



# Sutter Butte Flood Control Agency

## Board of Directors Agenda Summary 1 p.m. – July 8, 2015 – 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 1441 Garden Highway, 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](http://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 1441 Garden Highway, 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 530-755-9859 or [s.modeste@sutterbutteflood.org](mailto:s.modeste@sutterbutteflood.org). Requests must be made one full business day before the start of the meeting.

#### County of Sutter

Barbara LeVake  
Larry Munger  
Alt. Jim Whiteaker

#### County of Butte

Bill Connolly  
Steve Lambert

#### City of Yuba City

John Dukes  
Kash Gill  
Alts. John Buckland

#### City of Live Oak

Gary Baland  
Alt. Jason Banks

#### City of Gridley

Frank Hall  
Alt. Jeff Draper

#### City of Biggs

Bo Sheppard  
Alt. John Busch

#### Levee District 1

Charlie Hoppin  
Francis Silva  
Alt. Sally Serger

#### Levee District 9

David Lamon  
Chris Schmidl  
Alt. Bob Sohal

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.

### REGULAR MEETING/CALL TO ORDER

Roll Call  
Pledge of Allegiance

### 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:
  - i. James Banes Ranch, Inc. (APNs 025-050-004; 025-150-007, 008, 026, 029, 030, 035)
2. Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2) – 2 cases
3. Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(4) – 1 case

### 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 June 10, 2015 Board Meetings
2. Receive and file May 4, 2015 and June 1, 2015 Finance Committee Meeting Minutes

3. Approval of resolution for the levy and collection of fiscal year 2015-16 assessments for the Sutter Butte Flood Control Agency Assessment District in Sutter and Butte counties
4. Approval of an Increased Construction Contingency Authorization for the Project Area C Construction Contract
5. Approval of Amendment 2 to the Parsons Brinckerhoff, Inc. Contract for Project Area C Construction Management Services
6. Approval of Amendment 3 with Reeb Government Relations
7. Approval of Addendum to the Feather River West Levee Project Environmental Impact Report

**PRESENTATION, DISCUSSION & ACTION ITEMS**

8. Receive and File monthly Financial Report

**INFORMATIONAL AND POSSIBLE APPROVAL ITEMS**

9. Program/Project Update
10. Other reports from Agency staff and consultants
11. Report by the Citizens' Assessment District Advisory Committee (CADAC)
  - a. Receive and File Annual Report
12. Report 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**



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director

**SUBJECT:** Approval of the Minutes for the June 10, 2015 Board Meeting

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The proposed minutes for the Board of Director's regular meeting on June 10, 2015 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  
JUNE 10, 2015**

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. at the City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA.

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

**MEMBERS PRESENT**

County of Sutter:	Jim Whiteaker
County of Butte:	Steve Lambert
City of Yuba City:	John Dukes
City of Gridley:	Frank Hall
City of Live Oak:	Gary Baland
City of Biggs:	Bo Sheppard
Levee District 9:	David Lamon, Chris Schmidl
Levee District 1:	Francis Silva, Charlie Hoppin

**MEMBERS ABSENT:** Barbara LeVake, Larry Munger, Bill Connelly, Kash Gill

**STAFF PRESENT:** Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro, Agency Counsel; Seth Wurzel, Budget Manager; Sarah Modeste, Administrative Manager

**MEETING/CALL TO ORDER**

Director Steve Lambert chaired the meeting. He opened the regular meeting and led the group in the pledge.

**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:**
  - a) **James Banes Ranch, Inc. (APNs 025-050-004; 025-150-007, 008, 026, 029, 030, 035)**
  - b) **David Deane Williams, Trustee of the Deane and Edith Williams Testamentary Trust (APNs 025-290-021, 022, 025)**
  - c) **Sandra Anne Waller and Robert Charles Waller, Trustees of the Waller Family Revocable Trust (APN 024-130-051, -052, -053, & -055)**
  - d) **S. Jeff and Darlene Fredericks 2008 Trust (APN 025-290-027)**
- 2) **Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2) – 2 cases**
- 3) **Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(4) – 1 case**

Nothing to report.

**NOTICED PUBLIC HEARING**

1. **Receipt of public testimony, Board discussion, consideration and adoption of proposed budget amendments to the adopted budgets for FY 2015-16**

Budget Manager Seth Wurzel described the minor change in the budget between the preliminary budget presented at the May Board meeting, and the budget under review by the Board. A full account of the hearing can be viewed on the meeting video:

<http://sutterbutteflood.org/board/meetings-agendas/>.

No public comment.

On motion of Director John Dukes, and seconded by Director Jim Whiteaker, the adoption of proposed budget amendments to the adopted FY 2015-16 budgets were approved as follows:

- Bo Sheppard – Yes
- John Dukes – Yes
- David Lamon – Yes
- Chris Schmidl – Yes
- Frank Hall – Yes
- Steve Lambert – Yes
- Francis Silva – Yes
- Charlie Hoppin – Yes
- Gary Baland – Yes
- Jim Whiteaker – Yes

#### CONSENT CALENDAR

- 1) Approval of the minutes for the May 11, 2015 and the May 13, 2015 Board Meetings
- 2) Approval of amendments to annual consultant agreements for Agency support for the 2014-15 and 2015-16 fiscal years
  - a. 11th Amendment to the agreement between the Sutter Butte Flood Control Agency and Downey Brand, LLP
  - b. 8th Amendment to the agreement between the Sutter Butte Flood Control Agency and Larsen Wurzel & Associates, Inc.
  - c. 8th Amendment to the agreement between the Sutter Butte Flood Control Agency and Parsons Brinckerhoff
  - d. 14th Amendment to the agreement between the Sutter Butte Flood Control Agency and Peterson Brustad, Inc. and authorization of Task Orders 10 (SWIF) and 11 (FEMA Certification)
  - e. 1st Amendment to the agreement between the Sutter Butte Flood Control Agency and The Handen Company, Inc.
- 3) Approval of Amendment 1 to Task Order 9 with Peterson Brustad, Inc. for Additional Required Work Efforts Related to the Development and Hydraulic Analysis of the Design Alternatives in the Oroville Wildlife Area (OWA)
- 4) Approval of Amendments to ICF International Task Orders 11, 12 and 13 for Additional Work Associated with Cultural Resources
- 5) Authorize Purchase of Mitigation Credits for Impacts to Giant Garter Snake Habitat

On motion of Director Jim Whiteaker, and seconded by Director Frank Hall, the consent calendar was approved as follows:

- Bo Sheppard – Yes
- John Dukes – Yes
- David Lamon – Yes
- Chris Schmidl – Yes
- Frank Hall – Yes
- Steve Lambert – Yes
- Francis Silva – Yes
- Charlie Hoppin – Yes
- Gary Baland – Yes
- Jim Whiteaker – Yes

#### PRESENTATION, DISCUSSION & ACTION ITEMS

- 6) Receive and file monthly financial report

Budget Manager Seth Wurzel presented the monthly financial report and answered related questions. The presentation can be viewed in its entirety on the SBFCA website: <http://sutterbutteflood.org/board/meetings-agendas/>.

