTIONS. DETAILS ON OUR COMPENSATION POLICY, INCLUDING THE TYPES OF INCOME THAT ALLIANT MAY EARN ON A PLACEMENT, ARE AVAILABLE ON OUR WEBSITE AT WWW.ALLIANTINSURANCE.COM. FOR A COPY OF OUR POLICY OR FOR ANY INQUIRIES REGARDING COMPENSATION ISSUES PERTAINING TO YOUR ACCOUNT YOU MAY ALSO CONTACT US AT: ALLIANT INSURANCE SERVICES, ATTENTION: GENERAL COUNSEL, 701 B STREET, 6TH FLOOR, SAN DIEGO, CA 92101.

**ANALYZING INSURERS' OVER-ALL PERFORMANCE AND FINANCIAL STRENGTH IS A TASK THAT REQUIRES SPECIALIZED SKILLS AND IN-DEPTH TECHNICAL UNDERSTANDING OF ALL ASPECTS OF INSURANCE COMPANY FINANCES AND OPERATIONS. INSURANCE BROKERAGES SUCH AS ALLIANT INSURANCE TYPICALLY RELY UPON RATING AGENCIES FOR THIS TYPE OF MARKET ANALYSIS. BOTH A.M. BEST AND STANDARD AND POOR'S HAVE BEEN INDUSTRY LEADERS IN THIS AREA FOR MANY DECADES, UTILIZING A COMBINATION OF QUANTITATIVE AND QUALITATIVE ANALYSIS OF THE INFORMATION AVAILABLE IN FORMULATING THEIR RATINGS.*

A.M. BEST HAS AN EXTENSIVE DATABASE OF NEARLY 6,000 LIFE/HEALTH, PROPERTY CASUALTY AND INTERNATIONAL COMPANIES. YOU CAN VISIT THEM AT WWW.AMBEST.COM.

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Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Receive and file financial report and earned value project management and reporting update

Recommendation

We recommend the Board receive and file the September Financial Report and receive staff's monthly management report.

Background

Staff's framework for reporting on the financial status of the Agency and the progress of FRWLP1 consists of the following four metrics:

- **Current Working Capital Position:** Provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented with a financial report prepared in coordination with Yuba City finance staff and is attached. The financial report reflects the pending final financial information for FY 11/12 in advance of receiving the Agency's final audited financial statements. Staff will review the report at the Board meeting.
- **Earned Value:** Provide a comparison of the amount of tangible work that was planned with what was actually accomplished to determine if cost and schedule performance is as planned.
- **Budget:** Provide a summarized status of the overall budget of the project and a comparison to original forecasts. Also provide a comparison of local costs over time as cost share percentages are refined.
- **Cash Flow Projection:** Provide an estimate of the cash needs of both the Agency and the project over time. This estimate forms the basis for Agency financial planning.

Staff will provide an update of the items at the Board meeting.

Fiscal Impact

This is an informational item only with no fiscal impact to the Agency.



**Yuba City
Finance Department
Memorandum**

Date: November 14, 2012

To: Board Members, Sutter Butte Flood Control Agency
Mike Inamine, Executive Director

From: Robin Bertagna, CPA *RB*
Agency Treasurer / Yuba City Finance Director

Subject: Monthly Financial Report: September 2012

Attached is the Monthly Financial Report for the Sutter Butte Flood Control Agency for the month of September covering fiscal years 2011-2012 (pending the preparation of final audited financial statements) and 2012-13 (activity through September 30, 2012). This Monthly Financial Report includes the following information prepared by SBFCA:

- Total working capital reconciliation: An estimated reconciliation of total working capital through fiscal year 2011-12 accrued expenses and September 30, 2012 for fiscal year 2012-13 as compared to the approved SBFCA Budget is shown. The statement shows the cumulative expenditures paid to date for fiscal year 2011-12 (unaudited) to determine an estimated ending working capital balance carrying forward to fiscal year 2012-13 as compared to the budgeted expenditures. This amount is estimated to be \$3,707,613. (The preparation of final audited financial statements is currently underway.) The statement also shows the estimated ending working capital balance as of September 30, 2012 for fiscal year 2012-13 based on the projected working capital carrying forward from fiscal year 2011-12. The statement then shows an estimated amount of invoiced expenditures to date for fiscal year 2012-13. The Total Preliminary Working Capital for the Agency as of September 30, 2012 is approximately \$2,548,060. The difference between invoiced expenditures and paid expenditures for fiscal year 2012-13 is approximately \$638,571. Since September 30, SBFCA has also drawn additional funds from its Line of Credit with Rabobank in the amount of \$2,180,563. Taking into consideration accrued payable expenses since September 30, 2012 as well as financing draws since September 30, 2012, the Total Working Capital for the Agency is approximately \$4,043,153. (**Exhibit A**)
- Summary statement of cumulative activities for fiscal year 2011-12 through June 30, 2012 (including accrued expenses): This statement shows the expenditures by fund and by the major expenditure category – Operations & Capital (USACE Study, EIP, Stakeholder Management, and the Star Bend Payment). This statement also shows the amounts received and expended through June 30, 2012 including accrued expenses to date, as compared to the Final SBFCA Budget for the 2011-12 Fiscal Year. This statement has been reconciled by SBFCA staff to the City of Yuba City's financial system (**Exhibit B**).
- Summary statement of cumulative activities for fiscal year 2012-13 through September 30, 2012: This statement shows the expenditures by fund and by the major expenditure category – Operations &

SBFCA Monthly Financial Report: September 2012
November 14, 2012

Capital (USACE Study, EIP, Stakeholder Management, and the Star Bend Payment). This statement also shows the amounts received and expended through September 30, 2012, as compared to the Final SBFCA Budget for the 2012-13 Fiscal Year. This statement has been reconciled by SBFCA staff to the City of Yuba City's financial system (**Exhibit C**).

Check registers reflecting all checks issued on behalf of the Agency for fiscal year for the month of September 2012 are also included.

This item is informational only, no action is required. Please review and file.

Thank you.

**SBFCA BUDGET
TOTAL WORKING CAPITAL RECONCILIATION**

Line Item Description	FY 2011/12			FY 2012/13		
	Adopted 2011-12 Budget [1]	Rec'd/Paid Month Ending June 2012 <i>(including accruals)</i>	Rec'd/Invoiced to Date	Adopted 2012-13 Budget [2]	Rec'd/Paid Month Ending September 2012	Rec'd/Invoiced to Date
Working Capital Beginning of Period						
Operational Fund 730	1,423,104	1,423,104	1,423,104	1,657,979	1,953,644	1,953,644
Capital Fund 731 - USACE Study	(370,540)	(370,540)	(370,540)	738,357	1,005,314	1,005,314
Capital Fund 731 - EIP	1,414,405	1,414,405	1,414,405	5,597,330	986,452	986,452
Capital Fund 731 - Stakeholder	-	-	-	17,750	691	691
Capital Fund 731 - Star Bend	1,969,885	1,969,885	1,969,885	-	-	-
Total Beginning of Period	4,436,853	4,436,853	4,436,853	8,011,416	3,946,100	3,946,100
Transfers						
Operational Fund 730	-	119,244	119,244	(10,500)	-	-
Capital Fund 731						
<i>Capital Fund 731 - USACE Study</i>	1,294,346	1,294,346	1,294,346	-	-	-
<i>Capital Fund 731 - EIP</i>	60,539	(45,947)	(45,947)	-	-	-
<i>Capital Fund 731 - Stakeholder</i>	-	-	-	10,500	-	-
<i>Capital Fund 731 - Star Bend</i>	(1,354,885)	(1,367,643)	(1,367,643)	-	-	-
Subtotal Capital Fund	-	(119,244)	(119,244)	10,500	-	-
Net Transfers	-	(0)	(0)	-	-	-
Revenues						
Operational Fund 730	750,000	767,364	767,364	750,000	-	-
Capital Fund 731						
<i>Capital Fund 731 - USACE Study</i>	892,903	506,258	506,258	450,861	-	-
<i>Capital Fund 731 - EIP (Local)</i>	5,750,000	5,797,647	5,797,647	5,750,000	29	-
<i>Capital Fund 731 - EIP (State)</i>	2,530,277	3,488,721	3,488,721	6,469,722	-	-
<i>Capital Fund 731 - Stakeholder</i>	41,750	17,393	17,393	19,750	-	-
<i>Capital Fund 731 - Regional Planning</i>	-	-	-	-	-	-
<i>Capital Fund 731 - Star Bend</i>	-	-	-	-	-	-
Subtotal Capital Fund	9,214,930	9,810,018	9,810,018	12,690,333	29	-
Total Revenues Operating & Capital	9,964,930	10,577,382	10,577,382	13,440,333	29	-
Expenses						
Operational Fund 730	515,125	356,068	356,068	519,792	60,946	107,816
Capital Fund 731						
<i>Capital Fund 731 - USACE Study</i>	1,078,352	424,750	424,750	1,134,718	221,717	264,163
<i>Capital Fund 731 - EIP</i>	26,097,837	10,536,685	10,536,685	24,501,543	873,223	1,448,364
<i>Capital Fund 731 - Stakeholder</i>	24,000	16,702	16,702	48,000	450	1,725
<i>Capital Fund 731 - Regional Planning</i>	-	-	-	-	3,246	22,954
<i>Capital Fund 731 - Star Bend</i>	615,000	602,242	602,242	-	-	-
Subtotal Capital Fund	27,815,188	11,580,379	11,580,379	25,684,261	1,098,635	1,737,207
Total Expenses Operating & Capital	28,330,313	11,936,447	11,936,447	26,204,053	1,159,582	1,845,023
Financing Activities [2]						
Proceeds from the Issuance of New Debt	25,000,000	3,689,878	3,689,878	20,000,000	-	2,180,563
Short/Long Term Debt Repayment	(3,060,054)	(3,060,054)	(3,060,054)	(3,060,441)	-	-
Interest Paid on Outstanding Debt	-	-	-	(477,782)	-	-
Net Financing Activities	21,939,946	629,824	629,824	16,461,777	-	2,180,563
Working Capital End of Period						
Operational Fund 730	1,657,979	1,953,644	1,953,644	1,877,687	1,892,697	1,845,827
Capital Fund 731 - USACE Study	738,357	1,005,314	1,005,314	54,500	783,597	741,151
Capital Fund 731 - EIP [3]	5,597,330	747,964	747,964	9,777,286	113,258	1,718,650
Capital Fund 731 - Stakeholder	17,750	691	691	-	241	(1,034)
Capital Fund 731 - Regional Planning	-	-	-	-	(3,246)	(22,954)
Capital Fund 731 - Star Bend	-	-	-	-	-	-
Total End of Period	8,011,416	3,707,613	3,707,613	11,709,473	2,786,548	4,281,640

[1] Reflects Final Budget approved by the Board at it's March 14, 2012 meeting with additional modifications to be approved at the May 9, 2012 meeting.

