



# Sutter Butte Flood Control Agency

## Board of Directors Agenda Summary 1 p.m. – November 12, 2014 – 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

James Gallagher  
Stan Cleveland  
Alt. Jim Whiteaker

#### County of Butte

Bill Connelly  
Steve Lambert

#### City of Yuba City

John Dukes  
Kash Gill  
Alts. John Buckland, Tej Maan

#### City of Live Oak

Gary Baland  
Alt. Ray Rogers

#### City of Gridley

Jeff Draper  
Alt. Frank Hall

#### City of Biggs

Bo Sheppard  
Alt. John Busch

#### Levee District 1

Francis Silva  
Barbara LeVake  
Alts. Sally Serger, Bill Hampton

#### 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 PM REGULAR MEETING/CALL TO ORDER

Roll Call  
Pledge of Allegiance

### 1:01 PM CLOSED SESSION

1. Conference with legal counsel – anticipated litigation – Govt. code 54956.9(d)(2) – 2 cases
2. Conference with real property negotiators pursuant to Govt. Code section 54956.8 agency negotiator(s): McElhern/O'Regan

Properties and negotiating parties:

- Sierra Gold Land Inc. (APNs 23-234-003, 23-253-016, 23-300-084, -085, & -086)
- Walter A. Berg Trustee and Ellen C. Berg Trustee, of the Walter and Ellen Berg Family Trust (APN 23-234-008)
- Ellen C. Berg, Trustee of the Ellen C. Berg revocable Trust created under the Walter and Ellen Berg Family Trust (as to ½ interest) and Ellen C. Berg, Trustee of the Walter A. Berg Residual Trust created under the Walter and Ellen berg Family Trust (as to a ½ interest), as Tenants in common (APN 23-234-014)
- Ellen C. Berg, Trustee of the Ellen C. Berg revocable Trust created under the Walter and Ellen Berg Family Trust (as to ½ interest) and Ellen C. Berg, Trustee of the Walter A. Berg Residual Trust created under the Walter and Ellen Berg Family Trust (as to a ½ interest), as Tenants in common (APN 23-253-023)
- Mathews Readymix LLC (APNs 025-280-020, -019 & -017)

- Butte Creek Property Corporation (APNs 024-210-035 & -036)

Under negotiation: Price and terms of payment.

### **1:30 PM 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 September 10, 2014 Board Meeting
2. Approval of the minutes for the November 6, 2014 Finance Committee meeting
3. Approval of RiverSmith Engineering Master Services Agreement Amendment 4
4. Adoption of resolution for UFRR grant

### **PRESENTATION, DISCUSSION & ACTION ITEMS**

5. Receive and file monthly financial reports

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

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

### **CORRESPONDENCE**

10. 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*

November 12, 2014

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director

**SUBJECT:** Approval of the Minutes for the October 8, 2014 Regular Board Meeting

---

The proposed minutes for the Board of Director's regular meeting October 8, 2014 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 8, 2014**

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

**MEMBERS PRESENT**

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

**MEMBERS ABSENT:** Jeff Draper, Chris Schmidl

**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**

Board Chair Steve Lambert opened the special meeting at 1 p.m. and led the group in the pledge.

**CLOSED SESSION – Director James Gallagher did not participate**

**1. Conference with real property negotiators pursuant to Govt. Code section 54956.8**

**Agency negotiator(s): McElhern/O'Regan**

**Properties and negotiating parties:**

- **Robert J. Storm and Betty L. Storm, Trustees of the Robert J. and Betty L. Storm Revocable Trust, under declaration of trust established 4/7/98 (APN 025-280-007)**
- **Terrell R. Storm (APN 025-280-011)**
- **JoAnn Stuke Diethrich, Trustee of JoAnn's Trust, established March 8, 2000, under the terms of the Declaration of Trust of the William E. Stuke 1989 Revocable Trust; and JoAnn Stuke Diethrich (APN 025-130-025)**
- **Sutter Butte Dusters (APN 09-240-006)**
- **Karmdeep S. Bains and Harpreet B. Bains (APN 025-200-141)**
- **Blain Moffitt (APN 025-130-042)**
- **Clinton and Gail Moffitt, as Trustees of the Clinton and Gail Moffitt Trust, dated June 27, 2000 (APN 025-140-008, 025-150-016 and 025-150-017)**
- **Janice Schmidl and Sylvia Lamon (APNs 10-062-004 & 10-130-012)**

