



Sutter Butte Flood Control Agency

Board of Directors Agenda - Special Meeting, December 14, 2022, 1:30 p.m.
City of Yuba City Council Chambers - 1201 Civic Center Blvd., Yuba City, CA

The agenda is posted in the building of the Sutter Butte Flood Control Agency at 1445 Butte House Road. Suite B, 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 1445 Butte House Road, Suite B, 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 the SBFCA office at 530-755-9859 or admin@sutterbutteflood.org. Requests must be made one full business day before the start of the meeting.

County of Sutter

Mat Conant
Mike Ziegenmeyer
Alt. Karm Bains
Alt. Nicholas Micheli

County of Butte

Bill Connelly
Tod Kimmelshue

City of Yuba City

Shon Harris
Wade Kirchner
Alt. Dave Shaw
Alt. Marc Boomgaarden

City of Live Oak

Lakhvir Ghag
Alt. Jeremy Chapdelaine

City of Gridley

Bruce Johnson

City of Biggs

Bo Sheppard
Alt. Chuck Nuchols

Levee District 1

Charlie Hoppin
Al Montna
Alt. Gary Marler
Alt. Drew Stresser

Levee District 9

Mike Morris
Chris Schmidl

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

AGENDA SUMMARY

SPECIAL MEETING/CALL TO ORDER

1. Approval of Resolutions 2022-18 and 2022-19, granting authority to the Executive Director to execute amendments to DWR funding agreements for UFRR project and Sutter Bypass East Levee Project
2. Authorize the Executive Director to submit a grant application and execute a funding agreement with California Wildlife Conservation Board for the Oroville Wildlife Area Thermalito Afterbay Outlet Park and Recreation Area Project

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on Wednesday, February 8, 2023 at 1 p.m.



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

December 14, 2022

TO: Board of Directors

FROM: Michael Bessette, Executive Director

SUBJECT: Approval of Resolutions 2022-18 and 2022-19, granting authority to the Executive Director to execute amendments to funding agreements for UFRR project and Sutter Bypass East Levee Project

Recommendation

Approve Resolutions No. 2022-18 and 2022-19, delegating authority to the Executive Director to execute amendments to funding agreements with the Department of Water Resources for two SBFCA projects: (1) the Feather River West Levee Repair Project, and (2) the Sutter Bypass East Levee Project.

Background

SBFCA has either executed or has delegated authority to its Executive Director to execute funding agreements with DWR for the following two projects: (1) the Feather River West Levee Project, per Resolution 2014-03 approved on March 24, 2014, and (2) the Sutter Bypass East Levee Project, approved on September 14, 2022.

The Feather River West Levee Project funding agreement must be amended to extend its term prior to the end of 2022. Staff has been informed that the Department of General Services will not accept the original resolution as sufficient authority to amend the agreements, since it did not explicitly grant authority to execute amendments. The proposed resolutions explicitly grant authority to the Executive Director to execute any amendments to these funding agreements. For the Sutter Bypass project, Resolution 2022-19 also reiterates that the Executive Director has authority to execute the original funding agreement and all associated documentation.

Staff recommends that the Board approve these resolutions so that the funding agreements can be extended in the future without returning to the Board.

Fiscal Impact

None

Attachment: Draft Resolution Nos. 2022-18 and 2022-19

RESOLUTION NO. 2022-18

**A RESOLUTION BY THE BOARD OF DIRECTORS OF
SUTTER BUTTE FLOOD CONTROL AGENCY
AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AMENDMENTS TO
FEATHER RIVER WEST LEVEE PROJECT FUNDING AGREEMENT**

WHEREAS, the Board of Directors of the Sutter Butte Flood Control Agency (“SBFCA”) approved Resolution No. 2014-03 on March 24, 2014, authorizing the Executive Director to execute a funding agreement with the Department of Water Resources (“DWR”) for the Feather River West Levee Project (“Feather Funding Agreement”); and

WHEREAS, the Feather Funding Agreement requires and may in the future require further amendment to modify the term or other provisions; and

WHEREAS, DWR has informed SBFCA that an updated resolution explicitly authorizing execution of amendments to the Feather Funding Agreement will be required in order to demonstrate that such authority exists;

WHEREAS, the purpose of this resolution is to grant to the Executive Director authority to execute any and all amendments to the Feather Funding Agreement with the Department of Water Resources.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sutter Butte Flood Control Agency hereby grants authority to the Executive Director to execute any and all amendments to the Feather Funding Agreement with the Department of Water Resources.