[2] FY 12/13 Capital Budget expenditures reflects carryover of remaining FY 11/12 Budget pursuant to section 9.2 of the approved budget resolution.

[3] Financing Activities are reflected in the Capital Fund EIP Ending Working Capital Balance

SUTTER BUTTE FLOOD CONTROL AGENCY
 COMBINED SUMMARY STATEMENT OF ACTIVITIES
 AS OF MONTH ENDING SEPTEMBER 2012 OF FY 12/13
 11/5/2012

% of Year Complete
 25%

	SBFCA FUNDS - ACTIVITIES TO DATE							SBFCA FUNDS - FY 12/13 BUDGET							SBFCA FUNDS - VARIANCE FROM BUDGET							% OF BUDGET EXPENDED
	OPERATIONS (730)			CAPITAL FUND (731)				OPERATIONS (730)			CAPITAL FUND (731)				OPERATIONS (730)			CAPITAL FUND (731)				
	ADMIN	USACE STUDY	EIP	STAKE-HOLDER	REGIONAL PLANNING	Sub-Total - Capital Fund	TOTALS	ADMIN	USACE STUDY	EIP	STAKE-HOLDER	REGIONAL PLANNING	Sub-Total - Capital Fund	TOTALS	ADMIN	USACE STUDY	EIP	STAKE-HOLDER	REGIONAL PLANNING	Sub-Total - Capital Fund	TOTALS	
REVENUES:																						
43195-Federal Intergov't Funds	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
43495-Proposition 13 Funds - \$1.4 M	-	-	-	-	-	-	-	-	450,861	-	-	-	450,861	450,861	-	450,861	-	-	-	450,861	450,861	0%
43495-Proposition 13 Funds - \$650 K	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%
43530-EIP Grant Funds - (Local Credit)	-	-	-	-	-	-	-	-	-	4,371,280	-	4,371,280	4,371,280	-	-	4,371,280	-	-	4,371,280	4,371,280	0%	
43531-EIP Grant Funds - (State Share)	-	-	-	-	-	-	-	-	-	2,098,442	-	2,098,442	2,098,442	-	-	2,098,442	-	-	2,098,442	2,098,442	0%	
43717-Local Intergov't Contributions	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	
45520-Assessment District Revenues	-	-	-	-	-	-	-	750,000	-	5,750,000	-	5,750,000	6,500,000	750,000	-	5,750,000	-	-	5,750,000	6,500,000	0%	
Sub-Total	-	-	-	-	-	-	-	750,000	450,861	12,219,722	-	12,670,583	13,420,583	750,000	450,861	12,219,722	-	-	12,670,583	-	0%	
46110-Interest on Investments	-	-	29	-	-	29	29	-	-	-	-	-	-	-	-	(29)	-	-	(29)	(29)	0%	
49010-Other Revenue	-	-	-	-	-	-	-	-	-	-	19,750	19,750	19,750	-	-	-	19,750	-	19,750	19,750	0%	
Sub-Total	-	-	29	-	-	29	29	-	-	-	19,750	19,750	19,750	-	-	(29)	19,750	-	19,721	19,721	0%	
TOTAL INCOME	-	-	29	-	-	29	29	750,000	450,861	12,219,722	19,750	-	12,690,333	13,440,333	750,000	450,861	12,219,693	19,750	-	12,690,304	-	0%
EXPENDITURES - ADMINISTRATION:																						
Operations:																						
62701-Executive Director	-	-	-	-	-	-	-	(36,000)	-	-	-	-	(36,000)	(36,000)	(36,000)	-	-	-	-	(36,000)	(36,000)	0%
62730-Attorney	(1,041)	-	-	-	-	-	(1,041)	(48,000)	-	-	-	-	(48,000)	(46,959)	-	-	-	-	-	(46,959)	(46,959)	2%
62701-Analyst/Administrative Assistant	-	-	-	-	-	-	-	(15,000)	-	-	-	-	(15,000)	(15,000)	(15,000)	-	-	-	-	(15,000)	(15,000)	0%
62701-Clerk/Secretary	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	
6279(8,9)-Executive Director	(14,442)	-	-	-	-	-	(14,442)	(45,640)	-	-	-	-	(45,640)	(31,198)	-	-	-	-	-	(31,198)	(31,198)	32%
61(5,2)(XX)-Director of Engineering	(18,615)	-	-	-	-	-	(18,615)	-	-	-	-	-	-	18,615	-	-	-	-	18,615	18,615	0%	
62701-Director of Engineering Support	-	-	-	-	-	-	-	(60,000)	-	-	-	-	(60,000)	(60,000)	-	-	-	-	-	(60,000)	(60,000)	0%
62701-Public Outreach	(430)	-	-	-	-	-	(430)	(20,000)	-	-	-	-	(20,000)	(19,570)	-	-	-	-	-	(19,570)	(19,570)	2%
62701-Financial Mgt	(7,094)	-	-	-	-	-	(7,094)	(36,000)	-	-	-	-	(36,000)	(28,906)	-	-	-	-	-	(28,906)	(28,906)	20%
62701-Assessment District Admin.	(9,962)	-	-	-	-	-	(9,962)	(118,000)	-	-	-	-	(118,000)	(108,038)	-	-	-	-	-	(108,038)	(108,038)	8%
Sub-Total	(51,585)	-	-	-	-	-	(51,585)	(378,640)	-	-	-	-	(378,640)	(327,055)	-	-	-	-	-	-	-	14%
Services and Supplies	(9,362)	-	(37,988)	-	-	(37,988)	(47,350)	(126,152)	-	(561,993)	-	(561,993)	(688,145)	(116,790)	-	(524,005)	-	-	(524,005)	(640,796)	7%	
Equipment	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	
Sub-Total	(9,362)	-	(37,988)	-	-	(37,988)	(47,350)	(126,152)	-	(561,993)	-	(561,993)	(688,145)	(116,790)	-	(524,005)	-	-	(524,005)	-	7%	
Total Operations	(60,946)	-	(37,988)	-	-	(37,988)	(98,934)	(504,792)	-	(561,993)	-	(561,993)	(1,066,785)	(443,846)	-	(524,005)	-	-	(524,005)	-	9%	
EXPENDITURES - PROGRAM:																						
USACE Feasibility Study:																						
Administration	-	(3,656)	-	-	-	(3,656)	(3,656)	(73,000)	-	-	-	(73,000)	(73,000)	-	(69,344)	-	-	-	(69,344)	(69,344)	5%	
Engineering	-	(17,629)	-	-	-	(17,629)	(17,629)	(36,000)	-	-	-	(36,000)	(36,000)	-	(18,371)	-	-	-	(18,371)	(18,371)	49%	
Environmental	-	(431)	-	-	-	(431)	(431)	(375,718)	-	-	-	(375,718)	(375,718)	-	(375,287)	-	-	-	(375,287)	(375,287)	0%	
Payments to USACE	-	(200,000)	-	-	-	(200,000)	(200,000)	(650,000)	-	-	-	(650,000)	(650,000)	-	(450,000)	-	-	-	(450,000)	(450,000)	31%	
Sub-Total	-	(221,717)	-	-	-	(221,717)	(221,717)	(1,134,718)	-	-	-	(1,134,718)	(1,134,718)	-	(913,001)	-	-	-	(913,001)	-	20%	
EIP:																						
Pre-Planning	-	-	(420)	-	-	(420)	(420)	(20,400)	-	(20,400)	-	(20,400)	(20,400)	-	-	(19,980)	-	-	(19,980)	(19,980)	2%	
Administration	-	-	(169,615)	-	-	(169,615)	(169,615)	(1,760,335)	-	(1,760,335)	-	(1,760,335)	(1,760,335)	-	-	(1,590,720)	-	-	(1,590,720)	(1,590,720)	10%	
Engineering	-	-	(244,908)	-	-	(244,908)	(244,908)	(6,772,673)	-	(6,772,673)	-	(6,772,673)	(6,772,673)	-	-	(6,527,765)	-	-	(6,527,765)	(6,527,765)	4%	
Environmental	-	-	(233,422)	-	-	(233,422)	(233,422)	(6,343,546)	-	(6,343,546)	-	(6,343,546)	(6,343,546)	-	-	(6,110,124)	-	-	(6,110,124)	(6,110,124)	4%	
Right of Way Services	-	-	(186,870)	-	-	(186,870)	(186,870)	(9,042,595)	-	(9,042,595)	-	(9,042,595)	(9,042,595)	-	-	(8,855,725)	-	-	(8,855,725)	(8,855,725)	2%	
Sub-Total	-	-	(835,235)	-	-	(835,235)	(835,235)	-	-	(23,939,549)	-	(23,939,549)	(23,939,549)	-	-	(23,104,314)	-	-	(23,104,314)	-	3%	
Stakeholder Management																						
6563(7,8,9) Stakeholder Management	-	-	-	(450)	-	(450)	(450)	-	-	(48,000)	-	(48,000)	(48,000)	-	-	-	(47,550)	-	(47,550)	(47,550)	1%	
Sub-Total	-	-	-	(450)	-	(450)	(450)	-	-	(48,000)	-	(48,000)	(48,000)	-	-	-	(47,550)	-	(47,550)	-	1%	
Regional Planning																						
6564X Regional Planning Efforts	-	-	-	-	(3,246)	(3,246)	(3,246)	-	-	-	-	-	-	-	-	-	-	3,246	3,246	3,246	0%	
Sub-Total	-	-	-	-	(3,246)	(3,246)	(3,246)	-	-	-	-	-	-	-	-	-	-	3,246	3,246	-	0%	
Star Bend Payment:																						
Payment to LD 1	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	
Sub-Total	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	-	0%	
Total Capital	-	(221,717)	(835,235)	(450)	(3,246)	(1,060,647)	(1,060,647)	-	(1,134,718)	(23,939,549)	(48,000)	-	(25,122,267)	(25,122,267)	-	(913,001)	(23,104,314)	(47,550)	3,246	(24,061,620)	-	4%
Budgeted Contingency																						
	-	-	-	-	-	-	-	(15,000)	-	-	-	-	(15,000)	(15,000)	-	-	-	-	-	(15,000)	(15,000)	0%
TOTAL EXPENDITURES	(60,946)	(221,717)	(873,223)	(450)	(3,246)	(1,098,635)	(1,159,582)	(519,792)	(1,134,718)	(24,501,543)	(48,000)	-	(25,684,261)	(26,204,053)	(458,846)	(913,001)	(23,628,320)	(47,550)	3,246	(24,585,626)	(15,000)	4%
NET REVENUES OVER (UNDER) EXPENDITURES	(60,946)	(221,717)	(873,194)	(450)	(3,246)	(1,098,606)	(1,159,553)	230,208	(683,857)	(12,281,821)	(28,250)	-	(12,993,928)	(12,763,720)	291,154	(462,140)	(11,408,627)	(27,800)	3,246	(11,895,321)	-	
NET TRANSFERS BETWEEN FUNDS	119,244	-	-	-	-	-	119,244	(10,500)	-	-	10,500	-	10,500	-	(129,744)	-	-	10,500	-	10,500	(119,244)	
NET FINANCING ACTIVITIES																						
	-	-	-	-	-	-	-	-	-	16,461,777	-	-	16,461,777	16,461,777	-	-	16,461,777	-	-	16,461,777	16,461,777	
WORKING CAPITAL - JULY 1, 2012	1,953,644	1,005,314	986,452	691	-	1,992,457	3,946,100	1,657,979	738,357	5,597,330	17,750	-	6,353,437	8,011,416	(295,665)	(266,957)	4,610,879	17,059	-	4,360,981	4,065,316	
WORKING CAPITAL - MONTH END SEPTEMBER 2012	2,011,941	783,597	113,258	241	(3,246)	893,851	2,905,791	1,877,687	54,500	9,777,286	-	-	9,831,786	11,709,473	(134,254)	(729,097)	9,664,029	(241)	3,246	8,937,936	20,407,849	