**Under negotiation: Price and terms of payment.**

Nothing to report.

**2. Pending litigation pursuant to Government Code §54956.9(a)**

- **SBFCA v. Sukhraj S. Pamma, et al.; Sutter County Case No. CVCS 13-1173 (APN 09-120-008)**
- **SBFCA v. Dale B. Smith, et al.; Sutter County Case No. CVCS 1302020 (APN 09-050-004)**
- **SBFCA v. Smith Ranch, et al.; Sutter County Case No. CVCS 13-2021 (APN 09-050-002)**
- **SBFCA v. The Heirs and Devisees of Frank Wayne Sue, et al.; Sutter County Case No. CVCS 13-2039 (APN 09-240-007)**
- **SBFCA v. Elizabeth A. Micheli, et al.; Sutter County Case No. CVCS 13-2283 (APNs 10-130-028 and 10-130-040)**
- **SBFCA v. River Bottom Ranch II, LLC, et al.; Sutter County Case No. CVCS 13-2284 (APNs 10-130-041 and 10-130-043)**
- **SBFCA v. Justin J. Micheli, et al.; Sutter County Case No. CVCS 13-2295 (APNs 10-130-005 and 10-130-014)**

- SBFCA v. Rancho Santa Maria, et al.; Sutter County Case No. CVCS 13-2432 (APNs 09-050-001 and 09-050-003)
- SBFCA v. Mariko Gushi, et al.; Sutter County Case No. CVCS 14-0095 (APN 09-295-008)
- SBFCA v. Kevin McCool, et al.; Sutter County Case No. CVCS 14-0094 (APN 09-295-005)
- SBFCA v. Richard L. Bill, Jr., as Trustee of the Bill Family Management Trust, et al.; Butte County Case No. 161969 (APN 025-050-002)
- SBFCA v. William H. Cilker, Sr., Trustee of the Cilker Revocable Trust UTA October 9, 1990, et al.; Butte County Case No. 162226 (APN 025-180-007)
- SBFCA v. Copelin, et al.; Butte County Case No. 162435 (APN 024-210-028 and 024-210-029)

#### CONSENT CALENDAR

- 1) Approval of LD1 alternate, Sally Serger
- 2) Approval of the minutes for the August 13, 2014 Board meeting
- 3) Approve an Addendum to the Agency's 5-Year Capital Budget to incorporate the Gridley Bridge Site Project (GBSP) and authorize the Executive Director to approve associated task orders and amendments to professional services agreements for the design and permitting of the project
- 4) Approval of Amendment 5 to Bender Rosenthal Inc. Master Agreement; and Task Order 2 Amendment 5 Right of Way Acquisition Support Services
- 5) Receive & File Feather River Regional Flood Management Plan - Economic Impacts of the Sutter Bypass Expansion Study and Authorize Chair to Sign Transmittal Letter

On motion of Director John Dukes, and seconded by James Gallagher, the consent calendar was approved as follows:

- |                        |                         |
|------------------------|-------------------------|
| • Bo Sheppard – Yes    | • Francis Silva - Yes   |
| • John Dukes – Yes     | • James Gallagher – Yes |
| • Kash Gill – Yes      | • Bill Connelly – Yes   |
| • David Lamon – Yes    | • Steve Lambert – Yes   |
| • Barbara Levake – Yes | • Gary Baland – Yes     |
| • Stan Cleveland – Yes |                         |