PASSED AND ADOPTED this 14th day of December, 2022, by the Board of Directors of Sutter Butte Flood Control Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2022-19

**A RESOLUTION BY THE BOARD OF DIRECTORS OF
SUTTER BUTTE FLOOD CONTROL AGENCY
AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE SUTTER BYPASS EAST
LEVEE PROJECT FUNDING AGREEMENT**

WHEREAS, on September 14, 2022, the Board of Directors of the Sutter Butte Flood Control Agency (“SBFCA”) authorized the Executive Director to execute a funding agreement with the Department of Water Resources (“DWR”) for the Sutter Bypass East Levee Project (“Sutter Bypass Funding Agreement”); and

WHEREAS, the Sutter Bypass Funding Agreement may in the future require further amendment to modify the term or other provisions; and

WHEREAS, DWR has informed SBFCA that an updated resolution explicitly authorizing execution of amendments to the Sutter Bypass Funding Agreement will be necessary to demonstrate that such authority exists;

WHEREAS, the purpose of this resolution is to grant to the Executive Director authority to execute any and all amendments to the Sutter Bypass Funding Agreement, and well as to confirm the Executive Director’s delegated authority to execute the original Sutter Bypass Funding Agreement and all associated documentation.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The Board of Directors of the Sutter Butte Flood Control Agency hereby grants authority to the Executive Director to execute the original as well as any and all amendments to the Sutter Bypass Funding Agreement.

PASSED AND ADOPTED this 14th day of December, 2022, by the Board of Directors of Sutter Butte Flood Control Agency by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:



Sutter Butte Flood Control Agency

A Partnership for Flood Safety

December 14, 2022

TO: Board of Directors

FROM: Michael Bessette, Executive Director

SUBJECT: Authorize the Executive Director to submit a grant application and execute a funding agreement with California Wildlife Conservation Board for the Oroville Wildlife Area Thermalito Afterbay Outlet Park and Recreation Area Project.

Recommendation

It is recommended that the Board of Directors approve Resolution No. 2022-20, which authorizes the Executive Director to submit a grant application and to execute, upon review and approval of counsel, a grant agreement with the California Wildlife Conservation Board as well as any related documentation, for the Oroville Wildlife Area Thermalito Afterbay Outlet Park and Recreation Area Project.

Background

The Sutter Butte Flood Control Agency intends to plan, design and construct the Oroville Wildlife Area Thermalito Afterbay Outlet Park and Recreation Area Project and associated facilities including: boat launches (for motorized and non-motorized users), campground facilities, parking areas, trash and restroom facilities, a day use picnic area and multi-use trail which will connect to the Brad Freeman Memorial Trail, along with new landscaping to the surrounding area.

Fiscal Impact

There is no net budgetary impact from the Board's approval of staff's recommendation to apply for grant funding and execute a funding agreement. The total state cost-share for the project is proposed at 100%. If SBFCA is successful in being awarded a grant, upon the execution of task to contract for the approved work under the grant, SBFCA staff would present a budget amendment reflective of the award, associated grant revenues and related obligations associated with delivering the approved scope of work.

Attachments: Resolution 2022-20

RESOLUTION NUMBER: 2022-20

RESOLUTION OF THE BOARD OF DIRECTORS OF THE SUTTER BUTTE FLOOD CONTROL AGENCY APPROVING THE APPLICATION FOR GRANT FUNDS FROM THE WILDLIFE CONSERVATION BOARD FOR THE OROVILLE WILDLIFE AREA /THERMALITO AFTERBAY OUTLET PARK AND RECREATION AREA PROJECT

WHEREAS funds were made available to the Wildlife Conservation Board for the enhancement or restoration of fish and wildlife habitat and for the development of public access facilities for hunting, fishing or other wildlife-oriented recreational uses.

WHEREAS the SUTTER BUTTE FLOOD CONTROL AGENCY intends to plan, design and construct the Oroville Wildlife Area/Thermalito Afterbay Outlet Park and Recreation Area Project and associated facilities including: boat launches (for motorized and non-motorized users), campground facilities, parking areas, trash and restroom facilities, a day use picnic area and multi-use trail which will connect to the Brad Freeman Memorial Trail, along with new landscaping to the surrounding area.

NOW, THEREFORE, BE IT RESOLVED that the SUTTER BUTTE FLOOD CONTROL AGENCY herby:

1. Approves the filing of an application for funding from the Wildlife Conservation Board; and
2. Certifies that said Applicant will comply with all federal, state and local environmental, public health, and other appropriate laws and regulations applicable to the project and will obtain or will ensure that the other project partners obtain all appropriate permits applicable to the project; and
3. Further commits to the terms and conditions specified in the grant agreement; and
4. Appoints Michael Bessette, Executive Director as the representative of the SUTTER BUTTE FLOOD CONTROL AGENCY to conduct negotiations, execute, submit and sign all documents including but not limited to applications, agreements, amendments, payment requests, and other documents which may be necessary for the completion of the proposed project.

APPROVED AND ADOPTED the 14th day of December 2022.

I herby certify that the foregoing Resolution Number 2022-20 was adopted by the Board of Directors of Sutter Butte Flood Control Agency.

Board Chair