SELECTION CRITERIA: transact.yr="13" and transact.period="3" and transact.fund between "730" and "732"
 ACCOUNTING PERIOD: 4/13

FUND - 730 - FLOOD CONTROL AGENCY

CASH ACCT	CHECK NO	ISSUE DT	-----VENDOR-----	FUND/DEPT	ACCNT	----DESCRIPTION----	SALES TAX	AMOUNT
10100	183481	09/13/12	304423 7TH DIMENSION, LLC	7350	62501	SBFCA/JULY 2012 7TH	0.00	50.00
10100	183514	09/13/12	201215 CSAC EXCESS INSURAN	7350	64310	SBFCA/AUG 2012 5% I	0.00	3.16
10100	183572	09/13/12	301312 PARSONS BRINCKERHOF	7350	62701	SBFCA/JULY 2012 AES	0.00	9962.14
10100	183590	09/13/12	304269 SETH WURZEL CONSULT	7350	62701	SBFCA/AUG 2012 5% O	0.00	5748.73
10100	183772	09/20/12	96963 Y-S ECONOMIC DEVELO	7350	63201	CR/OCT 2012 RENT	0.00	100.00
10100	183782	09/20/12	302252 U.S. BANK CORP PAYM	7350	63801	DP/MS OFFICE FOR SB	0.00	174.99
10100	183782	09/20/12	302252 U.S. BANK CORP PAYM	7350	63801	DP/LAPTOP FOR SBFLA	0.00	805.07
TOTAL CHECK							0.00	980.06
10100	183801	09/28/12	304423 7TH DIMENSION, LLC	7350	62501	SBFCA/COMPUTER MAIN	0.00	12.50
10100	183808	09/28/12	300880 AT&T	7350	62201	SBFCA/8-01-12 TO 9-	0.00	3.14
10100	183817	09/28/12	303512 CA. CENTRAL VALLEY	7350	63101	SBFCA/MEMBERSHIP 20	0.00	750.00
10100	183847	09/28/12	304614 HDR ENGINEERING, IN	7350	63201	SBFCA/AUG & SEPT201	0.00	30.00
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	7350	62701	SBFCA/JULY & AUG 20	0.00	429.85
10100	183871	09/28/12	66507 OFFICE DEPOT	7350	62501	SBFCA/OFFICE SUPPLI	0.00	1.19
10100	183871	09/28/12	66507 OFFICE DEPOT	7350	62501	SBFCA/KEYBOARD & MO	0.00	3.78
TOTAL CHECK							0.00	4.97
TOTAL CASH ACCOUNT							0.00	18074.55
TOTAL FUND							0.00	18074.55

SELECTION CRITERIA: transact.yr="13" and transact.period="3" and transact.fund between "730" and "732"
 ACCOUNTING PERIOD: 4/13

FUND - 731 - SBFCA CAPITAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	FUND/DEPT	ACCNT	DESCRIPTION	SALES TAX	AMOUNT
10100	183481	09/13/12	304423	7TH DIMENSION, LLC	995001	66311 SBFCA/JULY 2012 7TH	0.00	100.00
10100	183481	09/13/12	304423	7TH DIMENSION, LLC	996001	66311 SBFCA/JULY 2012 7TH	0.00	100.00
TOTAL CHECK							0.00	200.00
10100	183503	09/13/12	302416	BENDER ROSENTHAL, I	995001	66714 SBFCA/JULY 2012 50%	0.00	28387.97
10100	183503	09/13/12	302416	BENDER ROSENTHAL, I	996001	66714 SBFCA/JULY 2012 50%	0.00	28387.97
TOTAL CHECK							0.00	56775.94
10100	183514	09/13/12	201215	CSAC EXCESS INSURAN	995001	66311 SBFCA/AUG 2012 47.5	0.00	30.05
10100	183514	09/13/12	201215	CSAC EXCESS INSURAN	996001	66311 SBFCA/AUG 2012 47.5	0.00	30.05
TOTAL CHECK							0.00	60.10
10100	183522	09/13/12	304127	DONALD H. BABBITT	995001	66604 SBFCA/JULY/AUG 2012	0.00	111.80
10100	183522	09/13/12	304127	DONALD H. BABBITT	995001	66704 SBFCA/JULY/AUG 2012	0.00	1900.87
10100	183522	09/13/12	304127	DONALD H. BABBITT	996001	66604 SBFCA/JULY/AUG 2012	0.00	111.80
10100	183522	09/13/12	304127	DONALD H. BABBITT	996001	66704 SBFCA/JULY/AUG 2012	0.00	1900.87
10100	183522	09/13/12	304127	DONALD H. BABBITT	996001	66804 SBFCA/JULY/AUG 2012	0.00	954.66
TOTAL CHECK							0.00	4980.00
10100	183533	09/13/12	304203	GEORGE SILLS GEOTEC	995001	66604 SBFCA/AUG 2012 EIP	0.00	206.21
10100	183533	09/13/12	304203	GEORGE SILLS GEOTEC	995001	66704 SBFCA/AUG 2012 EIPS	0.00	3506.11
10100	183533	09/13/12	304203	GEORGE SILLS GEOTEC	996001	66604 SBFCA/AUG 2012 EIP	0.00	206.21
10100	183533	09/13/12	304203	GEORGE SILLS GEOTEC	996001	66704 SBFCA/AUG 2012 EIPL	0.00	3506.11
10100	183533	09/13/12	304203	GEORGE SILLS GEOTEC	996001	66804 SBFCA/AUG 2012 EIPL	0.00	1760.88
TOTAL CHECK							0.00	9185.52
10100	183545	09/13/12	302687	ICF JONES & STOKES,	941064	65632 SBFCA/MAY 2012 TO #	0.00	784.26
10100	183545	09/13/12	302687	ICF JONES & STOKES,	995001	66411 SBFCA/JUNE 2012 TO	0.00	22707.53
10100	183545	09/13/12	302687	ICF JONES & STOKES,	995001	66411 SBFCA/JUNE 2012 TO	0.00	16816.34
10100	183545	09/13/12	302687	ICF JONES & STOKES,	995001	66411 SBFCA/MAY 2012 TO #	0.00	14800.53
10100	183545	09/13/12	302687	ICF JONES & STOKES,	995001	66411 SBFCA/MAY 2012 TO #	0.00	11389.86
10100	183545	09/13/12	302687	ICF JONES & STOKES,	996001	66411 SBFCA/JUNE 2012 TO	0.00	22707.53
10100	183545	09/13/12	302687	ICF JONES & STOKES,	996001	66411 SBFCA/JUNE 2012 TO	0.00	16816.33
10100	183545	09/13/12	302687	ICF JONES & STOKES,	996001	66411 SBFCA/MAY 2012 TO #	0.00	14800.52
10100	183545	09/13/12	302687	ICF JONES & STOKES,	996001	66411 SBFCA/MAY 2012 TO #	0.00	11389.85
TOTAL CHECK							0.00	132212.75
10100	183572	09/13/12	301312	PARSONS BRINCKERHOF	995001	66541 SBFCA/JULY 2012 MPS	0.00	8281.50
10100	183572	09/13/12	301312	PARSONS BRINCKERHOF	996001	66541 SBFCA/JULY 2012 MPS	0.00	8281.50
TOTAL CHECK							0.00	16563.00
10100	183590	09/13/12	304269	SETH WURZEL CONSULT	992001	65640 SBFCA/AUG 2012 REG	0.00	1295.92
10100	183590	09/13/12	304269	SETH WURZEL CONSULT	995001	66521 SBFCA/AUG 2012 50%	0.00	5377.31
10100	183590	09/13/12	304269	SETH WURZEL CONSULT	996001	66521 SBFCA/AUG 2012 50%	0.00	5377.31
TOTAL CHECK							0.00	12050.54
10100	183681	09/20/12	302687	ICF JONES & STOKES,	995001	66412 SBFCA/JUNE SERV BAL	0.00	6894.06
10100	183681	09/20/12	302687	ICF JONES & STOKES,	996001	66412 SBFCA/JUNE SERV BAL	0.00	6894.06

