

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

APRIL 21, 2009

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 2:01 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. Donald Rae, Plumas Lake, expressed concerns regarding the budget for maintenance related to the assessment district and cost of the election.

Mr. Tom Eres, Hofman Ranch, expressed concerns regarding the basis for the zones of benefits, flood inundation maps, and "disconnect" between FEMA and TRLIA information.

Ms. Frances Hofman questioned the plan and estimated costs to complete projects, whether flow of Yuba River flood waters of 1950 were being addressed within the plan, and commented on documents received regarding previous requests.

ACTION ITEMS

Feather River Levee Repair Project Phase 4 Segment 2/Teichert Construction: Following a recap from Executive Director Paul Brunner, upon motion of Director Crippen, seconded by Director Nicoletti, and unanimously carried, the Board awarded a contract to Teichert Construction Inc. in the amount of \$8,919,059.75 for Feather River Levee Repair Project Phase 4 Segment 2; approved Addendum No. 3 to contract with Teichert Construction for same; authorized the Chair to execute addendum; and directed the Executive Director to take necessary actions to implement the contract amendment and to issue Notice to Proceed.

AWARD
CONTRACT

CONSENT AGENDA

Minutes: Upon motion of Director Crippen, seconded by Director Nicoletti, and unanimously carried, the Board approved the minutes of the regular meeting of March 17, 2009, as written.

APPROVE
MINUTES

ACTION ITEMS CONTINUED

Proposition 1E/Yuba River Levee/Highway 70 to Yuba Goldfields: Following a recap from Executive Director Paul Brunner, upon motion of Director Nicoletti, seconded by Director Graham, and unanimously carried the Board adopted Resolution No. 2009-05, which is entitled: "A RESOLUTION BY THE BOARD OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY IN REGARD TO GRANT FUNDS FROM THE DEPARTMENT OF WATER RESOURCES," and authorizing the Executive Director to execute application and certifications as required as part of the application as it relates to the Yuba River Levee from Highway 70 to the Yuba Goldfields.

ADOPT
RESOLUTION
NO. 2009-05

BOARD AND STAFF MEMBERS' REPORTS

Reports were received on the following:

Director Nicoletti: Yuba County Water Agency Flood ad hoc committee meeting regarding Yuba River Basin projects

Director Griego:

- Meeting with Congressman Herger regarding flood issues
- Town Hall meeting held April 20, 2009 at the Arboga Community Center regarding the assessment districts

Counsel Scott Shapiro:

- Attending Cap to Cap trip April 24 – 30, 2009 in Washington DC
- Out of country from May through July 2009

Executive Director Paul Brunner:

- Bond sale and other funding revenues
- Progress of construction on setback levee
- State Mining and Geology Board correspondence regarding order to comply, upcoming board meeting, and approval of reclamation plan
- Segment 1 crack by Star Bend and meetings with state regarding possible solutions
- Assessment District Ballot process and meeting of May 12, 2009 to receive ballots and protests with results declared at June 2, 2009 meeting

CLOSED SESSION

The Board retired into closed session at 2:59 p.m. to discuss the following:

- 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

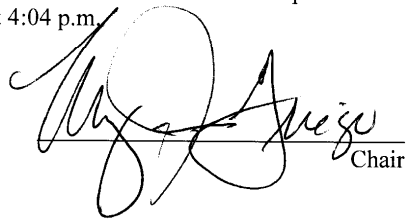
The Board returned from closed session at 4:01 p.m. with all board and staff members present as indicated above.

Counsel Scott Shapiro advised the Board gave authorization to the property negotiator to take certain actions in regard to items "A, B, and C" and was updated in regard to the remainder of the items agendized.

Executive Director Paul Brunner advised a mediation hearing had been set for 9:30 a.m. on May 27, 2009 in regard to the Davit litigation.

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority Chair Griego adjourned the meeting at 4:04 p.m.


Chair

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



Approved: 