



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
Yuba County Government Center, Board Chambers
915 Eighth Street, Suite 109A
Marysville, California

APRIL 21, 2009 – 2:00 P.M.

I CALL TO ORDER

II ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

III 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.

IV CONSENT AGENDA: All matters listed under the consent agenda are considered to be routine and can be enacted by one motion.

A. Approve minutes of the regular meeting March 17, 2009.

V ACTION ITEMS

A. Award contract to Teichert Construction Inc. in the amount of \$8,919,059.75 for Feather River Levee Repair Project Phase 4 Segment 2, approve Addendum No. 3 to contract with Teichert Construction for same, and authorize Chair to execute same, and direct Executive Director to take necessary actions to implement contract amendment and to issue Notice to Proceed.

B. Adopt resolution in regard to grant funds from the Department of Water Resources for Proposition 1E funding application for the Yuba River Levee from Highway 70 up to the Yuba Goldfields and authorizing the Executive Director execute application and certifications required as part of the application.

VI BOARD AND STAFF MEMBERS' REPORTS

VII CLOSED SESSION

A. Conference with real property negotiators pursuant to Government Code §54956.8 – Property: Richard G. Wilbur/APN 020 010 015 and 016 Negotiating Parties: TRLIA/Bob Morrison/Rich Brown Negotiation: Price and Terms

B. Conference with real property negotiators pursuant to Government Code §54956.8 – Property: Henry P. and Rosemary C. Smith/APN 020 010 018 Negotiating Parties: TRLIA/Bob Morrison/Rich Brown Negotiation: Price and Terms

C. Conference with real property negotiators pursuant to Government Code §54956.8 – Property: E St. M X Inc./APN: 020 010 026 Negotiating Parties: TRLIA/Bob Morrison/Rich Brown Negotiation: Price and Term

D. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Nordic Industries, Inc., YCSCCVED 08-0000236, APN No. 014-370-036

- E. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Trumon G. Cooper, Trustee of the Trumon G. Cooper Family Trust dated November 12, 1998, YCSCCVED 08-0001066, APN Nos. 020-360-059, 020-360-060 and 020-360-061
- F. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Naumes, Inc., et al., YCSCCVED 08-0000361, APN Nos. 014-250-027, 014-250-028, 014-240-008, 104-240-014, 23-180-007, 23-180-009
- G. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Herold, et al., YCSCCVED 08-0000241, APN No. 016-010-009
- H. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Hadley, et al., YCSCCVED 08-0000243, APN No. 014-370-020

VIII **ADJOURN**

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and www.trlia.org. Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 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 Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

MARCH 17, 2009

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:00 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, Don L. Graham, Mary Jane Griego, and John Nicoletti. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

PUBLIC COMMUNICATIONS

Mr. Tom Eres, Hofman Ranch, expressed concern regarding the ballot process for the assessment and outcomes of election.

Ms. Frances Hofman expressed concern regarding the review of the data regarding the value of property related to the assessment district.

CONSENT AGENDA

Minutes: Upon motion of Director Graham, seconded by Director Nicoletti, and unanimously carried, the Board approved the minutes of the meetings of March 3 and 10, 2009, as written. APPROVE MINUTES

ACTION ITEMS

1. Feather River Erosion Site 2 Repair Project Initial Study/Mitigated Negative Declaration (IS/MND): Executive Director Paul Brunner and Consultant Sean Bechta recapped submitted comments, the environmental review, and proposed repairs and responded to Board inquiries.

Upon motion of Director Crippen, seconded by Director Graham, and unanimously carried, the Board adopted Resolution No. 2009-04 entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY APPROVING THE FEATHER RIVER EROSION SITE 2 REPAIR PROJECT IS/MND, ADOPTING FINDINGS, APPROVING THE PROJECT, AND AUTHORIZING FILING OF A NOTICE OF DETERMINATION." ADOPT RESOLUTION NO. 2009-04

2. Central Valley Flood Protection Board/Hofman Ranch Easement Update: Action Officer Dan Fua recapped the progress of completing the easement agreement with Hofman Ranch advising of location, documents required, legal description, environmental site assessment, and estimated six month to complete the easement agreement. *INFO ONLY*

The following individuals spoke:

- Mr. Tom Eres, Hofman Ranch
- Ms. Frances Hofman, Forty Mile Road

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Director Graham: Appeal Democrat letter to editor supporting the assessment program

Counsel Scott Shapiro: Central Valley Flood Protection Board subcommittee meeting

Executive Director Paul Brunner:

- Early Implementation Project program application submitted to state for Yuba River project
- Committee meeting March 25, 2009 regarding exemptions needed from Mining and Geology Board
- State funding timelines

Director Griego: Meeting with Federal Emergency Management Agency regarding remapping process for County

CLOSED SESSION

The Board retired into closed session at 2:46 p.m. to discuss the following:

Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Nordic Industries, Inc. YCSCCVED 08-0000236

The Board returned from closed session at 3:33 p.m. with all Board and staff members present as indicated above, except Director Griego.