#### RESOLUTION OF NECESSITY HEARING

- 6) Adopt resolutions of necessity to acquire certain property interests for the Feather River West Levee Project as follows:
  - a. Janice Schmidl and Sylvia Lamon (APNs 10-062-004 & 10-130-012)

Agency Counsel Scott McElhern introduced the resolution of necessity hearing and stated that this property is located in Area C. Mr. McElhern covered the procedures for the resolution of necessity process:

- Property owner receives notice of the hearing
- Staff provides a presentation to the SBFCA Board of Directors
- SBFCA Board question and answer period
- Presentation by property owners
- Public comment period
- Board votes on proposed resolutions of necessity - an affirmative vote of 2/3rds of all Board members is required for adoption.

The required findings for the adoption of a resolution of necessity include:

- The public interest and necessity require the project
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
- The property interests are necessary for the proposed project
- The offer required by Government Code Section 7267.2 has been made to the owner or owners of the record of property. The purpose of the hearing is not to discuss the amount of the offer or any negotiations, but instead finding that an offer has been made

#### Finding 1 – The Project is Necessary Because Of Levee Deficiencies

- Existing levee vulnerable to through-seepage and under-seepage
- Levee slope stability issues
- Encroachments into and on the levee
- Lack of protection from 100-year and 200-year floods
- Insufficient right of way to maintain levees

The solution to the levee deficiencies is to rehabilitate certain reaches of the Feather River West Levee to achieve 200-year protection for the Yuba City sphere and north, and to achieve 100-year protection for the remainder of the Basin to the south. The key design feature is cutoff walls which mitigate through and under-seepage issues, maintain existing levee geometry, and reduce required right-of-way. Other design features include: some seepage berms and erosion repairs, utility relocations, removal of encroachments and acquisition of operations and maintenance areas. Because the project is a rehabilitation project, SBFCA is only acquiring the necessary property in order to complete construction and provide future operations and maintenance corridors.

#### Finding 2 - Compatible with Greatest Public Good and Least Private Injury

- The proposed acquisition from Schmidl and Lamon is limited in scope to what is necessary for the construction of the project and the long term operation and maintenance of the levee system.
- The proposed acquisition will leave an economic remainder that will continue to be used for farming operations, consistent with the current use of the property as a walnut orchard.

#### Finding 3 - Proposed Fee Acquisition Is Necessary For The Project

- Ownership of levee and 15-foot waterside O&M corridor on the Schmidl and Lamon property necessary to:
  - Meet minimum standards for 200-year flood protection as set forth in Urban Levee Design Criteria.
  - Provide adequate room for construction, maintenance, repairs, inspection, patrolling during high water, and flood fighting.
  - Prohibit excavations and modifications that would endanger the integrity of the levee.

#### Finding 4 – The Offer Required by Government Code Section 7267.2 Has Been Made

### **PRESENTATION, DISCUSSION & ACTION ITEMS**

#### **7) Receive and file monthly financial report**

Budget Manager Seth Wurzel stated that the Board packet included the July report and the August 2014 report has been provided at the meeting. Mr. Wurzel stated that Yuba City is in the middle of an audit so the numbers in the August report are in draft form. Mr. Wurzel also stated that as of August 31, 2014 SBFCA had approximately \$34.4 million in working capital; the estimated working capital balance to date is \$16.9 million. Mr. Wurzel stated that for ease of presentation he combined revenues for 13/14 and 14/15. SBFCA hasn't received any revenue as of August 31st for FY 14/15; the operating revenue for FY 13/14 is \$768K and capital revenue is \$5.9 million. As far as total EIP revenue we have received about \$41.5 million of state funding.

Expenditures for FY13/14 is approximately \$49.5 million, of which \$48.3 million is related to the Feather River West Levee Project 1.

Director James Gallagher asked for clarification on the expenditures for FY 13/14 \$49 million vs. the \$51 million estimated to date.

