



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

**JANUARY 4, 2005**

**Yuba County Government Center  
Board of Supervisors' Chambers  
915 Eighth Street, Suite 109A  
Marysville, California**

**Unless otherwise indicated.**

- 3:30 P.M. I **CALL TO ORDER**
- II **ROLL CALL** – Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb
- III **BOARD AND STAFF MEMBERS' REPORTS**
- IV **ACTION ITEMS**
- A. **Minutes**: Approve minutes of the meetings of December 7, 14, and 21, 2004.
- B. **Invoice Payment**: Authorize the Yuba County Auditor-Controller to pay invoice submitted by Nordic Industries, Inc. in the amount of \$283,095 for the Yuba River Levee Repair Project.
- C. **Downey Brand Agreement**: Authorize Executive Director to negotiate an extended agreement with Downey Brand for legal services and authorize the Yuba County Auditor-Controller to pay invoice submitted in the amount of \$17,727.13.
- V **PUBLIC COMMUNICATIONS**: Any person may speak about any subject of concern provided it is within the jurisdiction of the Levee Improvement Authority and is not already on today's agenda. The total amount of time allotted for receiving such public communication shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes.
- 4:00 P.M. VI **CLOSED SESSION**
- Threatened litigation pursuant to Government Code §54956.9(b) – **One Case**
- VII **ADJOURN**

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

DECEMBER 7, 2004

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:32 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

BOARD AND STAFF MEMBERS' REPORTS

No reports were received.

ACTION ITEMS

- A. Minutes: Upon motion of Director Logue, seconded by Director Brown, and carried, with Director Griego abstaining, the Board approved the minutes of the special meeting of November 16, 2004. APPROVE MINUTES
- B. Invoice Payment: Upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board authorized the Yuba County Auditor-Controller to pay various invoices in the total amount of \$230,098.23. AUTHORIZE PAYMENT
- C. Reclamation Board Levee Permit Special Conditions: Following presentation by Executive Director Kent McClain and Assistant County Administrator Randy Margo regarding conditions and alternatives, Mr. McClain and Mr. Margo responded to Board inquiries. CONTINUE TO 12/14/04
- Following Board discussion, Chairman Webb continued the item to the meeting of December 14, 2004 at 2:00 p.m.
- D. Engineering/Design for Pump Station No. 6: Chairman Webb discussed engineering specification review required by Reclamation District 784 for Pump Station No. 6 located downstream at the Bear River and Highway 70 bridge. INFO ONLY

PUBLIC COMMUNICATIONS

Mr. Brent Hastey, Plumas Arboga Road, supported Board efforts, expressed concern regarding FEMA remapping, and advised of planned attendance at the Reclamation Board hearing of December 17, 2004 and his encouragement of residents to attend as well.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 4:38 p.m. by Chairman Webb.

\_\_\_\_\_  
Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS  
AND SECRETARY OF THE PUBLIC AUTHORITY

\_\_\_\_\_  
Approved: \_\_\_\_\_

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

DECEMBER 14, 2004

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:15 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

BOARD AND STAFF MEMBERS' REPORTS

No reports were received.

ACTION ITEMS

A. Reclamation Board Levee Permit Special Conditions (Continued from December 7, 2004): Following presentation by Executive Director Kent McClain regarding permit proposals by the Reclamation Board with regards to a building moratorium and County indemnification, Mr. McClain responded to Board inquiries. CONTINUE TO 12/16/04

Mr. Sean Rawson, Building Industry Association Legislative Advocate, advised of lobbyist efforts in regards to obtaining a permit which would allow continued building during levee repairs.

Following Board discussion, Chairman Webb continued the item to December 16, 2004 at 4:30 p.m.

B. Reclamation Board: Following presentation by Assistant County Administrator Randy Margo and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board approved waiving the period of time for providing and receiving staff reports for the State Reclamation Board meeting on December 17, 2004. APPROVE WAIVING TIME PERIOD

C. Bookman-Edmonston/Engineer: Following presentation by Assistant County Administrator Randy Margo and Board inquiries, upon motion of Director Griego, seconded by Director Logue, and unanimously carried, the Board authorized the Executive Director to commence negotiations with Bookman-Edmonston to perform engineering and related services necessary to construct the setback levee on the Bear River. APPROVE  
NEGOTIATE

D. Downey Brand/Legal Services: Following presentation by Executive Director Kent McClain and Board inquiries, upon motion of Director Logue, seconded by Director Griego, and unanimously carried, the Board approved a retainer agreement and conflict waiver with the law firm of Downey Brand in an amount not to exceed \$15,000 and authorized the Executive Director to execute same. APPROVE  
AGRMNT.

#### PUBLIC COMMUNICATIONS

No one came forward.

#### RECESS

The Board recessed at 2:54 p.m. and reconvened on Thursday, December 16, 2004 at 4:45 p.m. with all Board and staff members present as indicated above except Director Griego.