Counsel Scott Shapiro made the following announcement:

"The Board gave direction to engage in discussions with Nordic and the Board understood those discussions are occurring tomorrow afternoon."

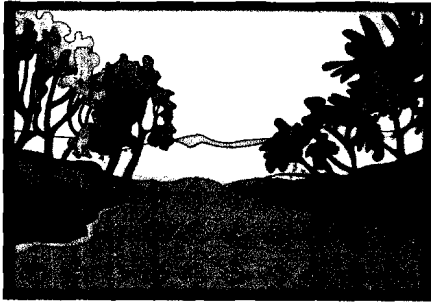
ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority Vice-chair Brown adjourned the meeting at 3:35 p.m.

Chair

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

Approved: _____



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218
Marysville, CA 95901
(530) 749-7841 Fax (530) 749-6990

April 21, 2009

TO: Three Rivers Levee Improvement Authority Board
FROM: Paul Brunner, Executive Director *PAB*
Doug Handen, Construction Manager

SUBJECT: Contract No. PH4-2007-08-02
Phase 4 Feather River Setback Levee Project Contract Amendment for Award of Tie-In work.

Recommended Action:

Award to **Teichert Construction** a contract amendment for additional work to the current contract for the Feather River Levee Setback Project. The additional work includes portions of Schedules B and C of the bid proposal, as modified, for the "Tie-In" portions of the Setback Levee. The recommended action shall authorize the TRLIA Chair to sign and the TRLIA Executive Director to take the necessary actions to implement the contract amendment and issue a Notice to Proceed (NTP) once General Counsel has reviewed and approved the amendment as a modification the existing contract for this project. The value of this contract amendment shall be **\$ 8,919,059.75**.

Background

TRLIA accepted bids for the Feather River Segment 2 (Levee Setback Project) on October 12, 2007 in order to be prepared to immediately start work in anticipation of the State EIP funding agreement being executed. The bid documents for this project included bid schedules A through E as approved by the TRLIA Board on August 14, 2007. The bid schedules for this project are as follows:

- Bid Schedule A- Contractor Compensation for Pre-Construction Activities
- Bid Schedule B- Levee Foundation
- Bid Schedule C- Levee and Pump Station Construction
- Bid Schedule D- Degradation of Existing Levee
- Bid Schedule E- Misc. Indefinite Quantity/Indefinite Delivery Pricing

Teichert Construction was the successful "low bidder" for these bid schedules. The bid documents allowed TRLIA to "award" separate bid schedules and portions of bid schedules as mutually agreeable between TRLIA and the Contractor. TRLIA has incrementally awarded portions of the bid schedules and provided subsequent NTPs based on available funding, land acquisition, and permits.

The bid package and bid schedules for the project were created prior to final design and approval of the Feather Setback Levee. Additionally, bid pricing was based on awarding the entire bid schedule "B" on March 3, 2008 and the entire bid schedule "C" on April 4, 2008.

TRLIA has incrementally awarded portions of these schedules due to limitations on funding, real estate, and permitting. The costs for the Bid Schedules B and C have increased due to:

- Phasing
- Fuel and Material cost increases
- Design Changes due to regulatory comments received subsequent to the bid documents
- Real Estate acquisition impacts on construction
- Changes in anticipated field conditions

These cost increases would have occurred at equal or greater costs for all the contractors that bid on the project; thus Teichert is still the low bid.