Mr. Wurzel replied that the \$49 million is for accrued work completed by June 30th and that the cash has been paid out for those invoices. The \$51 million is an estimate of accrual for work completed by June 30th based on invoices received (not paid). Mr. Wurzel stated on the slide he should have noted "FY 14/15" to the title.

Mr. Wurzel stated in regards to the design funding agreement we are working toward closeout. He also stated the funding agreement amendment for area B & D Construction is fully effective, and staff is working through the payment process. We are hoping to receive a payment for \$20 million from the State so we can meet our invoicing requirements in the near future. We are also working on additional funding agreements.

Funding update – Executive director Mike Inamine reported that to date we have received \$139 million from Bond 1e via the State and about \$80 million is needed to complete the Feather River West Levee project.

Mr. Inamine reported that the Agency funding strategy was presented last month and has not changed from 2011, and that we expected to receive funding from a future UFRR grant. Remaining budget is contingent on UFRR grant guidelines that were supposed to be released almost a year ago and still have not been finalized. Even though UFRR grant guidelines are late, there is money available, but SBFCA issue arise with simple cash flow. When it became evident the guidelines would be late staff conducted a cash flow analysis and determined that we will have exceeded our local cost share in early 2015, thereby stranding credit. To remedy this, staff proposed a legislative fix at the end of the legislative session which would have allowed DWR to pay reimbursement, not credit, once a decision was made to award grant funding. The measure received approval from the Administration, Assembly and was unanimously approved by the Senate, however the Assembly failed to vote on the law before adjourning. Staff is still working to get this legislative fix completed by early next year and in time for the upcoming construction season.

The other issue facing the Agency is the late timing of the UFRR grant process. In its formal comments to DWR, staff requested that projects with a high state of readiness and underway (like FRWLP) necessitate a direct, faster funding process.

Agency Counsel Scott Shapiro clarified that to date, the \$139 million mentioned previously is money committed by DWR to date; we have not received a \$139 million to date. Also the \$139 million includes the \$20M payment we expect to receive in the next few weeks from the State.

Director Kash Gill stated that we're not awarding contracts based on money we don't have at this time.

No action taken.

## **INFORMATIONAL AND POSSIBLE APPROVAL ITEMS**

### **8) Program/Project Update**

Director of Engineering Michael Bessette reviewed construction activities. He reported first on the status of the cultural resource impacts. 15 cultural sites, 2 known sites, 13 found during construction; all 13 work suspension sites have been cleared. Mr. Bessette stated there was a \$6 million reduction for the potential cost and it will continue to be reduced.

Executive Director Mike Inamine reported that another state agency, the Native American Heritage Commission (NAHC) has asserted its role under state law.. Mr. Inamine stated that SFBCA is caught in the middle between interpretations of federal and state law. Under federal law SBFCA is required to retain certain types of materials/artifacts, and under state law we/SBFCA need to turn over artifacts that may be associated with human remains. Recently SBFCA received a letter from Sacramento district that the Agency will be able to release these controversial artifacts to the tribe and thereby avoiding potential adverse actions against the Agency.

Director of Engineering Michael Bessette highlights what will happen in the next 3 months. Staff has requested a time extension into December from the CVFPB due to the dry weather, and as a result of our delay with the cultural sites. The entire project B will be improved to a 200-yr level of protection this year Project C – one last slurry wall reach will be completed by the end of October; and all ten miles will be up to 200-yr level of protection by the second week in Nov.

Update on Project D – Mr., Bessette stated that 1.5 miles has been completed this year. SBFCA is still working on one last conventional wall. The D levee crest elevation is already up to the 200 yr level of protection.