Reclamation Board Levee Permit Special Conditions (Continued from December 7 and 12, 2004): Executive Director Kent McClain advised his recommendation would be to request the Reclamation Board to form an advisory workgroup of all interested parties to address the issues relating to flood insurance provisions and continue the permit request to a date certain in January and responded to Board inquiries. APPROVE  
STAFF REC.

Mr. Brent Hastey, Plumas Arboga Road, supported staff recommendation and encouraged a community awareness program.

Following Board discussion, Board consensus concurred with staff recommendation.

#### ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 5:03 p.m. by Chairman Webb.

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Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS  
AND SECRETARY OF THE PUBLIC AUTHORITY

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Approved: \_\_\_\_\_

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

DECEMBER 21, 2004 – SPECIAL MEETING

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:06 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Mary Jane Griego, Dan Logue, Richard Webb. Also present were Executive Director Kent McClain, County Counsel Daniel Montgomery, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chairman Webb presided.

CLOSED SESSION

The Board retired into closed session at 2:07 p.m. to discuss threatened litigation pursuant to Government Code §54956.9(b) – One Case.

The Board returned from closed session at 3:10 p.m. with all Board and staff members present as indicated above. There was no announcement from closed session.

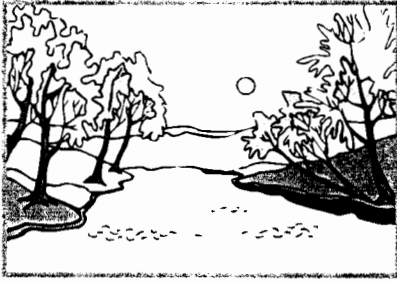
ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority the meeting was adjourned at 3:10 p.m. by Chairman Webb.

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Chairman

ATTEST: DONNA STOTTLEMEYER  
CLERK OF THE BOARD OF SUPERVISORS  
AND SECRETARY OF THE PUBLIC AUTHORITY

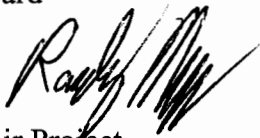
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Approved: \_\_\_\_\_



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

DATE: January 4, 2005

TO: Three Rivers Levee Improvement Authority Board

FROM: Randy Margo, Assistant County Administrator 

SUBJECT: Payment of Invoice for Yuba River Levee Repair Project

**Recommended Action:**

Recommend the Yuba County Auditor/Controller pay the invoice submitted by Nordic Industries, Inc., for Yuba River Levee Repair Project for the period from October 21, 2004 – November 15, 2004.

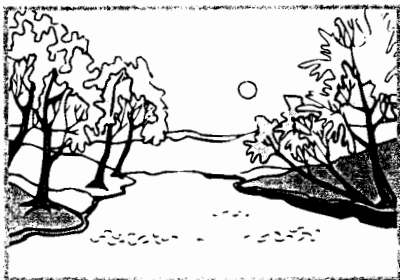
**Discussion:**

TRLIA contracted with Nordic Industries, Inc., to construct improvements along a portion of the Yuba River Levee. The contract calls for payment based on unit prices and quantities of materials used to perform the work. Those quantities are subject to verification by HDR Inc., which is under contract by TRLIA to manage the construction project. The attached invoice has been review and approved for payment by HDR and the County's Public Works Director.

**Fiscal Impact:**

Payment for this invoice is \$283,095 out of a budgeted amount of \$1,745,000. Previous invoices totaling \$1,287,855 were approved for payment on November 9, 2004. Funding for the invoices is paid from prepayments made by developers for levee improvements in-lieu of special taxes approved under the formation of the Community Facilities District for levee improvements.





# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

January 4, 2005

TO: Three Rivers Levee Improvement Authority  
FROM: Charles K. McClain, Executive Officer *Charles K. McClain*  
SUBJECT: Agreement for Legal Services with Downey Brand

## **Recommended Action**

1. Authorize Executive Officer to negotiate an extended agreement with Downey Brand for legal services pertaining to the State Reclamation Board encroachment permit and Federal Emergency Management Agency (FEMA) regulations pertaining to flood zone designations and criteria.
2. Authorize Auditor-Controller to pay legal invoices totaling \$17,727.13

## **Reason for Recommended Action**

In order to continue our efforts to finance and construct levee improvements, legal services are needed pertaining to the State Reclamation Board encroachment permit and FEMA's approach to flood zone designations in the South Yuba Basin Area.

## **Discussion**

The Authority agreed to hire Downey Brand for legal services at its December 14, 2004 meeting up to an amount of \$15,000. Billing to date has exceeded that amount by \$2,727.13. Consequently, Authority action is needed to approve payment above the \$15,000 limit established on December 14<sup>th</sup>. In addition, staff requests Authority approval to negotiate an agreement providing sufficient funds for legal work over the next several months. If approved, this amended agreement would come back to the Authority for approval later this month.

## **Fiscal Impact**

Any additional costs for legal services will be paid out of developer fees currently available in Trust Fund 805.