



# Sutter Butte Flood Control Agency

Board of Directors Regular Meeting Minutes, November 9, 2022, 1 p.m.

## MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. in Compliance with CA Executive Orders AB361 members of the Board of Directors and members of the public participated in this meeting by teleconference.

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:	Mat Conant, Mike Ziegenmeyer
County of Butte:	Bill Connelly
City of Yuba City:	Shon Harris, Wade Kirchner
City of Biggs:	Bo Sheppard
City of Gridley:	Bruce Johnson
City of Live Oak:	Lakhvir Ghag
Levee District 9:	Mike Morris
Levee District 1:	Charlie Hoppin, Drew Stresser

**MEMBERS ABSENT:** Tod Kimmelshue, Chris Schmidl, Al Montna

**STAFF PRESENT:** Michael Bessette, Executive Director; Chris Fritz, Director of Engineering, Agency Counsel; Scott Shapiro; Seth Wurzel, Budget Manager and Terra Yaney, Board Clerk

### MEETING/CALL TO ORDER

At 1:00 p.m., Director Wade Kirchner opened the meeting and led the group in the pledge of allegiance.

### CONSENT CALENDAR

1. Approval of the Minutes for the October 12, 2022 Regular Board Meeting
2. Approval of the Minutes for the October 24, 2022 Special Board Meeting
3. Continuing Brown Act Resolution 2022-16

A motion to approve the Consent Calendar was made by Director Mat Conant and seconded by Director Mike Morris. The motion passed with no objection. The Consent Calendar was approved as follows:

- Mat Conant– yes
- Bill Connelly– yes
- Lakhvir Ghag– abstained
- Shon Harris- yes
- Charlie Hoppin- yes
- Bruce Johnson- yes
- Wade Kirchner– yes
- Mike Morris - yes
- Chris Schmidl - yes
- Drew Stresser - yes
- Mike Ziengenmeyer - yes

**No public Comment**

The entire discussion and presentation is available on the SBFCA website at:  
<http://sutterbutterflood.org/board/meetings-agendas/>

#### RESOLUTION OF NECESSITY HEARING

##### 4. Consider Adopting Resolution of Necessity for Acquisition of Property Interests from APN 51-580-020 (Sangh & Takhar)

Agency Counsel Scott McElhern provided a power point presentation in which he reviewed the legal requirements for the acquisition of Property. He explained that the parcel consists of approximately 2.94± acres and consists of vacant industrial land. He explained that based on an appraised value of the proposed acquisition, SBFCA offered to purchase the necessary property interests from the owners. To date, SBFCA has been unable to reach an agreement with the owners for the purchase and sale of the property. If the Board adopts the attached proposed Resolution of Necessity, legal counsel for SBFCA will have the authority to file a condemnation action in the Sutter County Superior Court to effectuate the acquisitions by eminent domain of the property interests described in the proposed Resolution of Necessity. However, the commencement of litigation will not end SBFCA's efforts to reach a negotiated agreement.

Staff recommends that the Board of Directors of the Sutter Butte Flood Control Agency ("SBFCA") adopt the attached proposed Resolutions of Necessity for the acquisition of certain property interests in the properties bearing Sutter County Assessor's Parcel Number 51-580-020 for the Feather River West Levee Project.

#### No public Comment

**A motion to approve the Resolution of Necessity was made by Director Mat Conant and seconded by Director Mike Ziegenmeyer. Motion passed with no objection. The Resolutions of Necessity was approved as follows:**

- Mat Conant– yes
- Bill Connelly– yes
- Lakhvir Ghag– yes
- Shon Harris- yes
- Charlie Hoppin- yes
- Bruce Johnson- yes
- Wade Kirchner– yes
- Mike Morris - yes
- Chris Schmidl - yes
- Drew Stresser - yes
- Mike Ziengenmeyer - yes

#### INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

##### 5. Adoption of SBFCA Public Communication and Outreach Policy

Agency Counsel Scott Shapiro gave a presentation outlining the public outreach policy. He reported that the purpose of this policy is to establish minimum standards for future outreach and provided a copy of the policy.

**A motion to approve the Public Communication and Outreach Policy was made by Director Charlie Hoppin and seconded by Director Mat Conant. The motion passed with no objection. The Public Communication and Outreach Policy was approved as follows:**

- Mat Conant– yes
- Bill Connelly– yes
- Lakhvir Ghag– yes
- Shon Harris- yes
- Charlie Hoppin- yes
- Bruce Johnson- yes
- Wade Kirchner– yes
- Mike Morris - yes
- Chris Schmidl - yes
- Drew Stresser - yes
- Mike Ziengenmeyer - yes

#### No public Comment

**6. Presentation and File Monthly Financial Report**

Executive Director Michael Bessette reported that we have engaged with our Auditors Badawi and Associates for the annual audit. The audit will be completed and presented to the board early next year. The entire report, along with a PowerPoint presentation is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

**7. Presentation and File Program/Project Update**

Executive Director Michael Bessette gave a presentation outlining the recent and ongoing activities of the agency. He reported that construction is nearly complete on the Second Street vegetation removal and fence installation project. His presentation included pictures of the completed work.

Mr. Bessette went on to report that work on the Star Bend and Mathews Property environmental mitigation sites continues. SBFCA staff and the Sacramento Valley Conservancy team continue to work on completing all the associated land transfers, easement establishments, regulatory reviews, and other associated activities required to establish and manage the mitigation sites. Staff continues to coordinate with Levee District 1 on the required land transfer and ongoing maintenance cost reimbursement at Star Bend.

It was reported that the design team has successfully completed the USACE review and approval of the Operation and Maintenance manuals for the FRWLP levee improvements. These manuals were accepted by the Central Valley Flood Protection Board (CVFPB) at their board meeting in September and will soon be transferred to the respective Local Levee Maintaining Agencies.

Director of Engineering Chris Fritz gave a design status update on the Tudor Flood Risk Reduction Project. In his presentation he showed maps of the proposed project area and reviewed the estimated cost of the project. He explained that the design and environmental team continue to work to complete the 65% draft design plans. He went onto report that a pre-application meeting with the CVFPB and USACE will be scheduled for this winter and it is anticipated that the design and permitting effort will take approximately 2 years to complete with construction scheduled to begin in 2025.

The entire report is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

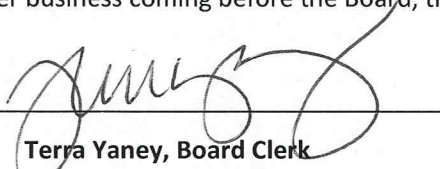
**PUBLIC COMMENT**

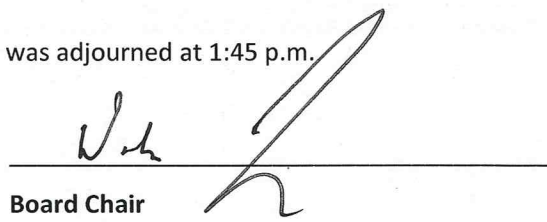
None

**ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 1:45 p.m.

ATTEST BY:

  
Terra Yaney, Board Clerk

  
Board Chair