SELECTION CRITERIA: transact.yr="13" and transact.period="3" and transact.fund between "730" and "732"
 ACCOUNTING PERIOD: 4/13

FUND - 731 - SBFCA CAPITAL FUND

CASH ACCT	CHECK NO	ISSUE DT	VENDOR	FUND/DEPT	ACCNT	DESCRIPTION	SALES TAX	AMOUNT
TOTAL CHECK							0.00	13788.12
10100	183772	09/20/12	96963 Y-S ECONOMIC DEVELO	995001	66311	CR/OCT 2012 RENT	0.00	200.00
10100	183772	09/20/12	96963 Y-S ECONOMIC DEVELO	996001	66311	CR/OCT 2012 RENT	0.00	200.00
TOTAL CHECK							0.00	400.00
10100	183801	09/28/12	304423 7TH DIMENSION, LLC	995001	66311	SBFCA/COMPUTER MAIN	0.00	118.75
10100	183801	09/28/12	304423 7TH DIMENSION, LLC	996001	66311	SBFCA/COMPUTER MAIN	0.00	118.75
TOTAL CHECK							0.00	237.50
10100	183808	09/28/12	300880 AT&T	995001	66311	SBFCA/8-01-12 TO 9-	0.00	29.85
10100	183808	09/28/12	300880 AT&T	996001	66311	SBFCA/8-01-12 TO 9-	0.00	29.84
TOTAL CHECK							0.00	59.69
10100	183817	09/28/12	303512 CA. CENTRAL VALLEY	996001	66311	SBFCA/MEMBERSHIP 20	0.00	14250.00
10100	183829	09/28/12	304861 DIEPENBROCK ELKIN L	995001	66561	SBFCA/JULY 2012 REV	0.00	3680.50
10100	183829	09/28/12	304861 DIEPENBROCK ELKIN L	995001	66561	SBFCA/AUG 2012 REVI	0.00	14031.50
10100	183829	09/28/12	304861 DIEPENBROCK ELKIN L	996001	66561	SBFCA/JULY 2012 REV	0.00	3680.50
10100	183829	09/28/12	304861 DIEPENBROCK ELKIN L	996001	66561	SBFCA/AUG 2012 REVI	0.00	14031.50
TOTAL CHECK							0.00	35424.00
10100	183846	09/28/12	200071 HDR ENGINEERING INC	995001	66607	SBFCA/JULY 2012 SER	0.00	1989.85
10100	183846	09/28/12	200071 HDR ENGINEERING INC	995001	66707	SBFCA/JULY 2012 SER	0.00	33863.22
10100	183846	09/28/12	200071 HDR ENGINEERING INC	995001	66731	SBFCA/JULY 2012 SER	0.00	366.91
10100	183846	09/28/12	200071 HDR ENGINEERING INC	995001	66733	SBFCA/JULY 2012 SER	0.00	22092.12
10100	183846	09/28/12	200071 HDR ENGINEERING INC	995001	66734	SBFCA/JULY 2012 SER	0.00	80360.07
10100	183846	09/28/12	200071 HDR ENGINEERING INC	996001	66607	SBFCA/JULY 2012 SER	0.00	1989.85
10100	183846	09/28/12	200071 HDR ENGINEERING INC	996001	66707	SBFCA/JULY 2012 SER	0.00	33863.21
10100	183846	09/28/12	200071 HDR ENGINEERING INC	996001	66731	SBFCA/JULY 2012 SER	0.00	366.90
10100	183846	09/28/12	200071 HDR ENGINEERING INC	996001	66733	SBFCA/JULY 2012 SER	0.00	22092.11
10100	183846	09/28/12	200071 HDR ENGINEERING INC	996001	66734	SBFCA/JULY 2012 SER	0.00	80360.06
TOTAL CHECK							0.00	277344.30
10100	183847	09/28/12	304614 HDR ENGINEERING, IN	995001	66311	SBFCA/AUG & SEPT201	0.00	285.00
10100	183847	09/28/12	304614 HDR ENGINEERING, IN	996001	66311	SBFCA/AUG & SEPT201	0.00	285.00
TOTAL CHECK							0.00	570.00
10100	183850	09/28/12	302687 ICF JONES & STOKES,	995001	66411	SBFCA/AUG 2012 SERV	0.00	20471.74
10100	183850	09/28/12	302687 ICF JONES & STOKES,	995001	66411	SBFCA/JULY 2012 SER	0.00	74330.01
10100	183850	09/28/12	302687 ICF JONES & STOKES,	995001	66411	SBFCA/JULY 2012 SER	0.00	15015.15
10100	183850	09/28/12	302687 ICF JONES & STOKES,	941064	65632	SBFCA/JULY 2012 SER	0.00	431.34
10100	183850	09/28/12	302687 ICF JONES & STOKES,	996001	66411	SBFCA/AUG 2012 SERV	0.00	20471.73
10100	183850	09/28/12	302687 ICF JONES & STOKES,	996001	66411	SBFCA/JULY 2012 SER	0.00	74329.99
10100	183850	09/28/12	302687 ICF JONES & STOKES,	996001	66411	SBFCA/JULY 2012 SER	0.00	15015.14
TOTAL CHECK							0.00	220065.10
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	992001	65640	SBFCA/JULY & AUG 20	0.00	425.00

SELECTION CRITERIA: transact.yr="13" and transact.period="3" and transact.fund between "730" and "732"
 ACCOUNTING PERIOD: 4/13

FUND - 731 - SBFCA CAPITAL FUND

CASH ACCT	CHECK NO	ISSUE DT	-----VENDOR-----	FUND/DEPT	ACCNT	----DESCRIPTION----	SALES TAX	AMOUNT
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	995001	66331	SBFCA/JULY & AUG 20	0.00	4083.65
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	995001	66514	SBFCA/JULY & AUG 20	0.00	1137.50
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	996001	66331	SBFCA/JULY & AUG 20	0.00	4083.65
10100	183859	09/28/12	304090 KIM FLOYD COMMUNICA	996001	66514	SBFCA/JULY & AUG 20	0.00	1137.50
TOTAL CHECK							0.00	10867.30
10100	183871	09/28/12	66507 OFFICE DEPOT	995001	66311	SBFCA/OFFICE SUPPLI	0.00	11.30
10100	183871	09/28/12	66507 OFFICE DEPOT	995001	66311	SBFCA/KEYBOARD & MO	0.00	35.87
10100	183871	09/28/12	66507 OFFICE DEPOT	996001	66311	SBFCA/OFFICE SUPPLI	0.00	11.31
10100	183871	09/28/12	66507 OFFICE DEPOT	996001	66311	SBFCA/KEYBOARD & MO	0.00	35.88
TOTAL CHECK							0.00	94.36
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	991067	65621	SBFCA/SEPT 2012 ENG	0.00	420.00
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	941064	65631	SBFCA/SEPT 2012 ENG	0.00	6268.44
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	995001	66341	SBFCA/SEPT 2012 ENG	0.00	6252.29
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	941064	65610	SBFCA/AUG 2012 SERV	0.00	11361.00
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	995001	66502	SBFCA/AUG 2012 SERV	0.00	6370.97
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	995001	66503	SBFCA/SEPT 2012 ENG	0.00	114.18
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	995001	66513	SBFCA/SEPT 2012 ENG	0.00	7686.43
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	995001	66551	SBFCA/SEPT 2012 ENG	0.00	5759.68
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	996001	66341	SBFCA/SEPT 2012 ENG	0.00	6252.28
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	996001	66502	SBFCA/AUG 2012 SERV	0.00	6370.98
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	996001	66503	SBFCA/SEPT 2012 ENG	0.00	114.20
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	996001	66513	SBFCA/SEPT 2012 ENG	0.00	7686.42
10100	183892	09/28/12	301931 PETERSON, BRUSTAD,	996001	66551	SBFCA/SEPT 2012 ENG	0.00	5759.67
TOTAL CHECK							0.00	70416.54
10100	183904	09/28/12	304126 RIVERSMITH ENGINEER	996001	66804	SBFCA/SEPT 2012 ENG	0.00	1231.88
10100	183904	09/28/12	304126 RIVERSMITH ENGINEER	995001	66604	SBFCA/SEPT 2012 ENG	0.00	144.26
10100	183904	09/28/12	304126 RIVERSMITH ENGINEER	995001	66704	SBFCA/SEPT 2012 ENG	0.00	2452.80
10100	183904	09/28/12	304126 RIVERSMITH ENGINEER	996001	66604	SBFCA/SEPT 2012 ENG	0.00	144.26
10100	183904	09/28/12	304126 RIVERSMITH ENGINEER	996001	66704	SBFCA/SEPT 2012 ENG	0.00	2452.80
TOTAL CHECK							0.00	6426.00
10100	800295	09/13/12	301265 DOWNEY BRAND ATTORN	991068	65637	SBFCA/OCT 2011 FEMA	0.00	1537.50
TOTAL CASH ACCOUNT							0.00	883508.26
TOTAL FUND							0.00	883508.26
TOTAL REPORT							0.00	901582.81



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

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

SUBJECT: Approval of a Contract with ICF International for Environmental Support Services Associated with the Regional Planning Effort

Recommendation

Authorize the Executive Director to enter into a contract with ICF International for up to \$70,000 for environmental support services associated with the Regional Planning effort.