No public comment.

No action taken.

- 7) Receive Update on Bond Sale

Budget Manager Seth Wurzel presented an update on SBFCA's most recent bond sale. The presentation can be viewed in its entirety on the SBFCA website:  
<http://sutterbutteflood.org/board/meetings-agendas/>.

No public comment.

**No action taken.**

#### **INFORMATIONAL AND POSSIBLE APPROVAL ITEMS**

**8) Program/Project Update**

Director of Engineering Michael Bessette provided an update on ongoing activities, including: project completion and closeout activities and preparation for 2015 construction start up.

Additional details are provided in the June Board Packet, which can be downloaded [here](#).

**No action required.**

**9) Other reports from Agency staff and consultants**

Nothing to report.

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

Nothing to report.

**11) Report (if necessary) by member and partner agencies**

Nothing to report.

#### **CORRESPONDENCE**

**12) Report on correspondence sent by and received by the Board**

Nothing to report.

#### **PUBLIC COMMENT**

**No public comment.**

#### **ADJOURNMENT**

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

**ATTEST BY:** \_\_\_\_\_

**SARAH MODESTE, BOARD CLERK**

\_\_\_\_\_  
**KASH GILL, CHAIR**



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

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

**SUBJECT:** Receive and File Approved Finance Committee Minutes

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The minutes from the May 4, 2015 and June 1, 2015 Finance Committee meetings have been reviewed and approved by the Finance Committee and are attached for your information.

**Recommendation**

We recommend that the Board file the approved minutes from the Finance Committee meetings on May 4, 2015 and June 1, 2015.

**MINUTES OF THE FINANCE COMMITTEE  
SUTTER BUTTE FLOOD CONTROL AGENCY  
MAY 4, 2015**

The Sutter Butte Flood Control Agency (SBFCA) Finance Committee Members, met on the above date at 1 p.m. at the SBFCA office, 1441 Garden Highway, Yuba City, California.

**MEMBERS PRESENT:**

City of Yuba City: John Dukes and Kash Gill  
Levee District 9: David Lamon  
County of Butte:  
Levee District 1:

**STAFF PRESENT:** Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Andrea Clark, Agency Counsel; Seth Wurzel, Budget Manager; Dan Cox, Financial Consultant; Sarah Modeste, Administrative Manager

**Call to Order/Discussion & Action Items**

- 1. Approval of Finance Committee Meeting minutes from the February 4, 2015, March 2, 2015 and March 30, 2015 meetings**

**On motion of Director John Dukes, and seconded by Director Kash Gill, the minutes were approved as follows:**

- John Dukes – Yes
- Kash Gill – Yes
- Dave Lamon – Yes

- 2. Review and recommendation of preliminary approval of the Proposed Amended 5-Year Budget covering 2014-15 through 2015-16, and approval to set public hearing on June 10, 2015 by the Board**

Budget Manager Seth Wurzel provided an overview of the budget amendment process and highlighted the changes between planned and actual costs.

Director Dukes asked what Mr. Wurzel would be presenting at the Yuba City Council meeting on May 4, 2015. Mr. Wurzel clarified that the presentation at the Yuba City Council meeting would not include information on the budget, but instead would focus on SBFCA's financing plans. He added that SBFCA is required to present bond sale information to a land use agency within the JPA boundaries, and it will meet this requirement by doing so at a Yuba City Council meeting.

Director Kash Gill asked if the budget would project budget needs for the next five years. Mr. Inamine responded that the five-year budget was initiated as a mechanism to plan for cash flow and financing needs for the many projects on the horizon. He added that SBFCA is still within the originally approved five-year budget and staff is now preparing a strategic plan which will inform the next five-year budget after 2015-16. Mr. Wurzel added that staff is looking to the Board for approval to amend 2014-15 and 2015-2016 within the current five-year budget.

**On motion of Director John Dukes, and seconded by Director Kash Gill, the recommendation of preliminary approval of the Proposed Amended 5-Year Budget covering 2014-2015 through 2015-16 and approval to set a public hearing on June 10, 2015 by the Board were approved as follows:**

- John Dukes – Yes
- Kash Gill – Yes
- Dave Lamon – Yes

- 3. Review and recommendation of approval of the sale and issuance of not-to-exceed \$50 million of assessment revenue bonds by the Board**

Mr. Wurzel and Mr. Cox provided an overview of the bond authorization, bond financing details, and credit process. Mr. Inamine added that the information had been previously provided, but one of the key concepts is that while the finance committee understands the mechanics, there will be a number of steps that will take place in order to allow for pre-payment of bonds, minimize insurance costs and other



features and terms of bonds to enable SBFCA to reduce long-term costs. The action the Board will make will allow staff to make real time decisions that will result in the best possible terms for SBFCA.

Director Dukes asked if construction would be able to be extended after November, if it continues to be a dry year. Mr. Bessette responded that construction is slated to be completed by October 31 and any work thereafter would be related to punch list items.

**The committee no longer had quorum, so an action was not taken on this item.**

**Public Comment**

Elaine Miles provided public comment related to the amount of financing SBFCA was planning to seek. Ms. Miles also provided comment regarding how the amount financed would impact property owners within the assessment district as it relates to their annual assessment amounts and the percent the assessment district proceeds would cover vs. state funding. The group discussed Ms. Miles' comments. Mr. Inamine stated that while the facts have changed since the Assessment District was formed, the dollar amounts have not changed and the bond sales are based on the assessment amounts and what can be leveraged.

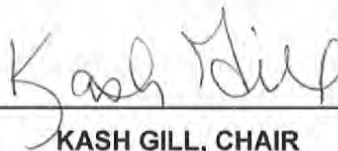
**Adjourn**

With no further business, the meeting was adjourned at 3:15 p.m.

ATTEST BY:



SARAH MODESTE, BOARD CLERK



KASH GILL, CHAIR

**MINUTES OF THE FINANCE COMMITTEE  
SUTTER BUTTE FLOOD CONTROL AGENCY  
June 1, 2015**

The Sutter Butte Flood Control Agency (SBFCA) Finance Committee Members, met on the above date at 1 p.m. at the SBFCA office, 1441 Garden Highway, Yuba City, California.