Prior awards include:

<u>Prior Awards:</u>	<u>Value</u>	<u>Award Date</u>
Non-construction work:		
• Schedule "A"	\$ 67,200	10/30/07
<u>Non Construction Total</u>	<u>\$ 67,200</u>	
Construction:		
• Schedule "B" Modified (Awarded to Teichert)	\$ 24,964,729	5/20/08
• Additional Schedule "B" And Schedule "C" (Awarded to Teichert)	\$ 19,748,876	8/19/08
• Ella Basin Import (Awarded to Teichert)	\$ 3,058,000	9/9/08
<u>Change Orders:</u>		
• Fuel and Bentonite Increase	\$ 1,300,000	
• Stripping and Embankment volume changes	\$ 850,000	
• SB cutoff wall volume changes	\$ 320,000	
• Real Estate related costs		
○ Naumes additional clearing	\$ 450,000	
○ Walnut burl salvage	\$ 100,000	
○ Irrigation removal and re-location	\$ 350,000	
• Misc. Change Orders	\$ 100,000	
<u>Construction Subtotal:</u>	<u>\$ 51,241,605</u>	
<u>Grand Total:</u>	<u>\$ 51,308,805</u>	

The above awards include the construction of Pump Station #3 and Setback Levee Construction from Station 21+00 to Station 285+00. The prior awards do not include work to the south or

north of these work limits as these areas are considered “tie-ins” to the existing Feather River Levee. Prior to awarding the tie-in work TRLIA was required to obtain Federal 408 Authorization, 404 permit, and 104 Credit Approval from the Corps. TRLIA has now obtained these approvals and can award the tie-in work. There are three items that are needed to be completed prior to starting work on certain phases of the work identified in this award, which are:

- A Safety Assurance Review (SAR) is required by the 408 Authorization. Corps approval is anticipated by April 30th. This affects the work associated with modifying the existing levee (North and South Tie-In).
- Department of Fish and Game (DFG) 2081 permit. DFG approval is anticipated by April 23rd. This affects the work in the South Tie-In area that impacts environmental habitats.
- Redesign and re-approval of the of the South Tie-In levee due to the discovery of the new Native American cultural site. In the fall of 2008 a significant archeological site was discovered within the footprint of the setback levee just north of the Star Bend boat ramp. This area has subsequently been assigned the identification number CA-Yuba-1677. TRLIA has developed several alternatives to re-design the portion of the project impacted by this site and has reviewed them with DWR, CVFPB, and Corps staff, and Enterprise Rancheria Tribal Council. Agreement has been reached to widen the levee in the area where the cultural site exists, which will bury the cultural site under the levee.

Discussion:

In 2008 TRLIA awarded to Teichert Construction the above referenced construction work in the amount of \$ 51,241,605. To date, \$ 32,923,000 of this work has been completed. The following is a summary of the major components of the work that have been completed:

- The levee foundation was cleared, grubbed and stripped from Station 21+00 to 285+30. This represents 26,430 lf of foundation preparation.
- 26,430 lf of inspection trench was excavated and backfilled with compacted low permeability material. The stripped sections of the levee foundation were also backfilled with compacted low permeability backfill up to original ground level.
- A soil-bentonite cutoff wall was constructed through all of the portions of the levee foundation where a cutoff wall was required from Station 21+00 to 285+30 per the design. 1,408,200 SF of soil-bentonite cutoff wall were completed.
- A volume of levee embankment of approximately 1,500,000 CY was permanently placed in the setback levee. This material meets project specifications.

Proposed Tie-in Award:

The contract pricing for the Tie-In work included in this proposed award is based on the bid unit pricing from the original bid included in Bid Schedules “B” and “C”, and includes cost increases related to the phasing and the delay in the start of the work vs. the schedule outlined in the bid documents. Attached is a map showing the location of the proposed the proposed work. This represents the balance of Schedules B and C:

- Length of levee: 3,900 ft
 - Amount of Soil-bentonite cutoff wall: 200,000 SF
 - Volume of Soil for Embankment: 600,000 CY
-

Proposed Tie-In Award amount: \$ 8,919,059.75

The current proposed award does not include cost for the potential design changes related to the south tie-in. Upon approval of this award, the Notice to Proceed (NTP) shall be limited to the work north of Station 285+30 (northern tie-in), with the restriction that work on the existing levee can only begin once the SAR has been approved. A future NTP for the work south of Station 21+00 (south tie-in) shall be issued subject to the completion of the re-design and subsequent price negotiations for the modifications. The costs associated with the re-design and associated plan modifications are currently budgeted at an increase of \$ 1,000,000.