Background

The California Central Valley Flood Protection Plan (CVFPP) was adopted by the Central Valley Flood Protection Board in June 2012. A major first step in the implementation of the CVFPP is the development of Regional Plans. The Regional planning process will partner local governments and stakeholders with the State of California Department of Water Resources (DWR) to identify and prioritize projects in separate regions within the Central Valley, including the Feather River region, that will accomplish the goals established in the CVFPP. The region's goals are to build upon the successes of recent flood management efforts and to position our region to implement actions by maximizing remaining Prop 1E and 84 bond funds. The end result will be actions to reduce flood risk in urban, rural and small communities through a combination of improvements to the levee system as well as updated emergency response and recovery plans. Capital improvements will be planned to preserve agriculture and achieve the habitat restoration objectives established in the CVFPP. This work will be fully funded by a DWR-administered grant.

Discussion

Three firms responded to the Feather River Region Flood Management Plan Working Group's Request for Qualifications for environmental services on October 16th. The three firms who submitted statements of qualifications were ICF International, AECOM, and ESA. Submittals were reviewed and ranked independently by Michael Bessette (SBFCA), Jeff Rabone (YCWA), and Tom Engler (MBK Engineers) based on experience of project manager, creativity and sensitivity to agriculture preservation, approach to stakeholder outreach, permitting expertise and writing, strength of team/depth of experience, and experience and familiarity with the Feather River Corridor. The reviewers were unanimous in the order of rankings for the top three consultant teams. ICF was ranked first, followed closely by AECOM. ICF was set apart by its approach to agriculture preservation, public outreach, and incorporating agriculture as a form of environmental enhancement. The staff selection of ICF International to serve as the environmental consultant to support the regional planning effort was brought to the Feather River Regional Coordinating Committee on October 19th and was unanimously approved.

Fiscal Impact

The overall costs associated with this work will be fully funded by DWR following execution of a state grant application. There is no budgetary impact resulting from board approval of the recommended action.

Thank you.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Andrea Clark and Scott Shapiro, Agency Counsel

SUBJECT: Recommendation to Adopt Alternative Public Bidding Procedures

Recommendation

That the Board of Directors approve a resolution adopting the Uniform Public Construction Cost Accounting Act, an alternative to the public bidding requirements currently applicable to SBFCA for construction contracts.

Background

SBFCA is a joint powers authority whose members are the Counties of Butte and Sutter, the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee Districts 1 and 9. In accordance with Government Code section 6509, the powers of SBFCA are subject to the restrictions that are imposed upon Sutter County.

The County is required to follow public bidding procedures applicable to counties with fewer than 500,000 residents when entering contracts for public projects. However, the County is permitted to opt into the alternative procedures provided by the Uniform Public Construction Cost Accounting Act (sections 22030-22045 of the Public Contract Code). SBFCA, in order to accomplish its purpose, also contracts out various work and services and will continue to do so as the Feather River West Levee Project (FRWLP) progresses. At this time, SBFCA has not elected to opt into the alternative public bidding procedure, and thus continues to be subject to the provisions that apply to Sutter County.

The bidding requirements under the main and alternative procedures are fairly similar, but they set out different contract amount thresholds that govern when the informal and formal bidding requirements apply. While the main procedure requires informal bidding for contracts over \$4,000 and formal bidding for contracts over \$10,000, the alternate procedure requires informal bidding only when the contract amount is more than \$45,000 and formal bidding only when the contract amount is more than \$175,000. Exceptions for emergency work are available under either procedure.

Because the alternative bidding procedures provide for a higher minimum contract amount triggering public bidding requirements, SBFCA can expedite the award timeframe for more of its construction contracts by opting into the alternative bidding procedures. SBFCA could make this decision at any point, but we recommend that it do so prior to entering into construction contracts for the Project.

The alternative procedure gives SBFCA the benefit of being able to use its informal bidding procedures at a much higher level than the primary procedure, *i.e.*, up to \$175,000 instead of \$10,000. This will allow SBFCA to expedite the award timeframe for more of its contracts, for example, when SBFCA needs to do pre-construction or minor construction-related work (e.g., clearing trees) throughout the life of the Project. Because Sutter County has elected to be governed by the alternative procedure, SBFCA's contracting authority would be consistent with Sutter County's. Further, under the alternative procedure, SBFCA will maintain a list of qualified bidders for informal projects, increasing SBFCA's awareness of potential bidders and potentially resulting in greater competition through initial outreach.

The procurement procedures are similar under either the primary procedure or the alternative procedure. Each requires adoption of procedures governing procurement, notice of the bidding opportunity directly to interested bidders and/or through publication, and (generally) award to the lowest responsible bidder. Under either procedure, SBFCA has the authority to award emergency contracts without competitive bidding, if necessary and appropriate. While the language defining "public projects" differs, in substance, each procedure applies to the types of projects for which SBFCA is likely to contract.

To adopt the alternative procedures, SBFCA must:

- (a) Elect to become subject to the uniform construction cost accounting standards of the Uniform Public Construction Cost Accounting Act, and notify the State Controller that the Agency has made this election.
- (b) By resolution, opt into the alternative procedures of that Act.
- (c) Adopt an informal bidding ordinance, which will govern the selection of contractors for public works projects of up to \$175,000. Public Contract Code 22032 sets the basic requirements for this ordinance, which may be adopted after the resolution adopting the cost accounting standards.

Staff, including general counsel Downey Brand LLP and construction counsel Diepenbrock Ellis LLP, recommends that SBFCA opt into the alternative procedures.

RESOLUTION NO. 2012-17

**A RESOLUTION BY THE BOARD OF DIRECTORS OF THE
SUTTER BUTTE FLOOD CONTROL AGENCY
ADOPTING BIDDING AND COST ACCOUNTING PROCEDURES UNDER THE
CALIFORNIA UNIFORM COST ACCOUNTING ACT**

WHEREAS, Sutter-Butte Flood Control Agency (“SBFCA”) is a joint powers authority whose members include the Counties of Butte and Sutter, the Cities of Biggs, Gridley, Live Oak, and Yuba City, and Levee Districts 1 and 9; and

WHEREAS, Sutter County is required to follow public bidding procedures applicable to counties with fewer than 500,000 residents when entering contracts for public projects; and

WHEREAS, in accordance with Government Code Section 6509, the powers of SBFCA are subject to the restrictions that are imposed upon Sutter County; and

WHEREAS, under Uniform Public Construction Cost Accounting Act (Public Contract Code Section 22000 *et seq*) public agencies may adopt an alternative bidding process for public projects, provided that they meet certain requirements under that Act; and

WHEREAS, pursuant to Sections 22030 and 22010 of the Public Contract Code public agencies that wish to adopt the alternative bidding procedures of the Uniform Public Construction Cost Accounting Act must also adopt the uniform construction cost accounting standards of that Act; and

WHEREAS, Section 22034 of the Public Contract Code provides that local agencies that have adopted the uniform cost accounting procedures shall also adopt an informal bidding ordinance governing the selection of contractors to perform public projects of \$175,000 or less; and

WHEREAS, SBFCA desires to adopt the alternative bidding and uniform construction cost accounting requirements of the Uniform Public Construction Cost Accounting Act.

NOW, THEREFORE, be it resolved that the Board of Directors of the Sutter Butte Flood Control Agency:

- 1) Elects under Public Contract Code Section 22030 to become subject to the uniform construction cost accounting procedures of the Uniform Public Construction Cost Accounting Act, commencing with Public Contract Code Section 22000 or any successor statute, and to the policies and procedures manual and cost accounting review procedures promulgated by the California Uniform Construction Cost Accounting Commission, as each may be amended from time to time.
- 2) Directs staff to notify the California State Controller of SBFCA’s election to become subject to the uniform construction cost accounting procedures.

- 3) Adopts the alternative bidding procedures of Public Contract Code Sections 22030 et seq.
- 4) Directs staff to develop a proposed informal bidding Ordinance, consistent with the requirements of Public Contract Code Section 22034.
- 5) This Resolution shall be effective on the date that the Ordinance adopting an informal bidding process as required by Public Contract Code Section 22034, is effective.

PASSED AND ADOPTED this 14th day of November, 2012, 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



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Michael Bessette, Director of Engineering
Scott McElhern, Special Counsel

SUBJECT: Resolution adopting relocation assistance rules, regulations and grievance procedures

Recommendation

Approve a resolution adopting relocation assistance rules, regulations and grievance procedures.