**MEMBERS PRESENT:**

City of Yuba City: John Dukes  
Levee District 9: David Lamon\*  
County of Butte: Steve Lambert\*\*  
County of Suter: Larry Munger

*\*Director Dave Lamon participated in the meeting via teleconference. Because this arrangement was not noticed in advance of the meeting, Director Lamon did not participate in the voting.*

*\*\*Director Steve Lambert participated in the meeting by teleconference from 3159 Nelson Avenue Oroville, CA 95965 in accordance with Government Code section 54953(b)(3). This location was accessible to the public, and persons attending at this location were afforded an opportunity to address the committee members from that location.*

**STAFF PRESENT:** Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Andrea Clark, Agency Counsel; Seth Wurzel, Budget Manager; Sarah Modeste, Administrative Manager

**Call to Order/Discussion & Action Items**

**1. Approval of Finance Committee Meeting minutes from the May 4, 2015 meeting**

On motion of Director John Dukes, and seconded by Director Larry Munger, the minutes were approved as follows:

- John Dukes – Yes
- Steve Lambert – Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

**2. Review and recommendation of Board approval of the Final Amended 5-Year Budget covering 2014-15 through 2015-16**

Budget Manager Seth Wurzel reviewed the changes between the budget presented at the May Board meeting, and the budget that will be presented to the Board at the June meeting. The only change was an increase of \$550,000 related to Feather River Regional Flood Management Planning Phase 2 work, which is 100% funded by the State.

On motion of Director John Dukes, and seconded by Director Larry Munger, the recommendation of Board approval of the Final Amended 5-Year Budget covering 2014-2015 through 2015 was approved as follows:

- John Dukes – Yes
- Steve Lambert – Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

**3. Review and recommendation of Board approval of the annual consultant contract amendments for Fiscal Year 2015-16:**

- a. Downey Brand
- b. Larsen Wurzel & Associates, Inc.
- c. Peterson Brustad, Inc.
- d. The Handen Company

Mr. Wurzel introduced this item, reviewed the contract increase and explained that the operations contracts are brought before the Board at the same time as the annual budget amendment.

On motion of Director John Dukes, and seconded by Director Larry Munger, the recommendation of Board approval of the annual consultant contract amendments for Fiscal Year 2015-16 were approved as follows:

- John Dukes – Yes
- Steve Lambert – Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

4. Review and recommendation of Board approval Amendment 1 to Peterson Brustad Inc. Task Order 9 for services related to the Oroville Wildlife Area Flood Stage Reduction Project

On motion of Director John Dukes, and seconded by Director Larry Munger, the recommendation of Board approval Amendment 1 to Peterson Brustad Inc. Task Order 9 for services related to the Oroville Wildlife Area Flood Stage Reduction Project was approved as follows:

- John Dukes – Yes
- Steve Lambert – Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

5. Review and recommendation of Board approval of Amendment 6 to ICF Task Order 11, Amendment 4 to ICF Task Order 12, and Amendment 4 to ICF Task Order 13 for services related to the Feather River West Levee Project

On motion of Director John Dukes, and seconded by Director Larry Munger, the recommendation of Board approval of Amendment 6 to ICF Task Order 11, Amendment 4 to ICF Task Order 12, and Amendment 4 to ICF Task Order 13 for services related to the Feather River West Levee Project were approved as follows:

- John Dukes – Yes
- Steve Lambert – Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

6. Purchase of Giant Garter Snake Mitigation

On motion of Director John Dukes, and seconded by Director Larry Munger, the recommendation to purchase Giant Garter Snake Mitigation was approved as follows:

- John Dukes – Yes
- Steve Lambert - Yes
- Larry Munger – Yes
- Dave Lamon – Did Not Participate in Vote

7. Status update on 2015 Assessment Revenue Bond Sale

Mr. Wurzel stated that SBFCA sold bonds on May 28, 2015, which resulted in \$49.77 million, of which SBFCA will pay off the Rabobank loan totaling \$14.79 million and the fees associated with the sale. SBFCA will have approximately \$33.70 million in proceeds. The all-in true interest cost was 3.987% including an early call option; in 2013, the interest rate was 4.026%.

**Public Comment**

No public comment.

**Adjourn**

With no further business, the meeting was adjourned at 1:40 p.m.

ATTEST BY:

  
SARAH MODESTE, BOARD CLERK

  
KASH GILL, CHAIR



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director  
Bob Cermak, Assessment Engineer

**SUBJECT:** Approval of Resolution for the levy and collection of assessments for the Sutter Butte Flood Control Agency Assessment District in the 2015-16 Fiscal Year in Sutter County and Butte County

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## **Recommendation**

Approve resolution for levy and collection of Sutter Butte Flood Control Agency's assessments in Fiscal Year 2015-16 in Sutter and Butte counties. The assessments will be levied at the rate specified in the Final Engineer's Report.

## **Background**

On July 14, 2010, after completion of a voter approved Proposition 218 election, the SBFCA Board approved Resolution 2010-04 adopting the Final Engineer's Report and forming the Sutter Butte Flood Control Agency Assessment District. The new district would collect approximately \$6.65 million per year for an estimated 33 years, which would fund the local share of the proposed activities. By resolution, the Board has authorized the levy and collection of the assessment for the past four fiscal years.

## **Discussion**

The attached resolution authorizes the assessment roll of all parcels subject to the SBFCA Assessment District assessments to be filed with the Sutter County Auditor-Controller and Butte County Auditor-Controller for Fiscal Year 2015-16.

## **Fiscal Impact**

Approval of the attached resolution authorizes the levy of assessments which generate approximately \$6.65 million in revenue. The approved 5-year budget reflects \$6.5 million of assessment revenue in FY 2015-16 within SBFCA's operational and capital funds. Approval of the recommendation is consistent with the approved budget. Approval of the resolution is also consistent with covenants made within the outstanding loan and bond indenture agreements related to SBFCA's debt obligations.

**SUTTER BUTTE FLOOD CONTROL AGENCY  
RESOLUTION 2015-**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE SUTTER BUTTE FLOOD CONTROL AGENCY  
ORDERING LEVY OF ASSESSMENTS WITHIN THE SUTTER-BUTTE FLOOD CONTROL AGENCY  
ASSESSMENT DISTRICT FOR FISCAL YEAR 2015-16**

WHEREAS, the Sutter Butte Flood Control Agency ("Agency") is a Joint Powers Authority created in 2007 to finance and construct levee improvements in the Sutter Basin; and

WHEREAS, the Board of Directors of the Agency, after a public hearing and voter election in compliance with Proposition 218, adopted Resolution 10-004 approving the Final Engineer's Report ("Engineer's Report") for the Sutter Butte Flood Control Agency Assessment District ("Assessment District"), formed the Assessment District and ordered the levy of assessments in Fiscal Year 2010-11 at the rates specified in the Engineer's Report.

