

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

JANUARY 6, 2009

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 3:31 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Don L. Graham, Mary Jane Griego, and John Nicoletti. Director Jerry Crippen was absent. 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, on behalf of Hofman Ranch, expressed concern regarding state and local share funding sources and continued construction of the Feather River Setback Levee project.

CONSENT AGENDA

Minutes: Upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board approved the minutes of the meeting of December 9, 2008, as written. APPROVE MINUTES

ACTION ITEMS

A. Lease Agreement/Raj Kumar Sharma: Executive Director Paul Brunner recapped the conditions of the draft lease agreement for 234 acres and responded to Board inquiries.

Following Board discussion, through Board consensus, direction was provided to the Executive Director for continued negotiations and to bring forward the final agreement for approval on January 20, 2009.

B. Amendment No. 13/MBK Engineers/\$572,472: Executive Director Paul Brunner recapped the scope of work to be provided through the amendment and funding sources, and responded to Board inquiries.

Ms. Frances Hofman, Marysville, expressed concern regarding funding sources to meet the contractual obligations and design management services to be provided for the setback levee.

Following Board discussion, upon motion of Director Graham, seconded by Director Brown, and carried with Director Crippen being absent, the Board approved Amendment No. 13 to the agreement with MBK Engineers in the amount of \$572,472 for program and management services, specifically identified as Scope of Work Tasks 1, 3, and 4; authorized the Executive Director to execute same; and directed Scope of Work Task 2 be continued to the meeting of January 20, 2009.

APPROVE
AMNDMNT.
NO. 13

C. United States Army Corps of Engineers: Following Board discussion regarding presentation, upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board adopted Resolution No. 2009-01, which is entitled: "A RESOLUTION OF THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY EXPRESSING APPRECIATION FOR THE WORK OF THE UNITED STATES ARMY CORPS OF ENGINEERS."

ADOPT
RESOLUTION
NO. 2009-01

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Director Griego: Community support and appreciation for public levee tour

Executive Director Paul Brunner:

- Proposition 1E funding sources and state support for the levee improvement project
- Revised language within Indemnification Cooperation Agreement
- Cancelled regular Board meeting of January 20, 2008 and called a special meeting for January 27, 2009

Program Manager Ric Reinhardt: Comparison of 100 and 200 year design criteria

Ms. Hoffman expressed concern regarding her property at the Western Interceptor Canal and the lack of 95% compaction and the impressions left by cattle.

Counsel Scott Shapiro:

- Central Valley Flood Protection Board meeting January 16, 2009 and policy discussion regarding joint power authority indemnification agreements

Mr. Tom Eres, representing Hofman Ranch, expressed concern regarding the lack of specifications and standards of the state and federal governments for 200 year protection, certification of levees, and costs to taxpayers.

CLOSED SESSION

The Board retired into closed session at 5:04 p.m. to discuss the following:

- A. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Davit et al
- B. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Nordic Industries, Inc. YCSCCVED 08-0000236
- C. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Tom and Jeannette Rice YCSCCVED 07-0000633
- D. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Gregory Foster - Foster Limited Partnership, et al. (Foster Bar - 001) YCSCCVED 08-0000327
- E. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Gregory Foster - Foster Limited Partnership, et al. (Foster House - 008) YCSCCVED 08-0000326
- F. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Gregory Foster - Foster Limited Partnership, et al. (Foster Ranch - 002, etc.) YCSCCVED -08-000036
- G. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Susanna Nieschulz YCSCCVED 08-0000289
- H. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Loyd Nieschulz, et al YCSCCVED 08-0000290
- I. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Danna Investment Co. YCSCCVED 08-0000240
- J. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Naumes, Inc. YCSCCVED 08-0000361

K. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Heir Family YCSCCVED 08-0000242

L. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Heir Trust YCSCCVED 08-0000244

M. Pending litigation pursuant to Government Code 54956.9(a) – TRLIA vs. Hadley YVSCCVED 08-0000243

N. Pending litigation pursuant to Government Code 54956.9(a) – TRLIA vs. Herold YVSCCVED 08-0000241

O. Pending litigation pursuant to Government Code 54956.9(a) – TRLIA vs. Khang YVSCCVED 07-0000313

P. Pending litigation pursuant to Government Code 54956.9(a) – TRLIA vs. Mann YVSCCVED 08-0000438

Q. Threatened litigation pursuant to Government Code 54956.9(b) – One Case

The Board returned from closed session at 5:31 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, Chair Griego adjourned the meeting 5:31 p.m.



Chair

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



Approved: January 27, 2009