Degrade of Existing Levee and Completion Schedule

The proposed Tie-In award does not include bid schedule "D", Degradation of Existing Feather River Levee. TRLIA has prepared a request to the State Department of Water Resources requesting permission to degrade the existing levee prior to the completion of the setback levee. TRLIA has requested that the levee degrade commence on August 15th, 2009, subject to meeting certain construction milestones prior to that date. These milestones include:

- Placement of a total of 2.6 million (of the total 3.6 million) cubic yards of embankment
- Completion of entire levee foundation including Soil Bentonite Cutoff Wall backfill
- Establishment of an embankment production rate of 21,000 cubic yards per day
- Verification of work performed to date meeting project specifications

TRLIA does not plan to award bid schedule "D" until the timing and requirements for the degradation have been established. TRLIA reserves the right to award schedule D as a TRLIA option, based on final pricing.

Teichert's original bid for schedule "D" is in the amount of \$ 13,215,000. TRLIA anticipates a reduction in the volume of material required to complete the degradation. TRLIA believes that the volume required to degrade will be reduced by 500,000 cubic yards. This reduction in volume is based both on revised estimates of the volume of material available and the use of the Ella Detention Basin as a borrow source that does not require backfill. The unit price to degrade the existing levee is \$3/CY and the corresponding anticipated cost savings is \$1,500,000.

Summary of anticipated Construction Costs

• Levee Construction	\$ 60,227,864
• Levee Degrade	11,715,000
• South Tie-in Changes	<u>1,000,000</u>
	\$ 72,942,864

The current cash flow projection for the construction of the Feather River Setback Levee is \$73,240,633. The Program contingency is currently at \$8.5 million. The State has indicated that it may offset their share of the Regulatory design change costs (approximately 82.5% of \$4.9 million).

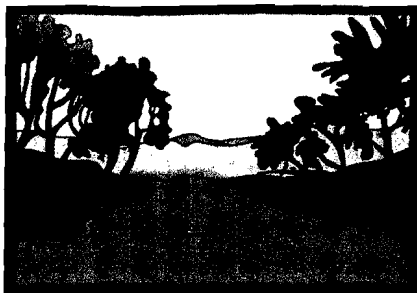
A schedule for the completion of the Feather Setback Levee is attached to this report. The schedule reflects that the Setback levee will be completed this Fall.

Fiscal Impact:

This project is fully funded as described in the State/TRLIA funding agreement.

Attachments:

1. Contract Amendment
2. Tie-In cost/quantity schedule exhibit
3. Map of work
4. Feather River Setback Construction Schedule



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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(530) 749-7841 Fax (530) 749-6990

Phase 4 Feather River Setback Levee Project Contract PH4-2007-08-02

Contract Addendum #3

The agreement for this project is hereby modified to include the work per the construction documents for this project known as the TRLIA Feather River Setback Levee project. The work shall be performed as per the attached proposal from Teichert Construction, dated April 7, 2009, and as modified by executed change order to this agreement.

Contract Addendum Amount = \$ 8,919,059.75

All other terms and conditions of the existing agreement shall remain.

By _____
Chair of the TRLIA Board of Directors

Contractor:

Mark Stacy, VP Woodland District Mgr.

Date _____

Date _____

Attest:

Clerk of the TRLIA Board of Directors

I hereby certify that I have examined the within contract and find the same to be in
Conformance with the provisions of the State Contract Act.

Andreea P. Cleaveland For Scott Shapiro
Scott Shapiro, General Counsel

Date 4-16-09



TEICHERT CONSTRUCTION

Established 1887

Teichert Construction Tie-in Proposal Phase 4 Feather River Setback Levee Three Rivers Levee Improvement Authority

April 7, 2009

Bid Schedule B - Levee Foundation (Tie-Ins)

Item	Bid Item Description	Tie-In Quantity	UOM	U/P	Total
0101.2	Mobilization (Tie-Ins)	1	LS	\$ 1,230,000.00	\$ 1,230,000.00
0102.0	Clearing And Grubbing	37.2	AC	\$ 775.00	\$ 28,830.00
0103.0	Stripping Levee Foundation & Borrow Areas (BCY)	102,830	CY	\$ 3.10	\$ 318,773.00
0108.0	Foundation Excavation (BCY)	13,100	CY	\$ 2.00	\$ 26,200.00
0108.4	Foundation Excavation (BCY) Tie-In Excavation	40,415	CY	\$ 5.25	\$ 212,178.75
0110.0	Proof Compacting Foundations	32.3	AC	\$ 1,000.00	\$ 32,300.00
0111.0	Work Pad & Temp Cap @ Cutoff Wall	(1,680)	LF	\$ 10.00	\$ (16,800.00)
0113.2	Backfill & Levee Embankment Const From Eastern Borrow	78,025	CY	\$ 3.60	\$ 280,890.00
0114.0	Soil-Bentonite Cutoff Wall	200,000	SF	\$ 8.00	\$ 1,600,000.00
0114.1	Additional Moves Between Sections	2	EA	\$ 9,170.00	\$ 18,340.00
0114.2	Envirocon Extended Overhead	26	DA	\$ 4,450.00	\$ 115,700.00
0114.3	Envirocon Bentonite Ups (Tie-Ins)	1,700	TN	\$ 16.80	\$ 28,560.00
0161.1	Erosion Protect & Restoration (\$100k T&M Budget) Fall '09	1	LS	\$ 100,000.00	\$ 100,000.00

