



Sutter Butte Flood Control Agency

Board of Directors *Amended* Agenda Summary 1 p.m. – May 13, 2015 – Regular Meeting

This amended agenda includes a new Item 4.1. The original agenda packet has not changed in regard to any of the originally posted items. The supporting information for Item 4.1 is attached.

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. 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. 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 Connelly
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

Sally Serger
Francis Silva

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.

1:00 PM CLOSED SESSION

1. Conference with real property negotiators pursuant to Govt. Code section 54956.8
Agency negotiator(s): McElhern/O'Regan
Properties and negotiating parties:
 - a) James Banas 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)
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

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 April 8, 2015 Board Meeting
2. Receive and File Finance Committee Minutes from February 4, 2015, March 2, 2015 and March 30, 2015
3. Approval of Amendment 6 to Bender Rosenthal Inc. Master Agreement and Task Order 2 Amendment 6 Right of Way Acquisition Support Services
4. Approval of Amendment 4 to the Professional Services Contract with KNN Public Finance

4.1. Approve a Tribal Consultation Policy to guide SBFCA activities upon review and approval of counsel.

PRESENTATION, DISCUSSION & ACTION ITEMS

5. Preliminary Approval of the Proposed Amended Budget Covering 2014-15 and 2015-16 and Approval to Set a Public Hearing on June 10, 2015
6. Approval of the Sale and Issuance of SBFCA's Second Series of Assessment Revenue Bonds in a Not-to-Exceed Principal Amount of \$50 Million
7. Receive and file monthly financial report

INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

8. Program/Project Update
9. Other reports from Agency staff and consultants
10. Report (if necessary) by the Citizens' Assessment District Advisory Committee (CADAC)
11. Report (if necessary) by member and partner agencies

CORRESPONDENCE

12. 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

May 13, 2015

TO: Board of Directors

FROM: Mike Inamine, Executive Director

SUBJECT: Approval of Tribal Consultation Policy

Recommendation

Approve a Tribal Consultation Policy to guide SBFCA activities upon review and approval of counsel.

Background

During 2014 construction associated with the Feather River West Levee Project, a number of unforeseen cultural resources were discovered. As a result, staff is engaged with the affected tribes to avoid and/or address cultural resources going forward. Accordingly, the proposed Tribal Consultation Policy provides the framework and guidance for all SBFCA projects and programs that may impact Native American cultural resources.

Fiscal Impact

There is no budgetary impact to the approved Amended 5-Year Capital Budget.

Sutter Butte Flood Control Agency

Tribal Consultation Policy

May 13, 2015

The mission of the Sutter Butte Flood Control Agency (SBFCA) is to reduce flood risk and protect lives and livelihoods of the citizens of Sutter and Butte Counties, through the construction and repair of levees and flood control structures along rivers and streams. To ensure that any tribal cultural resources within our projects are addressed to the greatest extent possible during project planning and implementation, SBFCA's actions will be guided by a tribal consultation policy.

The intent of this tribal consultation policy is to provide California Native American tribes an opportunity to participate in land use decisions at an early planning stage, for the purpose of protecting, or mitigating impacts to, tribal cultural resources. The purpose of involving tribes at these early planning stages is to allow consideration of tribal cultural resources in the context of broad local land use policy, before individual site-specific, project-level land use decisions are made by SBFCA.

As defined in 65352.4 of the California Government Code, "consultation" means the meaningful and timely process of seeking, discussing, and considering carefully the views of others, in a manner that is cognizant of all parties' cultural values and, where feasible, seeking agreement. Consultation between SBFCA and California Native American tribes shall be conducted in a way that is mutually respectful of each party's sovereignty. Consultation shall also recognize the tribes' potential needs for confidentiality with respect to places that have traditional tribal cultural significance.

SBFCA recognizes four key elements that compose the tribal consultation policy:

1. SBFCA will ensure that agency staff meet with applicable tribal chairs or leaders and recognize that, as governments, tribes have the right to be treated with appropriate respect and dignity, in accordance with principles of self-determination.
2. SBFCA will reach out, through designated points of contact, to involve tribes in collaborative processes designed to ensure information exchange, consideration of disparate viewpoints before and during decision making, and utilize fair and impartial dispute resolution mechanisms.
3. SBFCA will search for ways to involve tribes in programs, projects and other activities that build economic capacity and foster abilities to manage tribal resources while preserving cultural identities.
4. SBFCA will act to fulfill obligations to preserve and protect trust resources, comply with applicable state and federal laws, and ensure reasonable access to sacred sites in accordance with published and easily accessible guidance.