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

Executive Director Mike Inamine provided more information on the Valley Elderberry Longhorn Beetle (VELB) and Western Yellow Billed Cuckoo (WYBC). The VELB was listed and then delisted and staff is looking at this decision. Critical Habitat Listing of the WYBC may not significantly impact the current 408 project and permitting. FRWLP is already heavily regulated in the river corridor; however SBFCA may need to amend biological opinions. The October 14, 2014 deadline does not leave enough time to analyze potential impacts. We sent a letter October 7, 2014 to Fish and Wildlife requesting a 6 month extension.

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

Nothing to report.

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

Sandi Fredrickson, CADAC Chair, reported that they met last week, having a quorum. She stated that CADAC has approved writing a letter supporting the 6 month extension proposed by SBFCA. She stated they are working with Kim Floyd to draft the letter of support.

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

Nothing to report by each district

**CORRESPONDENCE**

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

Letter requesting an extension regarding Western Yellow Billed Cuckoo.

**PUBLIC COMMENT**

No public comment.

**ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 2:30 p.m.

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

LISA MURPHY, BOARD CLERK

\_\_\_\_\_  
STEVE LAMBERT, CHAIR





# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

November 12, 2014

**TO:** Board of Directors

**FROM:** Mike Inamine, Executive Director

**SUBJECT:** Approval of the Minutes for the November 6, 2014 Finance Committee

---

Due to timing of the Finance Committee meeting the minutes will be available online 72 hours before the Board of Director's meeting on November 12, 2014. Copies will also be available the day of the Board meeting for your review, modification and/or approval.

**Recommendation**

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

Thank you.



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

November 12, 2014

**TO:** Board of Directors

**FROM:** Michael Bessette - Director of Engineering

**SUBJECT:** Approval of Amendment 4 to the RiverSmith Engineering Inc. contract

---

## **Recommendation**

Staff recommends that the Board of Directors approve the attached Amendment 4 to the RiverSmith Engineering, Inc. contract for work associated with the Independent Panel of Experts.

## **Background**

Consistent with the Board's approval of the 5-Year Budget, it is necessary to approve certain consultant contract amendments to increase the respective not-to-exceed amounts to cover budgeted expenditures as well as modify the duration term of the contracts. The RiverSmith Engineering, Inc. contract was last amended on September 11, 2013. The last amendment originally provisioned for services through June 2014. Fiscal Year 2013/14 has come to a close and RiverSmith Engineering, Inc. has expended nearly the entire not-to-exceed budget authorized.

## **Discussion**

In order to provision for services to continue to be provided RiverSmith Engineering, Inc., the contract must be modified to increase its not-to-exceed limits for work. Staff proposes to increase the not-to-exceed limit by \$80,000 to \$370,000 for services budgeted through June 30, 2015.

## **Fiscal Impact**

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

FOURTH AMENDMENT  
TO AGREEMENT BETWEEN  
SUTTER BUTTE FLOOD CONTROL AGENCY  
AND  
RIVERSMITH ENGINEERING, INC.

This Fourth Amendment to the Agreement between Sutter Butte Flood Control Agency and RiverSmith Engineering, Inc. (“Amendment”) is made and entered into this 12<sup>th</sup> day of November 2014, by and between Sutter Butte Flood Control Agency (“Agency”) and RiverSmith Engineering, Inc. (“Contractor”).

**RECITALS:**

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

WHEREAS, Agency and Contractor have entered in to the First, Second and Third Amendments to the Agreement dated June 8, 2011, March 14, 2011 and September 11, 2013 respectively;

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

WHEREAS, Agency and Contractor desire to amend the Agreement;

NOW, THEREFORE, Agency and Contractor agree as follows:

Section 3.A of the Agreement shall be modified to read in its entirety as follows: “The compensation to be paid by SBFCA to Contractor for services shall be in accordance with the Contractors Rate Schedule, but not to exceed three hundred and seventy thousand dollars (\$370,000). Contractor shall be reimbursed for out-of-pocket expenses incurred for travel, postage and delivery, and long-distance telephone charges. Contractor shall provide SBFCA with an itemized statement of expense by category of expense a part of each monthly billing statement.”