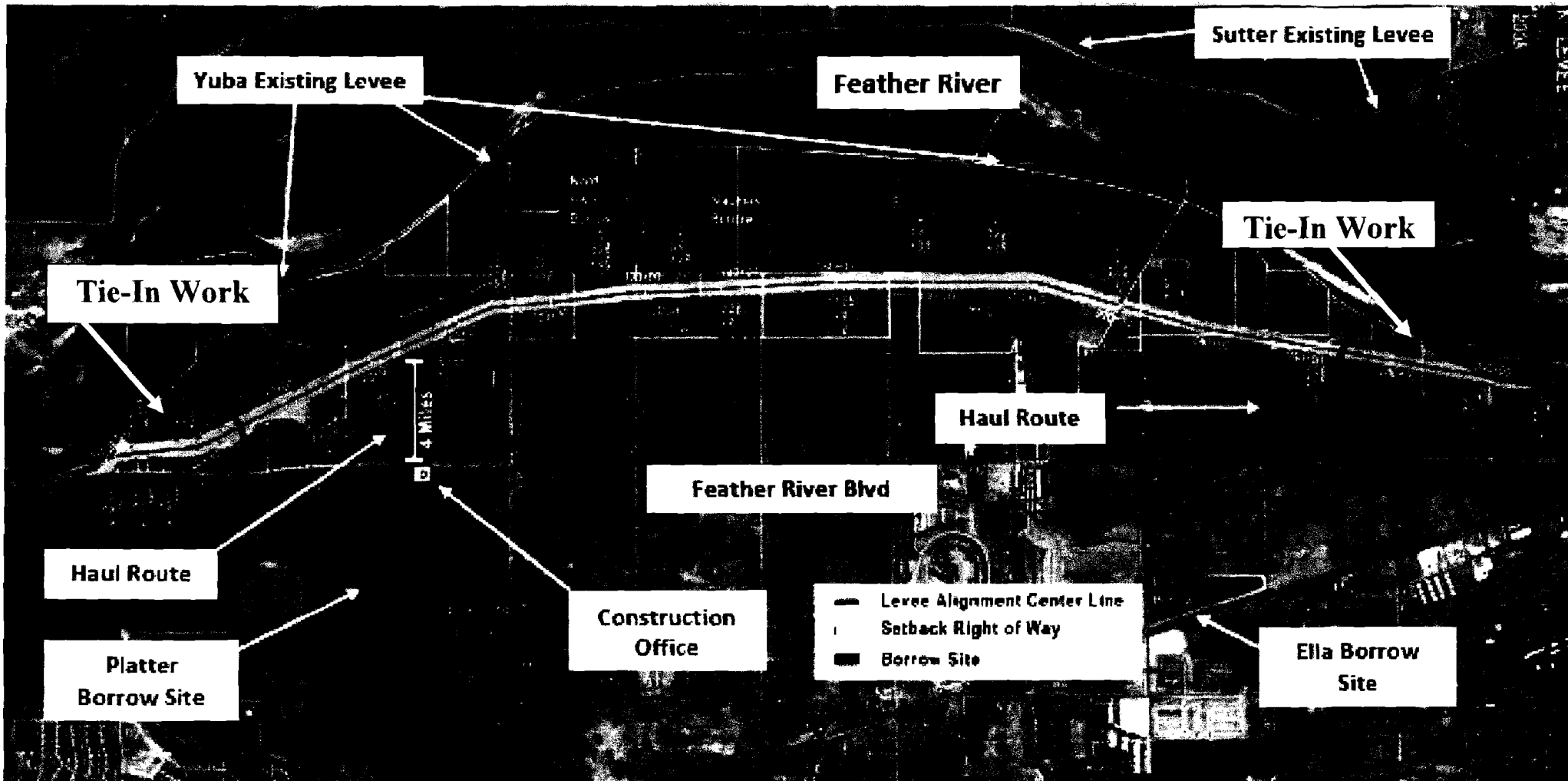
Bid Schedule C - Levee & Pump Station Construction (Tie-Ins)