Background

The Sutter Butte Flood Control Agency (SBFCA) is pursuing the Feather River West Levee Project (FRWLP), a significant effort to rehabilitate the west levees of the Feather River. In conjunction with this project, subject to and conditioned upon the satisfaction of all applicable CEQA requirements, SBFCA will be acquiring portions of property along the existing alignment of the Feather River west levee. In general, SBFCA will be acquiring fee interest to the property underlying the levee and will also be purchasing additional property to the landside and waterside of the levee for purposes of operation and maintenance. In this way, SBFCA can ensure that flood protection is the primary use of the land underlying the levee (allowing us to exclude inconsistent uses) and that a necessary operation and maintenance corridor exists along the side of the levee to maintain the improved levee.

The real property acquisitions contemplated for the FRWLP may result in the unavoidable displacement of residents and businesses from the real property to be acquired.

Discussion

California Government Code section 7267.8(a) and Title 25 of the California Code of Regulations at section 6006 require that, prior to undertaking any activity which will result in displacing persons from property, a public entity must adopt rules and regulations that implement the requirements of the Relocation Assistance Act (Government Code sections 7260 et seq.) and that are in compliance with the Department of Housing and Community Development Relocation Assistance regulations set forth in 25 CCR 6000 et seq. Notwithstanding the above, Government Code section 7267.8(b) provides that with respect to federally funded projects, a public

entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law.

In January 2012, the SBFCA Board adopted Resolution No. 2012-01 delegating certain right of way authorities to SBFCA's Executive Director. Among other delegations, the SBFCA Board delegated to the SBFCA Executive Director the ability:

- After consultation with an ad hoc committee, to establish the just compensation for the real property to be acquired by SBFCA and the amount required for the relocation of displaced persons, and to approve the appropriation of funds therefore.
- After consultation with an ad hoc committee, to approve the written offers of just compensation to acquire real property.

The purpose of the attached resolution is to expand upon Resolution No. 2012-01, and pursuant to the Government Code and the California Code of Regulations, to adopt rules and regulations that SBFCA will follow for all its relocation efforts. The attached resolution specifies SBFCA's intention to follow all the applicable State and Federal statutes and regulations in conducting its relocation efforts.

In addition, the attached resolution establishes grievance procedures that SBFCA will follow as part of its relocation program. Pursuant to both State and Federal relocation laws and regulations, a displaced person who is dissatisfied with a public agency's determination as to his or her eligibility for relocation assistance, the amount of payment, or the failure of the agency to provide comparable permanent or adequate temporary replacement housing, has a right to appeal. The attached resolution sets forth procedures for implementing this process. It specifies that if a displaced person requests an informal oral presentation grievance review under State law, the review shall be conducted by SBFCA's Director of Engineering. It further specifies that if a displaced person requests a formal review and reconsideration under State law or files an appeal under Federal law (for federally funded projects), then the review shall be conducted by a Relocation Assistance Grievance Review Committee consisting of SBFCA's Executive Director, SBFCA's General Counsel, and the Chairman of SBFCA's Board of Directors.

Fiscal Impacts

There are no additional costs anticipated by adopting the proposed relocation assistance rules, regulations and grievance procedures.

RESOLUTION NO. 2012-18

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUTTER BUTTE
FLOOD CONTROL AGENCY ADOPTING RELOCATION ASSISTANCE RULES,
REGULATIONS AND GRIEVANCE PROCEDURES**

WHEREAS, the Sutter Butte Flood Control Agency (“Agency”) is a joint powers authority duly organized and existing under and by virtue of the laws of the State of California; and

WHEREAS, Agency is authorized to finance and construct levee improvements within the Sutter-Butte basin, and to establish and undertake projects that are necessary and proper to fulfilling that goal and objective; and

WHEREAS, in connection with the plan, design and performance of projects, Agency is authorized to acquire real property; and

WHEREAS, such real property acquisitions by Agency may result in the unavoidable displacement of residents and businesses from the real property to be acquired; and

WHEREAS, pursuant to Government Code section 7267.8(a), all public entities are required to adopt rules and regulations to implement payments and to administer relocation assistance under the Relocation Assistance Act (Government Code sections 7260 et seq.) in accordance with rules and regulations adopted by the Department of Housing and Community Development; and

WHEREAS, the Department of Housing and Community Development has promulgated Title 25, Division 1, Chapter 6 of the California Code of Regulations, commencing at section 6000, entitled “Relocation Assistance and Real Property Acquisition Guidelines” (“State Guidelines”) in order to implement, interpret and to make specific provisions of the Relocation Assistance Act; and

WHEREAS, pursuant to Government Code section 7267.8(b), notwithstanding the foregoing, with respect to federally funded projects, a public entity shall make relocation assistance payments and provide relocation advisory assistance as required under federal law; and

WHEREAS, the Office of the Secretary, Department of Transportation of the Federal Highway Administration has promulgated 49 Code of Federal Regulations, Part 24, entitled “Uniform Relocation Assistance and Real Property Acquisition for Federal and Federally Assisted Programs” (“Federal Guidelines”) as its rules to implement the Uniform Relocation Assistance and Real Property Acquisition Policies Act of 1970 (42 U.S.C. sections 4601 et seq.); and

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE SUTTER BUTTE FLOOD CONTROL AGENCY:

- 1) With respect to non-federally funded projects, the State Guidelines, as the same may be amended and revised from time to time, are hereby adopted as the guidelines, rules and regulations for providing relocation assistance by Agency to the extent they are not inconsistent with the provisions of applicable statutes.
- 2) IT IS FURTHER RESOLVED that, with respect to federally funded projects, the Federal Guidelines, as the same may be amended and revised from time to time, shall be the guidelines, rules and regulations for providing relocation assistance by Agency, to the extent they are not inconsistent with the provisions of applicable statutes.
- 3) The attached Exhibit "A" is hereby adopted as Agency's procedures to implement the "Grievance Procedures" required by Article 5, commencing with section 6150, of Title 25 of the California Code of Regulations and the "Appeals" process required by 49 Code of Federal Regulations section 24.10.
- 4) Agency's Executive Director is authorized to take all actions necessary to enforce and administer these rules and regulations, including, but not limited to, entering into contracts with qualified public agencies and/or private consultants to assist in fulfilling the duties set forth herein, or any other duties required by the Relocation Assistance Act, the State Guidelines, or the Federal Guidelines.

PASSED AND ADOPTED this 14th day of November 2012 by the Board of Sutter Butte Flood Control Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

ATTEST: _____,
CLERK OF THE BOARD

Chair

APPROVED AS TO FORM: GENERAL COUNSEL
SCOTT SHAPIRO

EXHIBIT "A"

GRIEVANCE PROCEDURES

The following procedures are adopted to implement the "Grievance Procedures" required by Article 5, commencing with section 6150 of Title 25 of the California Code of Regulations. (All references to section numbers are to Title 25 of the California Code of Regulations unless otherwise specified.) The following procedures are also adopted to implement the "Appeals" process required by 49 Code of Federal Regulations section 24.10 for federally funded projects.

1. The Sutter Butte Flood Control Agency's ("Agency") Director of Engineering shall conduct any "informal oral presentation" grievance review requested by a complainant pursuant to section 6156(b).

2. Any "formal review and reconsideration" grievance review requested by a complainant pursuant to section 6156(c) and any appeal filed pursuant to 49 Code of Federal Regulations section 24.10(b) shall be conducted by a Relocation Assistance Grievance Review Committee ("Committee") hereby created by the Board of Directors of Agency for that purpose. The Committee shall be composed of a three-member panel consisting of the following: Agency's Executive Director, Agency's General Counsel, and the Chairman of Agency's Board of Directors.

3. The time limit for requesting review pursuant to section 6156 or initiating an appeal pursuant to 49 Code of Federal Regulations section 24.10(b) shall be the time limit set forth in section 6156(d).

4. For all projects, decisions rendered by the Committee shall be administratively final and conclusive and not subject to further administrative appeal. Any petition for judicial review of a decision rendered by the Committee shall be pursuant to California Code of Civil Procedure section 1094.5 and must be brought within the time allowed by California Code of Civil Procedure section 1094.6.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Presentation by Agency staff regarding permanent financing

This time has been set aside on the agenda to provide an update to the Board on staffs' efforts related to a permanent financing for the Feather River West Levee Project.

The Agency's Budget Manager and representatives from KNN, the Agency's financial advisor, have prepared a presentation for the Board's review and information.

Copies of the presentation will be provided at the Board meeting.

Thank you.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

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 November Program/Project Update report.

Background

This report is the first of a series of regular, monthly updates on program and project activities of the Agency:

Engineering Design

The 90% design contract documents for Project Area C was received by Agency staff on September 25th for internal review. Staff responded with comments within a short review timeline and those comments were incorporated into the 90% contract documents that were issued to the Agency's Independent Panel of Experts (IPE) as well as the Army Corps of Engineers, Department of Water Resources, and the Central Valley Flood Protection Board on October 15th for their collective review. The final Geotechnical Report was also completed and delivered to our partner agencies so they can close comments they provided on the draft report that was submitted in March. A two day workshop will be held on November 6th and 7th with the IPE and our partner agencies to receive comments on the 90% documents. The goal is to have approved contract documents by the end of this year and issue bid documents for Project Area C in February of 2013.

On October 26th the Central Valley Flood Protection Board (CVFPB) approved sending a letter to the U.S. Army Corps of Engineers requesting 33 U.S. Code Section 408 (Section 408) approval to alter approximately 41 miles of federal flood control project levee on the Feather River. This is the first official step in the process to acquire the required Section 408 approval which will allow for the construction of SBFCA's Feather River West Levee Project. In 2013 after the Corps approves the Section 408 request, the CVFPB will be requested to issue an encroachment permit for the first phase of the project which is Project Area C (approximately 15 miles of levee).