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

This Amendment is hereby executed on the 12th day of November, 2014.

Agency

Contractor

By: \_\_\_\_\_  
Sutter Butte Flood Control Agency

By: \_\_\_\_\_  
Thomas W. Smith, PE, GE

APPROVED AS TO FORM:  
SCOTT SHAPIRO

SUTTER BUTTE FLOOD CONTROL  
AGENCY COUNSEL

---



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

November 12, 2014

**TO:** Board of Directors

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

**SUBJECT:** Authorization of the Executive Director to negotiate, apply for and execute a Project Agreement with the Department of Water Resources for State funding under the Urban Flood Risk Reduction program

---

## **Recommendation**

Staff recommends that the Board of Directors approve a resolution authorizing SBFCA's intent to participate in the Urban Flood Risk Reduction program and authorize the Executive Director to apply for and execute a funding agreement with the Department of Water Resources and to accept State funding under the Urban Flood Risk Reduction program.

## **Background**

The California Department of Water Resources (DWR) is working to advance a new post Central Valley Flood Protection Plan program called the Urban Flood Risk Reduction (UFRR) program. The UFRR program is essentially a continuation of funding under the Early Implementation Program, the program currently funding SBFCA's Feather River West Levee Project. While the UFRR program has not yet been finalized, it is expected that the program will be finalized in the very near future. DWR circulated draft program guidelines, a draft proposal solicitation package and draft cost sharing guidelines for public review and comment. Those draft guidelines can be found here:

<http://www.water.ca.gov/floodmgmt/fpo/guidelines/>. Within the draft guidelines, agencies applying for funding will be required to adopt a resolution authorizing submission of a proposal for funding. The comment period on the guidelines has closed and DWR is currently reviewing and considering how the comments will be addressed.

Because SBFCA has an immediate need for funding under this program and in order to ensure that SBFCA is prepared to submit an application once the program is made available, staff is requesting that the board take the necessary steps now to authorize the Executive Director to submit a proposal for funding. Taking Board action now, in advance of a submission deadline, will provide flexibility to the Agency to ensure that future board meeting schedules will not impact the Agency's timely submission of a funding proposal.

## **Fiscal Impact**

The current Amended 5-Year Budget includes revenues from future funding program, from DWR. The UFRR program would provide this funding. The immediate action being requested of the Board is to apply for this future funding and execute an agreement under

the UFRR program. Approval of the recommended action does not obligate the Agency to incur additional costs nor will it generate additional revenues until an agreement is provided to the Agency for execution. Accordingly, there is no net budgetary impact resulting from the Board's approval of the recommended action to apply for funding.

**RESOLUTION NO. 2014-\_\_\_**

**RESOLUTION OF THE SUTTER BUTTE FLOOD CONTROL AGENCY  
FOR AN APPLICATION FOR THE FEATHER RIVER WEST LEVEE PROJECT WITH THE  
URBAN FLOOD RISK REDUCTION PROGRAM UNDER THE DEPARTMENT OF WATER  
RESOURCES**

**WHEREAS**, the Sutter Butte Flood Control Agency (“SBFCA”) has initiated the Feather River West Levee Project which involves designing and constructing rehabilitations to the levee system protecting the Sutter-Butte Basin; and

**WHEREAS**, one of the goals of SBFCA is to provide a minimum level of 200-year flood protection for Urban Areas of the Basin; and

**WHEREAS**, SBFCA wishes to seek additional funding for this project through the Department of Water Resources’ Urban Flood Risk Reduction Program.

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

1. Pursuant and subject to all of the terms and provisions of the California Public Resources Code Section 5096.21 and/or 75030 this proposal by SBFCA be made to the California Department of Water Resources to obtain funding for the Feather River West Levee Project.
2. The Executive Director is hereby authorized and directed to prepare the necessary data, make investigations, sign certifications required as part of the proposal, and sign and file such proposal with the California Department of Water Resources.