WHEREAS, on April 19, 2012, the Agency entered into a \$25,000,000 Loan Agreement with Rabobank, NA and within that Loan Agreement made a covenant to levy and collect the assessments in order to make debt service payments on the Loan.

WHEREAS, the Agency agrees that it shall be solely liable and responsible, and will defend and hold the County of Butte harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessment placed on the roll for the Agency by the County.

WHEREAS, on June 1, 2013, the Agency entered into an Indenture of Trust with Union Bank, NA related to the issuance of its Series 2013 Assessment Revenue Bonds and within that Indenture of Trust made a covenant to levy and collect the assessments in order to make debt service payments on the Bonds.

WHEREAS, on June 1, 2015, the Agency entered into an Indenture of Trust with Union Bank, NA related to the issuance of its Series 2015 Assessment Revenue Bonds and within that Indenture of Trust made a covenant to levy and collect the assessments in order to make debt service payments on the Bonds.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The above recitals are true and correct.
2. The assessments for fiscal year 2015-16 shall be levied at the rate as specified in the Engineer's Report, using the method for apportioning such assessments as provided in the Engineer's Report. The assessments are levied without regard to property valuation.
3. The Agency staff is directed to file or cause to be filed and to take or cause to be taken all actions necessary to allow collection of the assessment, including the filing of a certified copy of this Resolution with the Auditor/Controller of Sutter and Butte Counties (the "County Auditor/Controller"). Upon such filing, the County Auditor/Controller shall enter on the County tax roll opposite each lot or parcel of land in the Assessment District the amount of assessment thereupon as shown in the Engineer's Report and described in this Resolution. The benefit assessment shall be collected at the same time and in the same

manner as County ad valorem taxes are collected and all laws providing for the collection and enforcement of County ad valorem taxes shall apply to the collection and enforcement of the assessments. After collection by the Counties Tax Collectors, the net amount of the assessments, after deduction of any compensation due the Counties for collection, shall be paid to the Agency for the purposes of the Assessment District.

4. For parcels within the Assessment District that are owned by public agencies, utilities or for other reasons are not included in the Direct Levy Secured Roll by the County Auditor/Controller, the Agency staff is directed to direct bill such assessments.

5. The monies representing assessments collected shall be deposited in a separate fund or funds designated for the Assessment District. Amounts deposited to such fund(s) shall be expended only for the services and other activities that specially benefit the lands within the Assessment District as described in the Engineer's Report.

6. The assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board or by order of the Executive Director of The Agency. Any such corrections, cancellations or refunds shall be limited to current or future fiscal years and shall not be granted retroactively.

**ADOPTED** as a resolution of the Board of Directors of the Sutter Butte Flood Control Agency at a regular meeting duly held on the 8th day of July, 2015.

APPROVED AS TO FORM:

\_\_\_\_\_  
KASH GILL, CHAIR  
ATTEST:

\_\_\_\_\_  
AGENCY COUNSEL

\_\_\_\_\_  
BOARD SECRETARY

STATE OF CALIFORNIA )  
COUNTY OF SUTTER )  
SUTTER BUTTE FLOOD CONTROL AGENCY )

I, Sarah Modeste, Secretary of the Board of Directors of the Sutter Butte Flood Control Agency, do hereby certify that the foregoing is a true and correct copy of Resolution No. 2015- adopted by the Board of Directors of the Sutter Butte Flood Control Agency, California, at a regular meeting thereof, held on the 8th day of July, 2015 by the following vote:

AYES:  
NOES:  
ABSENT:

\_\_\_\_\_  
SECRETARY



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

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

**SUBJECT:** Approval of an Increased Construction Contingency Authorization for the Project Area C Construction Contract

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## **Recommendation**

Staff recommends that the Board approve the increase of construction contingency authorization for the Project Area C Construction Contract from 10% (5,158,080) to no more than \$6,500,000 (12.6%) and to issue final payment and release of retention to the contractor. The Finance Committee, at its June 29, 2015 meeting, also recommended Board approval.

## **Background**

On May 8, 2013, the Sutter Butte Flood Control Agency Board of Directors approved the award of a construction contract with Nordic/Magnus Pacific Joint Venture for the Feather River West Levee Project 1 – Project Area C (Contract No. 01-2013C) and authorized the Executive Director to approve contract amendments that would not increase the total compensation due under the contract by more than 10% (\$5,158,080). The construction of this project began in the summer of 2013 and continued into the spring of 2015.

## **Discussion**

During the course of construction in the summer of 2014, a large number of Native American archeological sites were found during construction of the Feather River West Levee Project, stopping work in and around the sites, and resulting in overall project delays and associated costs. A total of fifteen (15) sites containing archeological artifacts and ancestral remains were encountered, thirteen (13) of which affected ongoing construction. These finds required the contractor to halt work, create buffer zones around the cultural area, remobilize equipment, re-sequence construction, and caused additional construction related cost impacts. In July 2014, the potential cultural resource costs were estimated to be \$16.9 million. However, upon reevaluation of existing project contingencies, staff determined the net impact to the project budget to be \$4.9 million. Adjustments were made to the project budget and presented to the Board on August 13, 2014. Within the overall project budget, the impact to the construction cost for Project Area C was estimated to be \$6.5 million. While negotiations with the contractor on these related cost impacts are ongoing, staff estimates that a fair settlement will fall within the budget. Thus no impact to the overall FRWLP budget is anticipated as a result of the final settlement for Project Area C.

In order to conclude the settlement with the contractor, the Executive Director's authority to approve contract amendments needs to be raised by the Board to \$6.5 million, an increase of

approximately \$1.34 million. This will allow closeout of the Project Area C Construction Contract and release of retention funds.

**Fiscal Impact**

This authorization is within the appropriated expenditure limits of the approved Amended 5-Year Budget. Furthermore, the authorization described above is within the current estimates for the FRWLP1 planned costs. The project is funded from both state and local funds. There is no net budgetary impact resulting from Board approval of the recommended action.





# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

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

**SUBJECT:** Approval of Amendment 2 to the Contract with Parsons Brinckerhoff, Inc. for Construction Management Services for the Project Area C Construction Project

---

## **Recommendation**

That the Board authorize the Executive Director to execute Contract Amendment 2 in the amount of \$95,000 with Parsons Brinckerhoff, Inc. to complete the work required in their Construction Management Support Services Contract for the Feather River West Levee Project, Project Area C Construction Contract, and extend the contract expiration date to November 30, 2015. The Finance Committee, at its June 29, 2015 meeting, also recommended Board approval

## **Background**

In September 2012, the Board delegated authority to the Executive Director to execute a contract with Parson Brinckerhoff, Inc. to provide construction management services for the Feather River West Levee Project Area C. The contract was executed on October 16, 2012, and the work specified under the contract has been ongoing since that date. Project Area C levee improvement construction began in the summer of 2013 at Shanghai Bend and concluded in the spring of 2015. The services Parsons Brinckerhoff perform under the contract include: construction management, inspection, resident engineer, submittal processing, change order negotiation, quality assurance testing, and project close-out documentation.

## **Discussion**

Most of the required services under the contract have been completed within budget. The only outstanding work needed to be completed is the project closeout services which include the project's construction completion report. Several construction related issues outside of the consultant's scope have resulted in the need for this proposed contract amendment. These issues included unexpected amounts of cobble material found within the levee prism at Shanghai Bend (Reach 13), addition of cement in deep mix method slurry walls required by partner agencies USACE and DWR, and numerous impacts related to the cultural resources discoveries. These items required construction management and materials testing services to be performed over and above what was specified in the contract. Most of these additional services were absorbed by the existing contract budget, however, the proposed amendment is required to completely close out the project.

## **Fiscal Impact**

This authorization is within the appropriated expenditure limits of the approved Amended 5-Year Budget for Construction Services provided by Parsons Brinckerhoff. However, the

budget allocation between project areas did not accurately capture the remaining construction management work for Project Area C. The amended budget for Project Area B included contingency of \$189,800 authorized by the Board. At this time, the costs for Project Area B will not require the use of the Board authorized contingency. Therefore, staff requests Board approval of the following budget adjustments:

Decrease the following Budget Account:

99-68200 PB General CM Services Area B	\$(95,000)
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Increase the following Budget Account:

99-67200 PB General CM Services Area C	\$ 95,000
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<b>Total Net Budgetary Impact from Request</b>	<b>\$0</b>
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The proposed services are included within the current estimates for the FRWLP1 planned costs. The project is funded from both state and local funds. There is no net budgetary impact resulting from board approval of the recommended action.

**Attachment**

Amendment 2 to the Contract with Parsons Brinckerhoff, Inc. for Construction Management Services for the Project Area C Construction Project

**Parsons Brinckerhoff, Inc.**  
**Construction Management Contract**  
**Amendment 2**

**Feather River Levee Early Implementation Project (EIP)**

This Contract Amendment No. 2 amends the Contract between the Sutter Butte Flood Control Agency and Parsons Brinckerhoff, Inc. dated October 16, 2012. This Amendment No. 2 to the Construction Management Contract for the Project Area C construction project was approved by the Sutter Butte Flood Control Agency Board at their meeting on July 8, 2015.

**Scope of Work**

See attached Total Cost to Complete Contract dated June 18, 2015.

**Schedule**

The services under this Amendment will be performed between July 2015 and November 2015.

**Budget**

The budget for this amendment is not-to-exceed \$95,000 and will be based upon actual costs incurred and invoiced on a monthly basis.

**Special Provisions**

None

IN WITNESS WHEREOF, the parties hereto have caused this Agreement to be duly executed as of the day and year first written above.

SUTTER BUTTE FLOOD CONTROL AGENCY

PARSONS  
BRINCKERHOFF, INC

By: \_\_\_\_\_

By: \_\_\_\_\_

\_\_\_\_\_

\_\_\_\_\_

DATED: \_\_\_\_\_

DATED: \_\_\_\_\_



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director

**SUBJECT:** Approval of Amendment 3 with Reeb Government Relations

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## **Recommendation**

Staff requests Board authorization for the Executive Director to execute an amendment to the contract with Reeb Governmental Relations, LLC that converts payment terms from the existing retainer to an hourly rate.

## **Background**

Reeb Governmental Relations, LLC has been retained since August 27, 2014 to provide advice and representation before the Legislative and Executive branches of State government with regard to the Feather River West Levee Project. RGR has been retained at the rate of \$5,000 per month to advocate for State appropriation and State Urban Flood Risk Reduction grant funding commitments for the remainder of the FRWLP; in addition RGR helped draft and advocate for passage of SB37, which was necessary to ensure recovery of expenditures absent timely commitment of UFRR funding. As RGR has successfully achieved both objectives of the retention contract, SBFCA has terminated retention payments effective the end of May 2015. Staff foresees a number of State legislative issues requiring representation including State appropriations for UFRR, several grants funded by Bond 1e, Prop 1 grants, legislation regarding the treatment of cultural resources, and numerous State legislative proposals.

Staff recommends amending the existing contract to provide services on an hourly basis of \$250 an hour not to exceed \$15,000 per year. While this amount is well below the Executive Director's delegation to award contracts of less than \$50,000, staff proposes amending an existing retention contract that would result in payments in excess of \$50,000, thus this change requires approval by the SBFCA Board of Directors.

On June 29, 2015, the Finance Committee recommended approval of the contract amendment.

## **Fiscal Impact**

The contract amount is within the scope of the current 5-year budget. There is no net budgetary impact from Board's approval of the recommended action.



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director  
Andrea Clark, Agency Counsel

**SUBJECT:** Approval of Addendum to the Feather River West Levee Project Environmental Impact Report

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## **Recommendation**

Approval of an Addendum to the Feather River Levee Repair Project EIR, and direction to staff to file a Notice of Determination.

## **Background**

The California Environmental Quality Act (CEQA) requires analysis of environmental impacts for all projects that may have a significant effect on the environment. This analysis was conducted and concluded in the form of an Environmental Impact Report (EIR) for the Feather River West Levee Project (FRWLP), approved by the SBFCA Board in April 2013.

When changes or additions are necessary to make a previously certified EIR legally adequate, but the changed circumstances or new information necessitating the changes would not lead to new significant environmental effects or a substantial increase in the severity of previously identified significant effects, an addendum to the EIR may be prepared (see State CEQA Guidelines Sections 15162 and 15164).

This addendum has been prepared to update the EIR to allow the California Department of Fish and Wildlife (CDFW) to issue an incidental take permit for the FRWLP under Section 2081 of the California Endangered Species Act. The addendum addresses updates to two mitigation measures identified in the FEIR—Mitigation Measure WILD-MM-6: Avoid and Minimize Construction Effects on Giant Garter Snake and Mitigation Measure CR-MM-1: Perform Data Recovery to Retrieve Information Useful in Research.