Ongoing field work is occurring at this time. Geotechnical explorations (eight total) were recently completed in Reach 13 with the intent to confirm cutoff wall depths. In addition, existing relief wells in Reach 13 were tested to verify their performance. This field work was successful and the results will be presented to the IPE and Agencies at the November 6/7 workshop referenced above.

A critical component of the project is identifying and securing the proper type and amount of borrow material needed for the project. These efforts have been taking place for quite some time and have been documented in a Phase 2 Borrow Assessment report. A draft of this report was received on October 15th and is currently under internal review. Geotechnical testing of potential borrow sites is ongoing and will be completed within the next several months. The goal is to identify and secure borrow sources to serve Project Area C, our near term need, as well as future phases of the project. An associated task with borrow acquisition is acquiring a Surface Mining and Reclamation Act (SMARA) permit. The SMARA permit is issued by the governmental agency that has jurisdiction over the property. The SMARA process typically takes between 7 and 9 months to complete. Staff has held one coordination meeting with Sutter County planning staff and are also coordinating with the City of Live Oak. Staff is also identifying and investigating currently permitted sites for near term borrow needs.

Environmental Documentation and Permitting

The environmental team just completed the third administrative draft EIS/EIR and submitted the document to the Corps of Engineers and DWR for their collective review. The SBFCA team will continue to coordinate reviews by these agencies to insure comments are received in a timely fashion. The goal is to have a Public Draft issued by December 24th, but this will only be possible if our partner agencies, specifically Corps Headquarters, reviews and approves the document for release. Once released to the public there will be a 45-day review period as mandated by law. If this process proceeds according to SBFCA's schedule, staff will present the CEQA document to the SBFCA Board for certification in May 2013.

Other critical environmental tasks underway include coordination with regulatory agencies on the required permits for the project. Required permits include; CRWQCB 401 permit, Corps 404 Wetland Delineation permit, CDFG Streambed alteration permit, and many others.

Right of Way

The right of way acquisition process is continuing in Project Area C. On October 10, 2012, the Board approved an amendment to Bender Rosenthal's task order which granted authority to proceed with right of way acquisitions in Project Area D and B. All preliminary title reports for the entire Project Area have been received. Individual parcel survey exhibits have been completed for all Project Area C properties held in private ownership. The appraisal and property negotiation process is continuing for Project Area C properties, and the surveying team is beginning its work in Project Area D and B. We are on schedule to obtain the necessary property rights for construction in 2013 and 2014.

State Funding and Coordination

As part of the administration of SBFCA's EIP Design Funding Agreement with DWR, SBFCA is required to submit quarterly work plans and progress reports projecting and documenting the scope of work and expenses. Based upon these projections and corresponding reconciliations, the State advances a portion of projected State share of costs, and upon approval of the work and expenses incurred, reimburses SBFCA for remaining State share of costs incurred. To date, SBFCA has provided projections of work through September 2012 and documented projected related expenses through June 2012. These related funding requests have generated payments from DWR totaling \$3,488,721. Staff continues to prepare ongoing documentation to DWR to support additional payments from DWR.

As it relates to ongoing efforts to secure an EIP Construction Funding Agreement, staff has prepared and submitted numerous supporting documents as requested by DWR. Staff is currently working to prepare financial plans to support the next phase of the project, the

overall area plan as well as a plan for ongoing operations & maintenance. Upon completion of the plan, Staff believes it will have met all required documentation for threshold approval of a construction funding agreement. Staff plans to complete this report by the end of November.

Corps Feasibility Study Pilot Project

As explained during previous Board meetings, the Feasibility Study is the federal government's process of determining whether there is a federal interest in a federal flood control project in our region. It is a separate effort from SBFCA's project and is driven by the Corps of Engineers. The direction of the Feasibility Study is important to SBFCA because it could result in future federal dollars and construction in portions of our project, which currently does not rely on any federal funds. It is also important to SBFCA that the Feasibility Study not result in a future federal project that conflicts with SBFCA's project. The Corps of Engineers understands SBFCA's interest in its study and has involved SBFCA staff throughout the process.

On November 2, 2012, SBFCA staff participated in Decision Point 2 (DP2), an important milestone on the path to a final Chief's Report that recommends authorization of a federal project. The objectives of this meeting, which included key managers and executives from Corps Headquarters, Corps Division, Corps District, CA Department of Water Resources and the Central Valley Flood Protection Board, were fourfold:

- 1) Reconfirm the federal interest in the Sutter Basin
- 2) Identify the National Economic Development Plan alternative (NED)
- 3) Evaluate the risk remaining after the proposed NED alternative is implemented (residual risk)
- 4) Approve the tentatively selected plan (alternative)

This study is unusual because the Sutter Basin was selected as a national pilot project to demonstrate how the Corps can be more timely, cost effective and relevant in delivering feasibility studies. This has required the Corps to eliminate or modify a number of long-standing practices and procedures, and this DP2 meeting was the first of its kind in the country. For SBFCA, this decision point--and the recommended project that results from this process--was important for a number of reasons, including: provision of a backup plan for project construction should unplanned costs exceed SBFCA capability, the opportunity to deliver project objectives beyond current State funding and/or interest, and the State requirement to garner federal credit for SBFCA work throughout the remainder of the basin.

The Corps traditionally does not invest in, or recommend, any work beyond the NED plan, typically the minimal plan that is in the narrowly-constrained "federal interest." The Corps Feasibility Study is a highly complex process involving the study of numerous alternative plans, complicated federal planning criteria and multi-disciplinary analyses, and quite often this has resulted in delays, cost overruns and scope changes. The Sutter Feasibility Study Pilot Project is an attempt to address these traditional problems. The reconstruction of the Sutter Bypass was screened out by the Corps in an earlier phase of the project (against SBFCA objections); however, the likelihood of including this segment of levee in the recommended alternative was always doubtful given rigorous Corps benefit/cost requirements. Though disappointing, SBFCA will continue to work with the State to achieve repairs to the Sutter Bypass through the regional planning process and the proposed critical levee repairs grant program. The NED alternative proposed by the District at DP2 is a project that rehabilitates West Feather River levees from Sunset Weir to 4,400 feet south of Laurel Avenue, excluding repairs in the northern Feather River levee reaches. However, the plan

recommended by the USACE for authorization is a project extending from Thermalito Afterbay in the north to 4,400 feet south of Laurel Avenue. This project, termed the Locally Preferred Project or LPP, is larger in scope than the current SBFCA FRWLP1 and represents a very positive development for SBFCA. This recommendation would require a significant exception to current Corps Policy, and was the source of extensive discussion at the DP2 meeting.

No decision was rendered at the conclusion of the DP2 meeting; instead, District staff was directed to make the case for the departure from Corps Policy within the next 2 weeks, in keeping with the current schedule. SBFCA staff will continue to work with the Corps by providing technical expertise and advocating for Agency objectives of complete, 200-year protection in the urban north and the equivalent of 100-year level of protection in the rural south.

Regional Planning

The California Central Valley Flood Protection Plan (CVFPP) was adopted by the Central Valley Flood Protection Board in June 2012. A major first step in the implementation of the CVFPP is the development of Regional Plans. The Regional planning process will partner local governments and stakeholders with the State of California Department of Water Resources (DWR) to identify and prioritize projects in separate regions within the Central Valley, including the Feather River Region (Region), that will accomplish the goals established in the CVFPP. The region's goals are to build upon the successes of recent flood management efforts and to position our region to implement actions by maximizing remaining Prop 1E and 84 bond funds. The end result will be actions to reduce flood risk in urban, rural and small communities through a combination of improvements to the levee system as well as updated emergency response and recovery plans. Capital improvements will be planned to preserve agriculture and achieve the habitat restoration objectives established in the CVFPP.

The Yuba County Water Agency (YCWA), Three Rivers Levee Improvement Authority (TRLIA), Marysville Levee Commission (MLC), and the Sutter Butte Flood Control Agency (SBFCA) are partnering to develop a broadly supported Regional Flood Management Plan ("RFMP" or "Plan") that aligns with the CVFPP and qualifies projects for future state and federal funding. Toward that end, the Regional Partners will develop and implement a plan formulation process with a strong strategic stakeholder outreach effort to strengthen inter-agency working relationships and engender region-wide understanding of integrated flood management goals, objectives, and needs. A key goal will be to promote a sustainable partnership structure to facilitate future implementation of mutually-beneficial projects.

The plan formulation tasks focus on developing a description of the current state of flood management within the region, identifying opportunities for improving flood management while achieving multiple objectives, setting priorities, and developing a financing plan. Together these plan elements will define the long-term vision for flood risk reduction in the region.

The proposed approach will involve a structured public outreach process, supported by engineering, environmental, and financial analyses, leading to the incremental formulation of the Feather River Regional Plan. In order to provide a high degree of accessibility and transparency, the outreach effort would include establishing a web page on the Sutter Butte Flood Control Agency website and actively distributing to interested individuals and entities meeting notices and outcomes, work products as they become available, schedules, and briefing materials.

Staff has tentatively selected the firm of Jones and Stokes/ICF International to serve as the environmental consultant to support the regional planning effort. The selection was approved by the Feather River Regional Coordinating Committee on October 19th, and will be brought to the SBFCA Board for consideration of approval on November 14th. It is anticipated that this contract work, and all other consultant activities, will be fully funded by DWR following execution of the grant application.

Staff continues to participate with other Central Valley representatives in the coordination of Regional and System-wide planning efforts. This effort, headed by the CVFPB, is critical to ensuring information flow between regional stakeholders and DWR, and to ensure that SBFCA interests are represented in system-wide studies being conducted in parallel by DWR.

Staff anticipates submitting the formal grant application to DWR in December and quickly implementing the Regional Planning process. The planning process is anticipated to take up to 18 months to complete.