PASSED AND ADOPTED by the Board of Directors of the Sutter Butte Flood Control Agency this 12th day of November, 2014 by a vote as follows:

AYES:  
NOES:  
ABSTAIN:  
ABSENT:

\_\_\_\_\_  
CHAIRPERSON

ATTEST:  
  
\_\_\_\_\_

\_\_\_\_\_, Secretary

APPROVED AS TO FORM

GENERAL COUNSEL

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



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

November 12, 2014

**TO:** Board of Directors

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

**SUBJECT:** Receive and File Monthly Financial Reports (August & September 2014)

---

## **Recommendation**

We recommend the Board receive and file the August & September 2014 Financial Reports and receive staff's monthly financial report update.

## **Background**

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

The monthly financial 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 reports prepared in coordination with Yuba City finance staff. Included are two financial reports, one for August and one for September FY 14/15. The information presented is compared to the approved Amended Final 5-Year Budget. The August report was provided to the Board at its October meeting in draft form. The August and September reports will be provided to the Board in final form at the Board meeting.
- Cash Flow Projection Update: 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. An updated cash flow representing the actual expenses for FY 13-14 and projected FY 14-15 will be provided 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 12, 2014

**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 2014 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 design team continues to provide construction support services for Project Area C and Project Areas B/D contractor operations. Efforts for the past month have focused on: submittal reviews, addressing contractor requests for information, change order review, pipe penetration relocations, borrow material utilization, writing field instructions, deep-mix-method mix design, ramp design modifications, 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 weekly meetings with the contractor to coordinate the contractor's submittals and coordinate 2014 construction work. The CM team continues to assist affected property owners to coordinate ongoing 2014 construction activities and resolve issues. 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 is closely coordinating with environmental consultant ICF, and their sub-consultant Far Western Archaeological, on the numerous archaeological resource sites that have been found during 2014 construction operations. The team has successfully completed the required archeological field work to support 2014 levee construction. Laboratory work to fulfill federal requirements is pending issuance of revised treatment plans by the corps.

Currently in Project Area B the contractor has completed all conventional slurry wall headings and is focusing on levee embankment reconstruction and pipe work. The contractor's schedule shows that all six miles of levee will be completely regarded by the middle of November in Project Area B. In Project Area C the contractor has completed all cutoff wall construction (both conventional slurry wall and Deep Soil Mixing wall). Additional work items in Project Area C include pipe modifications at Sunset Pump Station, pipe installation work at various other locations, and levee re-grade operations. In Project Area D the contractor has



completed the one conventional slurry wall heading and is currently working on levee re-grade operations.

*Environmental Documentation and Permitting*

With all major project permits now acquired for construction, activities are focused on wrapping up construction monitoring of biological resources for the 2014 construction season. We have also begun the environmental permitting process for the Gridley Bridge erosion site; and the Oroville Wildlife Area.

*Right of Way*

We have acquired all rights necessary for 2014 construction within Project Areas B, C and D. In Project Area D, we are in the process of acquiring the remaining property rights needed for 2015 construction. In addition we have begun right-of-way acquisition for the UPRR and 5<sup>th</sup> Street “Gaps” work.

*State & Local Funding and Coordination*

Amendment No. 2 for SBFCA’s Construction Funding Agreement was executed by DWR on September 18, 2014. This amendment increased the funding agreement from \$56.78 million to \$114.58 million. This amendment allows DWR to fund work related to Project Areas B & D. DWR has processed a payment for \$19.4 million and SBFCA is currently waiting to receive this funding.

The following table summarizes SBFCA Grant Funding to date reflective of the forthcoming funding.