Item	Bid Item Description	Tie-In Quantity	UOM	U/P	Total
0201.5	Mobilization (Tie-Ins)	1	LS	\$ 400,000.00	\$ 400,000.00
0208.0	Foundation Excavation (BCY)	(78,820)	CY	\$ 2.85	\$ (224,637.00)
0210.0	Proof Compacting Foundations	25	AC	\$ 1,000.00	\$ 25,000.00
0212.0	Permanent Cap For Cutoff Wall (LF Of Levee)	2,870	LF	\$ 15.00	\$ 43,050.00
0213.1	B.F. & Levee Embankment Primary Borrow (Limited Blending)	38,175	CY	\$ 4.20	\$ 160,335.00
0213.2	B.F. & Levee Embankment Primary Borrow (Full Blend)	186,800	CY	\$ 5.80	\$ 1,083,440.00
0213.3	B.F. & Levee Embankment Eastern Borrow (Limited Blend)	292,000	CY	\$ 5.00	\$ 1,460,000.00
0217.0	Type 4 Fill - CL 2 Aggregate Base (FCY)	15,000	CY	\$ 61.00	\$ 915,000.00
0223.0	Concrete-Lined Drainage Ditch	2,320	LF	\$ 110.00	\$ 255,200.00
0229.0	Articulated Concrete Block Revetment	2,400	SF	\$ 55.00	\$ 132,000.00
0233.0	Const. Of Bituminous Concrete Paving	6,000	SF	\$ 3.40	\$ 20,400.00
0238.0	Outfall Structure	151	CY	\$ 1,700.00	\$ 256,700.00
0269.0	Stability Berm Filter Aggregate	4,200	CY	\$ 44.00	\$ 184,800.00
0270.0	Stability Berm Drain Aggregate	4,200	CY	\$ 44.00	\$ 184,800.00
0274.0	Stability Berm And Drainage Geogrid	12,000	SY	\$ 4.00	\$ 48,000.00

Total: \$ 8,919,059.75



Levee Improvement Project - Setback Levee

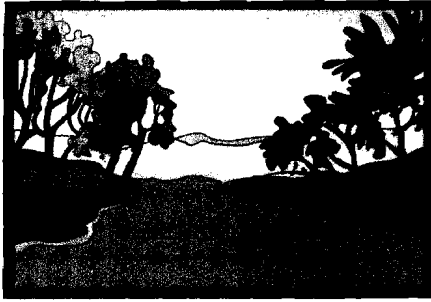


Feather River Setback Levee Completion Schedule

ID	Task Name	Duration	Start	Finish	March	April	May	June	July	August	Septem	October	Novem	Decem
1	Feather River Levee Construction Schedule	166 days	Mon 4/13/09	Wed 11/11/09										
2														
3														
4	Setback Levee Tie-Ins (proposed award)	150 days	Mon 4/13/09	Tue 10/20/09										
5	north tie-in (285+00 to 303+30)	87 days	Fri 5/1/09	Sat 8/15/09										
6	degrade north tie-in	7 days	Fri 5/1/09	Mon 5/11/09										
7	inspection trench	15 days	Tue 5/12/09	Mon 6/1/09										
8	cut off wall (85,000 SF)	20 days	Tue 6/2/09	Wed 6/24/09										
9	cut off wall cure	15 days	Thu 6/25/09	Sat 7/11/09										
10	embankment (250,000 CY)	30 days	Mon 7/13/09	Sat 8/15/09										
11														
12	south tie-in (0+00 to 21+00)	150 days	Mon 4/13/09	Tue 10/20/09										
13	approval of concept to deal with 1677	40 days	Mon 4/13/09	Fri 6/5/09										
14	re-design of 1677 embankment	40 days	Sat 6/6/09	Wed 7/22/09										
15	approval of 1677 embankment re-design	40 days	Thu 7/23/09	Tue 9/8/09										
16	degrade south tie-in	10 days	Thu 7/23/09	Mon 8/3/09										
17	inspection trench	15 days	Fri 5/15/09	Thu 6/4/09										
18	cut off wall (105,000 SF)	20 days	Fri 6/5/09	Sat 6/27/09										
19	cut off wall cure	15 days	Mon 6/29/09	Wed 7/15/09										
20	embankment (350,000 CY)	35 days	Wed 9/2/09	Tue 10/20/09										
21														
22														
23	Setback Levee Construction (prior award)	166 days	Mon 4/13/09	Wed 11/11/09										
24	embankment 75+00 to 285+30 (1,500,000CY)	110 days	Tue 4/21/09	Wed 9/2/09										
25	Patrol Roads	15 days	Thu 9/3/09	Wed 9/23/09										
26	Pump Station # 3	150 days	Mon 4/13/09	Tue 10/20/09										
27	Ditches	45 days	Thu 9/3/09	Wed 11/4/09										
28	Relief Wells	60 days	Sat 8/22/09	Wed 11/11/09										
29	Piezometers	45 days	Thu 9/3/09	Wed 11/4/09										
30	Erosion Control	30 days	Thu 9/24/09	Wed 11/4/09										
31														
32	proposed commencement of degrade of existing levee	1 day	Sat 8/15/09	Sat 8/15/09										