Staff will provide an update of the items at the Board meeting.

Fiscal Impact

This is an informational item only with no fiscal impact to the Agency.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Other reports from Agency staff and consultants
- Update to Board on conflicts of interest waivers granted, if necessary

This time has been set aside on the agenda for reports and discussion (if necessary) from the SBFCA staff.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

TO: Board of Directors

FROM: Mike Inamine, Executive Director
Michael Bessette, Director of Engineering
Scott Shapiro, Agency Counsel

SUBJECT: Washington D.C. Debrief

Background

The Sutter Butte Flood Control Agency (Agency) continues to advance its efforts. First, it is moving forward with the Feather River West Levee Project (project). While the design is on schedule, as previously shared with the Board, the U.S. Army Corps of Engineers (Corps) is not on schedule to be able to issue the needed permit (referred to as a 408 permit) in time for 2013 construction. As a result, we have been working with the Sacramento District and South Pacific Division of the Corps to accelerate the schedule. Based on conversations with the District and Division, it has become apparent that advocacy in D.C. with Corps Headquarters was required to assure we can meet our 2013 construction schedule.

Second, the Agency continues to work with the State of California and the Corps on the Sutter Basin Feasibility Study (study). This study is important for a number of reasons: (i) pursuit of the study is a requirement for State funding for the Agency's project; (ii) the study, once completed and authorized, remains a path for improvements to any portions of the basin not addressed by the Agency's current project); and (iii) if the Agency's project cannot be completed within the existing budget, the Corps study remains a vehicle to obtain Federal dollars to complete the Agency's project. Various Federal approvals are needed to continue to advance the Corps study. Because the November 2 Decision Point #2 milestone is considered essential in advancing this process, staff pre-briefed the key decision-makers in Washington D.C. for the purposes of demonstrating SBFCA's commitment to the study, and to ensure high visibility and priority of the study for later phases of authorization and appropriation.

Discussion

In order to address the issues identified above, Executive Director Mike Inamine, Director of Engineering Michael Bessette, and Agency Counsel Scott Shapiro, traveled to Washington D.C. on Monday, October 22nd, attended meetings on Tuesday the 23rd and Wednesday the 24th, and returned home the evening of Wednesday the 24th. The meetings were all scheduled and attended by Julie Minerva of Manatt Phelps and Phillips, who was retained on a short term (six-month) contract to provide assistance with federal advocacy. Julie was selected because of her previous successful experience in obtaining two different 408 permissions for other Sacramento Valley agencies from the U.S. Army Corps of Engineers. In scheduling the visit, staff scheduled only two-thirds of a day on Wednesday in order to obtain cheaper airfare and to avoid a third night of hotel costs. Staff also "priced around" for a more cost-effective hotel.

The following is a summary of the meetings:

Tuesday, October 23rd

10:30 am **James Peterson and Ben Kramer, Legislative Assistants, Office of Senator Feinstein** 331 Hart Senate Office Building.

Our meeting with James and Ben focused on both 408 and the Feasibility Study. Neither James nor Ben have previously assisted a local agency in obtaining a 408 permit, so this was an essential education meeting necessary to support any future requests we might make of Senator Feinstein. We told James and Ben that we had a strategy to obtain the needed concessions from Corps HQ, and that we would likely need the Senator to weigh in with the Corps in support of our request. Once we hear back from Corps HQ on our request (following the IPR as described below), we expect to further engage with James and Ben. While at the office we also discussed the feasibility study and noted that as chair of the Appropriations Subcommittee, the Senator would be in a unique position to help us in the future with funding for any work which would come out of the study.

11:00 am **Lynn Abramson, Ph.D., Senior Legislative Assistant, Office of Senator Boxer** 112 Hart Senate Office Building

Our meeting with Lynn again focused on both 408 and the Feasibility Study. Lynn also had not previously assisted a local agency in obtaining a 408 permit, so this was another essential education meeting necessary to support any future requests we might make of Senator Boxer. We again told Lynn that we had a strategy to obtain the needed concessions from Corps HQ, and that we would likely need the Senator to weigh in with the Corps in support of our request. Once we hear back from Corps HQ on our request, we expect to further engage with Lynn. While at the office we also discussed the feasibility study and noted that as chair of the Senate Environment and Public Works Committee, the Senator would be in a unique position to help us in the future with getting our project authorized, and also to address any policy issues which arose with the Corps.

11:30 am **Roger Cockrell, Professional Staff, Senate Energy & Water Appropriations subcommittee** 184 Dirksen Senate Office Building

Roger works as a staffer for both the majority (Republican) and minority (Democrat) parties in the house on infrastructure appropriations. As such, he will be key to assisting in obtain any needed appropriations for the work recommended by the study in the future. Thus, the meeting was used to develop a relationship and educate him on our communities and our project.

2:00 pm **Kristen Bor, Legislative Assistant, Office of Congressman Garamendi** 228 Cannon House Office Building

Our meeting with Kristen also focused on both 408 and the Feasibility Study. Kristen had also not assisted a local agency in obtaining a 408 permit, so this was another essential education meeting necessary to support any future requests we might make of Congressman Garamendi. We also told Kristen that

we had a strategy to obtain the needed concessions from Corps HQ, and that we would likely need the Congressman to weigh in with the Corps in support of our request. Once we hear back from Corps HQ on our request, we expect to further engage with Kristen.

3:30 pm **Angie Giancarlo, Republican Professional Staff, House Energy & Water Appropriations subcommittee** 2362-B Rayburn House Office Building
Unfortunately, this meeting was canceled at the last moment, but SBFCA materials were provided to Angie and to Democratic Professional Staff Member Taunja Berquam.

4:30 pm **Darin Thacker, Legislative Director, Office of Congressman Herger**
242 Cannon House Office Building

While Congressman Herger is retiring, he has provided past assistance to communities on obtaining 408 permits. Herger is in a position to continue to weigh in with the Corps until a new congress is sworn in in early January. Furthermore, there is past precedent for staff of a retiring member to assist the newly elected member transition to life in Congress and it is important to ensure that continuity is maintained.

Wednesday, October 24th

10:00 am **US Army Corps of Engineers Headquarters:**

- **Steve Stockton, Director, Civil Works**
- **Tab Brown, Chief, Planning and Policy Directorate of Civil Works HQ**
- **Bradd R. Schwichtenberg, PE, Civil Deputy - SPD RIT**
- **Pauline Acosta, Civil Engineer – SPD RIT**
- **Lea Adams, Chief of Hydraulic Design Solution, Sacramento District Office on detail to HQ**
- **Doug Lamont, Deputy Assistant Secretary Project Planning & Review, Office of the Assistant Secretary of the Army for Civil Works**
- **Cliff Fitzsimmons, Office of the Assistant Secretary of the Army for Civil Works**
- **Gregory Steele, Office of the Assistant Secretary of the Army for Civil Works**
- **Jan Rasgus, Policy & Planning Division**

441 G Street NW CECW Conference Room 3K86 HQ02

This was our most important meeting and the primary reason we traveled to Washington D.C. As will be explained in greater detail during the Board meeting, the meeting was a success in bringing our issue to the attention of headquarters, but we do not yet know if it will be a success in addressing the schedule. For the past several months we had tried from a distance to get HQ to understand our schedule needs without success. By holding this meeting we were able to focus the needed attention on the issues. We were pleased to find that we had all of the key personnel in the room, and that they had been meeting all morning before we arrived to discuss our issues. Immediately following the meeting, HQ staff requested an IPR (in progress review) with Division and District staff to better understand the schedule, the constraints, and the opportunities. One

potential success was the discussion during the meeting, actually raised by the Corps, whether a particular document even needs HQ review. If it does not, this cuts at least 30 days from the schedule. This will be the topic of this first IPR scheduled for the next week or so.

While the discussion during the meeting identified several opportunities, and resulted in a commitment to try to help our schedule,¹ we did have one disappointment. One of our suggestions had been for HQ to delegate some authority to the Division or District. Unfortunately, this suggestion was rejected. However, we are still pushing for other efficiencies to address our objective to start construction in 2013.

While at HQ we also discussed the feasibility study and obtained some important information which we were able to incorporate into our DP2 presentation on November 2, 2012, strengthening our presentation.

11:30 am **Dave Wegner, Senior Staff, Subcommittee on Water Resources and the Environment House Transportation and Infrastructure Committee**
B-375 Rayburn House Office Building

Dave works on the committee which would authorize any Federal construction following completion of the study. This was therefore a chance to brief him on our study and provide a foundation for later discussions. Mr. Wegner has a technical background and expressed a deep appreciation for the unique challenges facing the Agency.

1:00 pm **Kyle Victor, Legislative Director, Office of Congresswoman Matsui**
222 Cannon House Office Building

Kyle has been at the center of Congressional efforts to address vegetation on levees. We therefore used this meeting as an opportunity to discuss certain strategies we are employing to minimize the cost of vegetation removal as part of our project and ensure these strategies can be successful.

3:00 pm **Doug Bellomo, Director, Risk Analysis Division, FEMA**
1800 South Bell St., Arlington, VA 20598-3030

Doug oversees the section of FEMA that performs flood mapping. This visit was an opportunity to brief Doug on the status of our project so that FEMA could understand the inefficiencies that would result if it sought to again start remapping portions of the Basin into a flood zone before we finish construction of our project. Doug suggested that we should meet with FEMA Region 9 in Oakland to brief them on the status of our project as well. We are working with Sutter and Butte Counties to coordinate that meeting.

¹ Email from HQ following meeting: "We agree that there are efficiencies that can be achieved in this case, given the fact there is an ongoing feasibility study which provides additional information that might not otherwise be available."



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

November 14, 2012

Item 11

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 12

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 13

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.