



# Sutter Butte Flood Control Agency

Board of Directors Special Meeting Minutes, October 24, 2022, 6:30 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 6:30 p.m.

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
City of Yuba City:	Wade Kirchner
City of Biggs:	Bo Sheppard
City of Gridley:	Bruce Johnson
Levee District 9:	Mike Morris
Levee District 1:	Al Montna, Charlie Hoppin

**MEMBERS ABSENT:** Lakhvir Ghag, Bill Connelly, Tod Kimmelshue, Shon Harris, Chris Schmidl

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

### SPECIAL MEETING/CALL TO ORDER

At 6:30 p.m., Director Wade Kirchner opened the meeting and led the group in the pledge of allegiance.

### SPECIAL AGENDA ITEM

- Discussion on SBFCA's Levee Compliance Permit Project for Second Street Properties, including public comment**  
Executive Director Michael Bessette provided a PowerPoint presentation and gave an overview of the project. He reviewed the summary of the encroachment compliance issue and showed a map of the project area. He discussed the unique encroachments and easements between the properties on Second Street, Levee District 1 (LD1) and the State. He provided a sample of the easement language that allows LD1 to operate and maintain the section of levee throughout their easement over those properties.

In his presentation he went over the five categories that encroachments fall into and showed examples of the inspection reports noting the encroachments that are not compliant with Corps standards. Those categories are:

- Encroachments that obstruct maintenance, visibility, and access
- Homes and other buildings
- Retaining walls
- Retaining walls with structures
- Swimming pools

He then went on to report on SBFCA's approach for compliance and the negotiations SBFCA had with the USACE and the State to minimize the impacts on the property owners, as well as the history of coordination between the agency and the property owners.

Mr. Bessette continued his presentation and provided alternatives to SBFCA's approach:

- Landowner subject to enforcement action with CVFPB
- Landowner responsible for encroachment compliance and civil penalties
- Landowner responsible to coordinate compliance actions and permit with CVFPB and USACE

Agency Counsel Scott Shapiro provided examples of other areas in the Central Valley in which homeowners didn't work with the local maintaining agencies on the encroachment compliance and were then fully responsible for encroachment compliance actions and cost.

Director Charlie Hoppin thanked the property owners in attendance and commented that we would like to clear up any miscommunications.

Director Mat Conant expressed the importance of reaching our 200-yr flood protection.

Director Wade Kirchner asked how often the USACE inspection reports were completed and do the property owners receive a copy of the report.

Mr. Bessette answered that they are supposed to be completed every 5 years. The last one was completed in 2021 the reports are sent to the local maintaining agencies not to property owners.

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

#### **PUBLIC COMMENT**

Yuba City resident Eric Mackensen provided public comment regarding his concerns about the Second Street construction project and his property.

Yuba City resident Kate Mackensen provided public comment regarding her concerns about the Second Street construction project and her property.

Yuba City resident Yesenia Meier provided public comment regarding her concerns about the Second Street construction project and her property.

Director Mike Ziegenmeyer expressed that he is empathizes with the property owners concerns, but also expressed the importance of having proper access to patrol the levees during a high-water event.

Director Al Montna spoke of the importance of levee protection and maintenance and expressed that he would like to get to a resolution to solve any issues and that the board will follow up on this.

Director Wade Kirchner agreed.

#### **ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 7:38 p.m.

ATTEST BY:

  
Terra Yaney, Board Clerk

  
Board Chair