An addendum has been prepared in this case because the mitigation measure updates constitute only minor technical changes to the FEIR and so a subsequent EIR is not required.

## **Discussion**

An addendum must contain a brief explanation of the agency's decision not to prepare a subsequent EIR under CEQA regulations, and this conclusion must be supported by substantial evidence.

Section 15162 of the State CEQA guidelines can be summarized as requiring that a subsequent EIR be prepared if any of the following apply:

- Substantial changes are proposed to the project which will require major revisions to the EIR and increase the severity of significant effects;
- Substantial changes occur with respect to the circumstances under which the project is undertaken;
- New information of significant importance regarding the project is brought to light which was not known and could not have been known at the time the EIR was certified.

The mitigation measure modifications addressed in the addendum are the following:

1. Additional actions to avoid and minimize construction-related effects on giant garter snake (*Thamnophis gigas*) have been added to Mitigation Measure WILD-MM-6: Avoid and Minimize Construction Effects on Giant Garter Snake in response to new information from the U.S. Geological Survey (USGS) regarding how often the snakes utilize burrows during the active season.
2. At the request of the United Auburn Indian Community of the Auburn Rancheria (UAIC), Mitigation Measure CR-MM-1: Perform Data Recovery to Retrieve Information Useful in Research has been modified to include alternative mitigation methods in lieu of data recovery.

The addendum concludes that the updates to the two mitigation measures:

- Would not result in any new significant environmental effects,
- Would not substantially increase the severity of previously identified effects,
- Would not result in mitigation measures of alternatives previously found to be infeasible becoming feasible, and
- Would not result in availability/implementation of mitigation measures or alternatives that are considerably different from those analyzed in the previous document that would substantially reduce one or more significant effects on the environment.

The modifications to the mitigation measures do not result in altered circumstances or new information of substantial importance since certification of the FRWLP EIR.

There are no public review requirements for an EIR addendum: upon submittal of a Notice of Determination to the State Clearing House and the Office of Planning and Research, a 30 day statutory period of protest and/or challenge exists.

### **Fiscal Impact**

Approval of the Addendum to the Feather River Levee Repair Project EIR will modify the mitigation measures described above. The cost associated with these modifications have are included within the current estimates for FRWLP1 planned costs. There is no budgetary impact resulting from board approval of the recommended action.



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

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

**SUBJECT:** Receive and File Monthly Financial Report (May 2015)

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## **Recommendation**

We recommend the Board receive and file the May 2015 Financial Report and receive staff's monthly financial report update.

## **Background**

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

The monthly financial reports will include the following information:

- **Current Working Capital Position:** Provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial report prepared in coordination with Yuba City finance staff. The financial report reflects the financial information as of May 2015. The information presented is compared to the Final Amended Final 5-Year Budget.
- **Cash Flow Projection Update:** Staff will discuss the cash needs of both the Agency and the project over time. The cash flow estimate forms the basis for Agency financial planning.

## **Fiscal Impact**

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

## **Attachment** *(To be provided at the Board meeting)*

Yuba City Finance Department Memorandum, July 8, 2015 re: Monthly Financial Report: May 2015



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

**TO:** Board of Directors

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

**SUBJECT:** Receive and File Program/Project Update Report

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## **Recommendation**

Receive and file the July 2015 Program/Project update report.

## **Background**

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

### *Engineering Design*

The final designs for the gap closures at the 5<sup>th</sup> Street Bridge in Yuba City, UPRR crossing in Yuba City, and the Yuba City Raw Water pipes have been completed. Both local maintaining agencies (LD1 and LD9) within the project limits have submitted their project endorsements as required by the Central Valley Flood Protection Board for the encroachment permit. The permit process with UPRR and the CVFPB for the gap projects is in process. The gap project construction schedule will not proceed until the settlement agreement with UAIC is executed. The design and construction management teams are coordinating the scope of work with our contractor to determine if a suitable price can be negotiated and the work completed under a contract change order.

The design team continues to provide construction support and project closeout services for Project Area C and Project Areas B and D contractor operations. Efforts for the past month have focused on: submittal reviews, change order review, deep-mix-method (DMM) slurry wall mix design, DMM wall depth verification in Project Area D, a design modification for the Reach 7 relief wells, and PG&E and AT&T utility relocation coordination. The design team also continues to support right-of-way acquisition efforts, providing appraisal exhibits, plats and legal descriptions, and coordinating with landowners on utility crossings, relocations and access during construction.

### *Construction Management (Project Areas B, C & D)*

Over the past month, the construction management (CM) and engineering design teams held bi-weekly meetings with the contractor to coordinate the contractor's submittals and coordinate completion of 2014 construction work, project closeout and punch-list work, and prepare for 2015 levee construction work. The construction coordination meetings will now be held weekly as a result of construction startup in Project Area D. Weekly coordination calls with the United Auburn Indian Community (UAIC) continue to be held to coordinate punch list closeout work and repatriation of cultural materials. The CM team continues to assist affected property owners and member agencies to coordinate ongoing 2015 construction activities. The CM team continued construction management and administrative duties related to schedule evaluation, pay estimates, requests for pricing, and reviewed costs submitted for changed



work. The CM team has been negotiating with the contractor on the cost impacts resulting from the numerous cultural resource sites that were found during the 2014 construction season and is close to agreement on costs.

As of the end of June, the contractor concentrated on Project Area B punch-list work and project closeout activities. In Project Area C, the contractor completed punch-list and project closeout activities including gate and fence installation, ramp re-sloping, and final clean up. A final job walk was held with the local maintaining agencies, City of Yuba City, U.S. Army Corps, Department of Water Resources, and the Central Valley Flood Protection Board.

#### *Environmental Documentation/Permitting/Cultural Resources*

Monitoring biological resources during construction per our permit requirements has been ongoing for work activities that extended through the winter and spring. This biological monitoring will ramp up as major work recommences in July. The majority of this effort will be focused on identifying nesting birds and making sure construction activities comply with permit requirements. The environmental permitting processes for the Gridley Bridge erosion site, and Oroville Wildlife Area, and Laurel Avenue Critical Repair Project are all ongoing.