Project: Feather River Setback 2009 s
Date: Thu 4/16/09

Task		Milestone		External Tasks	
Split		Summary		External Milestone	
Progress		Project Summary		Deadline	



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218
Marysville, CA 95901
(530) 749-7841 Fax (530) 749-6990

April 21, 2009

TO: Three Rivers Board of Directors

FROM: Paul Brunner, Executive Director
Scott Shapiro, General Counsel

PBB 4-16-09

SUBJECT: Revised resolution for Proposition 1E Early Implementation Program (EIP) funding Application for work on the Yuba River Levee

Requested Action: Approve revised Resolution that will authorize TRLIA to apply for Prop IE funding and designate the Executive Director as the authorized signatory for the application, which includes the following language additive to the previous resolution: “and any other elements of the Three Rivers Levee Improvement Program for which the work has been substantially completed but State cost share has not yet been provided.”

Background: On February 24, 2009 the Board approved a resolution authorizing staff to seek Proposition 1E funding for the Yuba River levee project.

Discussion: Staff has determined that certain elements of the Three Rivers’ project already constructed, and not located on the Yuba River levee, may be eligible for crediting by the State as the local share for future work. This revised resolution allows these elements to be included in the Yuba River EIP application.

Fiscal Impact:
None

RESOLUTION NO. 2009-__

**A RESOLUTION BY THE BOARD OF
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
IN REGARD TO GRANT FUNDS FROM
THE DEPARTMENT OF WATER RESOURCES**

WHEREAS, Three Rivers Levee Improvement Authority ("Three Rivers") has completed the first three phases of its Levee Improvement Program and a portion of the fourth phase of its program; and

WHEREAS, in November of 2006 the California voters approved bond acts which may be used for flood protection purposes (herein referred to as "Proposition 1E"); and

WHEREAS, funding from Proposition 1E may be available to fund the remaining elements of the Three Rivers Levee Improvement Program including but not limited to work on the Yuba River Levee; and

WHEREAS, the Department of Water Resources has published criteria and an application for funds from Proposition 1E and is soliciting applications for funds from the proposition; and

WHEREAS, The Board of Three Rivers desires for its staff to seek funding from Proposition 1E to allow completion of the Levee Improvement Program.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. Pursuant and subject to all of the terms and provisions of California Public Resources Code Section 5096.21 and/or 75030 application by Three Rivers shall be made to the California Department of Water Resources to obtain funding for elements of the Three Rivers Levee Improvement Program on the Yuba River Levee from Highway 70 up to the Yuba Goldfields area and any other elements of the Three Rivers Levee Improvement Program for which the work has been substantially completed but State cost share has not yet been provided.
2. The Executive Director of Three Rivers is hereby authorized and directed to prepare the necessary data, make investigations, sign certifications required as part of the application, and sign and file such application with the California Department of Water Resources.

* * * * *

PASSED AND ADOPTED this 21st day of April, 2009, by the Board of Three Rivers Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

Chair

ATTEST: DONNA STOTTLEMEYER,
CLERK OF THE BOARD

APPROVED AS TO FORM: GENERAL COUNSEL
SCOTT SHAPIRO