<b><u>FRWLP DWR EIP Funding</u></b>	<b><u>Agreement</u></b>		<b><u>Total</u></b>
	<b><u>Design</u></b>	<b><u>Construction</u></b>	
Original Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendments	\$14,869,280	\$57,803,791	\$72,673,071
<b>TOTAL FUNDING</b>	<b>\$23,869,280</b>	<b>\$114,583,791</b>	<b>\$138,453,071</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		\$8,704,665
<b>TOTAL PAYMENTS</b>	<b>\$17,035,752</b>	<b>\$52,020,811</b>	<b>\$69,056,562</b>
<b>GRANT BALANCE</b>	<b>\$6,833,528</b>	<b>\$62,562,980</b>	<b>\$69,396,509</b>

As construction has advanced, the Agency has incurred significant construction related expenses. Since the last Board meeting, the Agency has drawn the balance of the Project Proceeds available from the 2013 Assessment Revenue Bonds. The last draw was for \$12,883,215 on October 20, 2014. In addition, SBFCA made a draw of \$8,867,209 from its Rabobank Line of Credit on October 28, 2014. SBFCA will continue to draw funds from its Line of Credit until the anticipated funding arrives from DWR.

*DWR Emergency Response Planning Grant*

During the month of October, David Ford Consulting Engineers completed drafts of Chapter 4 (Plan Implementation and Coordination) and Chapter 5 (Communications) for each plan; met with Greg Harvey of CA DWR to discuss DWR’s levee patrol procedures as part of developing

Chapter 7 of each plan; facilitated a meeting with representatives of Butte County Office of Emergency Services, the cities of Gridley and Biggs, CA Office of Emergency Services, and SBFCA; and facilitated a similar meeting with representatives of Sutter County, the city of Live Oak, and SBFCA. Gridley Public Works is waiting for revised generator specs and pad design for its generator. Live Oak has poured the slab and footings and installed the auto transfer switch for the generator, and Live Oak expects the generator to be installed in early December.

*DWR Flood System Repair Program Grant*

Staff continues to work with DWR to work out details of the funding agreements that have been deemed problematic by most local maintaining agencies. Staff anticipates to come to agreement soon on language changes and bring engineering design task orders to the board for approval in December.

*Yuba Sutter Flood Protection Program Grant*

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

On October 29<sup>th</sup>, DWR informed staff that the grant funding agreement has been signed and executed. The project work is divided into two main phases; Phase I (currently underway) includes the feasibility/alternatives analysis, and Phase II (next year) includes the design and permitting. During the month of October, the project team worked on the construction & calibration of the 2-D hydraulic model, and on developing the conceptual alternatives for the weir improvements and ecosystem enhancements. The project team has also begun work on a sediment re-mobilization study to analyze potential sediment impacts, and on a Phase I Environmental Site Assessment. A project team site tour was conducted with DWR and CDFW on October 2nd, and SBFCA conducted a site visit/briefing with members of the CVFPB on October 10th.

*Gridley Bridge Erosion Repair Project:*

Last month the board approved the task orders to begin design and permitting work for the project. Currently a Project Management Plan is being developed and the design team is beginning field survey work and preliminary geotechnical analysis work. DWR is in the final stages of grant approval and we expect to receive our executed funding agreement next month.

*Western Yellow Billed Cuckoo:*

The U.S. Fish and Wildlife Service announced that the comment period for the Critical Habitat Designation will be extended 6 months. Staff requested information on the Critical Habitat listing under the Freedom of Information Act in order to better understand impacts to capital projects and long term O&M of flood control facilities. Staff is also coordinating comments with DWR, California Farm Bureau, Yuba Sutter Farm Bureau, Sutter County and Butte County.

*Water Resources Development Act 2014 Authorization of the Sutter Basin Project:*

The federal Sutter Basin Project has cleared the office of management and budget. Pending a recommendation by the corps, the project is eligible for inclusion in the President's fiscal year 2016 budget.

**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 12, 2014

## **Item 7**

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

---

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

## **Item 8**

**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 9**

**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 10**

**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.