Now that the Army Corps of Engineers has allowed SBFCA to release the disputed materials to UAIC, SBFCA has been working with UAIC on the repatriation of this material which will be completed at the end of June. SBFCA has coordinated closely with the Corps, SHPO, and all concerned parties to update and complete the Section 106 cultural resources plans which became final on June 26 allowing construction work in Project Area D to begin on June 29. SBFCA is also working directly with UAIC on settlement agreement documents to guide future collaboration on levee improvements in Sutter County including the gaps projects and levee improvements at Laurel Avenue. In the May 12, 2015 letter to the Native American Heritage Commission, SBFCA responded to the NAHC's April 21, 2015 letter, which recommended five mitigation measures.

#### *Right of Way*

Right-of-way acquisition continues for acquiring the remaining property rights needed for 2015 construction. Right-of-way acquisition for the UPRR and 5<sup>th</sup> Street gaps work is also underway.

#### *State & Local Funding and Coordination*

On December 22, 2014, SBFCA received notice from DWR that \$43.8 million has been committed to continue construction on the currently approved scope of work of SBFCA's EIP Construction Funding Agreement (Project Areas C, B & D2A). SBFCA is currently working with the Department to execute Amendment No. 3 to the Construction Funding Agreement to supplement the CFA with the committed funding.

SBFCA sought the balance of the needed funding for the remainder of Project Area D (D2B & D1) under DWR's competitive funding solicitation published along with the UFRR Guidelines on January 21, 2015. The solicitation period closed on March 9, 2015 and SBFCA prepared and submitted a request for \$40,828,931 for the balance of funding needed after the December 22, 2014 commitment letter from DWR. On May 15, SBFCA received a conditional commitment letter for the requested funding. The commitment requires SBFCA to re-submit its concept proposal as a full application prior to June 30. Staff prepared and submitted this full application on June 19, 2015.

The following table summarizes SBFCA's EIP grant funding committed, in process and received to date.

**FRWLP DWR EIP Funding**

	<b><u>Agreement</u></b>		
	<b><u>Design</u></b>	<b><u>Construction</u></b>	<b><u>Total</u></b>
Capital Outlay Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendment 1	\$0	\$0 [1]	\$0
Amendment 2	\$14,869,280	\$57,803,791	\$72,673,071
Amendment 3		\$43,861,587 [2]	\$43,861,587
Proposed Amendment 4		\$40,828,931 [3]	\$40,828,931
<b>TOTAL FUNDING</b>	<b>\$23,869,280</b>	<b>\$199,274,309</b>	<b>\$223,143,589</b>
Receipts			
PMT 1	\$2,328,141	\$14,103,457	\$16,431,597
PMT 2	\$1,160,580	\$18,447,722	\$19,608,302
PMT 3	\$4,842,366	\$19,469,632	\$24,311,998
PMT 4	\$8,704,665	\$15,358,844	\$24,063,509
PMT 5	\$0	\$13,846,991	\$13,846,991
<b>TOTAL PAYMENTS</b>	<b>\$17,035,752</b>	<b>\$81,226,646</b>	<b>\$98,262,397</b>
<b>BALANCE</b>	<b>\$6,833,528</b>	<b>\$118,047,663</b>	<b>\$124,881,192</b>

[1] Amendment 1 for both Agreements amended Scope only.

[2] Amendment 3 to the Construction Agreement is proposed to increase the funding amount. The amount reflects the amount committed on 12/22/15. An amendment is in Process.

[3] Proposed Amendment 4 to the Construction Agreement is reflective of SBFCA's UFRR Grant Application submitted March 9, 2015. Review of competitive proposal is underway.

SBFCA is working closely with DWR to process the closeout of its Design Funding Agreement. On April 21, 2015, SBFCA provided DWR with a written request to review the final costs submitted against the Design Funding agreement, provide a final payment and release the retention held on the State's share of costs as well as transition the remaining funding in the agreement over to SBFCA's current construction funding agreement. DWR is currently processing a final payment and expects to provide a payment before the end of the fiscal year.

*DWR Emergency Response Planning Grant*

As of June 30, all deliverables for Task 1 (five flood safety plans and a report comparing local jurisdictions' compliance with Water Code Section 8650) are 100% complete and have been delivered to each agency, as well as to DWR who is currently reviewing the documents (no change from last month). Live Oak's generator is installed at City Hall (no change from last month). Gridley public works officials have decided to proceed with purchase and installation of its backup generator. Gridley officials have determined that the original scale of the project was too big, and are working with a vendor, Cal Electro, to produce new designs and a cost estimate for the downsized work. Ford Engineers is assisting with administrative tasks required to close out the project such as preparing invoice packages for DWR.

*DWR Flood System Repair Program Grant*

The ongoing coordination with DWR on a construction funding agreement for the Laurel Avenue levee repair project continues. As such, SBFCA has put the project design and environmental permitting work on hold until assurances are received from DWR. The latest word from DWR is that a funding decision memo to approve the project has been delivered to the Deputy Director for review and approval.

*Oroville Wildlife Area (OWA) Flood Stage Reduction (FSR) Project:*

The project team conducted its second interagency workshop and site inspection on June 16. Representatives from DWR, CDFW, USFWS, and CVFPB were in attendance. During the workshop, the project team presented and successfully confirmed the preferred alternative for the project. Work will now begin on the permitting and design of the preferred project, and the team will begin pursuing funding for the restoration and recreation components of the project. The team will continue to work collaboratively with both DWR and CDFW during this next phase of work.

*Gridley Bridge Erosion Repair Project*

Work during this period included developing mitigation measures and the planting plans. Currently ICF is investigating the use of Sonotube and drip irrigation to allow for planting along the Rock Slope Protection (RSP) section. The improvement plans for the RSP have been updated and new quantities developed.

*DWR Basin-Wide Studies*

SBFCA staff continues to coordinate with DWR staff, consultants, and Central Valley stakeholders on the preparation of the 2017 CVFPP to ensure SBFCA and regional interests are represented. Staff attended the CVFPP Integration Workshop on June 24.

*Federal Appropriations for Sutter Basin Project*

SBFCA updated the white paper describing the federal policy conflict that has resulted in an inaccurate benefit-cost ratio for the federal project. SBFCA also continues to pursue unallocated funds to advance preliminary design work for the project.

**Fiscal Impact**

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



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

July 8, 2015

## **Item 10**

**TO:** Board of Directors  
**FROM:** Mike Inamine, Executive Director  
**SUBJECT:** Other reports from Agency staff and consultants

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

## **Item 11**

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

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This time has been set aside on the agenda for a report from the CADAC. CADAC has included its 2014-15 Annual Report.

## **Item 12**

**TO:** Board of Directors  
**FROM:** Mike Inamine, Executive Director  
**SUBJECT:** Report by member and partner agencies

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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

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

## **Fiscal Impact**

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

# ANNUAL REPORT

July 1, 2014 to June 30, 2015

## CITIZENS' ASSESSMENT DISTRICT ADVISORY COMMITTEE Sutter Butte Flood Control Agency

The Citizens' Assessment District Advisory Committee (CADAC) was established by the Sutter Butte Flood Control Agency (SBFCA) Board of Directors in May 2010. A charter was approved by the SFCA Board in September 2010. Chapter VII. B. states that, "CADAC shall complete an annual report and provide it to the SBFCA Board by June 30 of each year."

At CADAC meetings there are staff reports on recent SBFCA activities. The CADAC members are informed of the latest issues and updates so they can go back to community residents and relay this information to them. Concerns from residents and affected property owners are brought up by members in order to get issues resolved for the agency and the residents.

July 2, 2014 meeting: The discovery of 12 Native American sites has caused a work suspension at these sites. This has a potential to cost up to \$10.8 million and may cause a delay in the completion of the levee project.

August 6, 2014 meeting: Construction is going well. Nineteen miles of levees have been degraded. There are nine rigs for slurry walls with one working around the clock. Three more will be working around the clock soon. There are currently 17 Native American cultural sites. This will increase the budget \$17 million. Property owners next to the levee will receive a notice of environmental site assessment.

September 9, 2014 meeting: 17.5 miles of levees in Areas B and C from Starr Bend north to Live Oak are scheduled to be completed this year. These levees will provide 200 year level flood protection. 10 of the 12 Native American sites in Area C have been closed. Costs have been revised down from \$17.5 million to \$10.5 million. Live Oak residents have had a problem with speeding by levee haul trucks. SBFCA staff members have met with contractors in the past and will meet with them again regarding safety concerns with the truck traffic. Well water levels are being monitored and there is no evidence of any effect from the slurry walls.

October 1, 2014 meeting: Due to the low reservoir levels construction work can continue to mid-December. The cost estimate for mitigating the Native American cultural sites is \$10.5 million. The cost estimate for mitigation for the elderberry beetle is \$3.1 million. There is an unknown cost for the possible mitigation of the western yellow-billed cuckoo. The Citizens' Assessment District Advisory Committee approved writing a letter to the U.S. Fish and Wildlife Service requesting extending the comment time period for the listing of critical habitat for the western yellow-billed cuckoo.

November 5, 2014 meeting: A 60 day extension was granted for the comment period for the designation of critical habitat for the western yellow-billed cuckoo. There may be legal action on the Native American cultural issues. Levee Areas B, C and D are scheduled to be completed at the end of the 2015 construction year. \$81 million of Proposition 1E funding is still needed to finish these areas.

December 3, 2014 meeting: SBFCA is still waiting for commitment from the State for the \$81 million to finish the levee work from Starr Bend north to Thermalito Bay. There is the possibility of grant funding for Levee Area A – from Starr Bend south to the Sutter Bypass.

January 7, 2015 meeting: Sandi Fredrikson was re-elected chair and Elaine Miles and Sandy Watson were elected as co-vice-chairs. SBFCA staff has had numerous meetings with the State on commitment for funding to finish Levee Areas B, C and D from Starr Bend to Thermalito Bay. The Native American Heritage Commission will have a meeting in Rocklin to consider litigation regarding the Feather River West Levee Project.

February 4, 2015 meeting: Vice-chair Sandy Watson designated Roberta Fletcher as secretary pro-tem for CADAC meetings. Levee Area B – Shanghai Bend to Starr Bend is completely finished with the exception of the installation of one pipe. Area C needs rock for the crown road and installation of pipes. One mile near the Gridley Bridge has been completed in Area D. All property negotiations and work on the levee from Thermalito Bay to Starr Bend must be completed before the levees can receive a 200 year certification.

March 4, 2015 meeting: State Senate Bill 5 requires a 200 year urban level of flood protection by 2025. There must be emergency action plans, operation and maintenance plans and a funding document. Urban areas are those with 10,000 or more residents. The Federal Emergency Management Agency has a 100 year flood protection standard. Having it in place minimizes flood insurance costs and allows for typical development. The state enacted the 200 year flood protection for urban areas. Some property owners are still in negotiations on rights-of-way and easements needed for levee construction and permanent access for operations and maintenance.

April 1, 2015 meeting: New members from Butte County were welcomed to the CADAC meeting. SBFCA board member Frank Hall from Gridley arranged to fill the vacancies. There will be a bond sale in May. The bond is a 30 year bond and will be paid for with levee benefit assessment funds. There is still concern of work stoppage and potential litigation against SBFCA due to the Native American artifacts uncovered during construction activities.

May 6, 2015 meeting: Construction work could have started on April 15 but the start date has been delayed due to mitigation of the Native American cultural resources issues. For Butte County levees SBFCA will be working with the Enterprise Rancheria instead of the United Auburn Indian Community as the most likely descendants. A bond not to exceed \$50 million will be issued. The funds will be used to pay off the Rabobank line of credit and for ongoing construction work and related costs.

June 3, 2015 meeting: Due to the Native American cultural issues, levee construction work is still delayed. It is costing \$1.5 million for each month it is suspended. The U.S. Corps of Engineers requires an approved plan to deal with the artifacts. The best estimate for work to begin is July 9. There was a \$45 million bond sale with an interest rate of 3.99%. Once levee construction begins in Butte County there will be 50 haul trucks on the road and they will be making four round trips daily. Many of the roads are narrow country roads and residents and others who travel on them will be impacted.

At all CADAC meetings there are updates on recent SBFCA meetings and discussion on public outreach strategies. There is continuing concern about the Native American cultural resources, right-of-way issues and how they affect property owners.

Current members

Sandi Fredrickson, Chair  
Sandy Watson, Co-Vice-Chair  
Elaine Miles, Co-Vice-Chair  
Roberta Fletcher, Secretary-Pro-Tem  
Steve Scriven  
Gail Moffitt  
Jim Townsend  
    Alternate JoAn Townsend  
Barbara Rice  
Vern Hartman  
Lynette Filter  
Debbie Gaylord  
Jon Munger  
Vacant

Appointed by

City of Live Oak  
County of Sutter  
County of Sutter  
City of Yuba City  
City of Yuba City  
County of Butte  
County of Butte  
County of Butte  
City of Biggs  
City of Gridley  
Levee District 9  
Levee District 9  
Levee District 1  
Levee District 1

We are pleased that a citizens' committee was established and we appreciate the opportunity to be members of the committee providing a service to the residents of Sutter and Butte counties.

Respectfully submitted,

Sandi Fredrickson, Chair  
Citizens' Assessment District Advisory Committee