

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

MINUTES – BOARD OF DIRECTORS

JUNE 16, 2009 – SPECIAL MEETING

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority was held on the above date, commencing at 1:45 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 Crippen was absent. Also present were Executive Director Paul Brunner, Assistant Counsel Andrea Clark, and Deputy Clerk of the Board of Supervisors Rachel Ferris. Chair Griego presided.

The Board retired into closed session at 1:46 p.m. to discuss the following:

CLOSED SESSION

A. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Naumes, Inc., et al., YCSCCVED 09-0000361, APN Nos. 014-250-027, 014-250-028, 014-240-008, 104-240-014, 023-180-007, 023-180-009

B. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Herold, et al., YCSCCVED 09-0000241, APN No. 016-010-009

C. Pending litigation pursuant to Government Code §54956.9(a) – TRLIA vs. Davit, et al., Superior Court Case No. YCSCCVED 07-000437, Court of Appeal Case No. C060898, APN No. 013-010-014

D. Conference with real property negotiators pursuant to Government Code §54956.8 – Property: APN: 020-020-004, Negotiating Parties: DiGiordana/TRLIA/Bob Morrison: Price and Terms:

E. Conference with real property negotiators pursuant to Government Code §54956.8 – Property: APN Nos.: 018-150-008 018-150-035 018-150-032 018-150-015 018-140-040 018-190-104 018-190-001 018-190-107 018-190-110 018-190-002 018-200-006 018-200-008 018-200-007 018-200-005 018-200-001 018-220-030 018-210-035 018-210-029 018-210-014 018-220-049 018-220-048 018-220-033 018-220-057 018-220-027 021-500-001 021-042-027 021-042-014 021-041-012 021-041-009 021-041-010 021-041-007 021-041-006 020-080-009 020-080-010 018-220-034, Negotiating Parties: TRLIA/Bob Morrison/Scott McElhern: Price and Terms

The Board returned from closed session at 2:38 p.m. with all Board and staff members present as indicated above. Staff direction was provided.

PUBLIC COMMUNICATIONS

No one came forward.

Chair Griego advised correspondence from Ms. Frances Hofman regarding various agenzized issues was referred to the Executive Director for written responses. REFER STAFF

CONSENT

Chair Griego pulled from consideration Amendment No. 11 with GEI Consulting in the amount of \$864,936. PULLED FROM AGENDA

Upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board took the following actions:

A. Approved Amendment extending contract with Peterson Consulting, Inc. in the amount of \$60,000 to provide lobbying services for the time period of January 1, 2009 through December 31, 2009, and authorized the Chair to execute same. APPROVE AMEND.

B. Approved Amendment No. 5 with PBS&J in the amount of \$283,570 for environmental services and authorized the Executive Director to execute same. APPROVE AMEND.

C. Approved Amendment No. 8 with Bender Rosenthal, Inc. in the amount of \$569,000 for Upper Yuba River work from Simpson Lane to the Goldfields; extended contract to December 30, 2010; and authorized the Executive Director to execute same. APPROVE AMEND.

D. Approve minutes of the meeting of June 2, 2009, as written APPROVE MINUTES

ACTION ITEMS

A. Addendum No. 3/Feather River Levee Repair Project Final EIR: Executive Director Paul Brunner and Project Manager Anya Raudabaugh recapped the project advising the property would protect a cultural site by realigning the levee.

Ms. Anya Raudabaugh responded to specific questions from Mr. Tom Eres regarding the National Environmental Policy Action (NEPA) evaluation and advised a Cultural monitor was in place.

Upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board adopted Resolution No. 2009-09, which is entitled: "A RESOLUTION BY THE BOARD OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY APPROVING FINDINGS IN SUPPORT OF AN ADDENDUM AND APPROVING AN ADDENDUM TO THE FEATHER RIVER LEVEE REPAIR PROJECT FINAL EIR, PURSUANT TO THE CALIFORNIA ENVIRONMENTAL QUALITY ACT, PUBLIC RESOURCES CODE, SECTION 21000 et seq."

ADOPT  
RESOLUTION  
NO. 2009-09

B. Public Necessity for Acquisition/Entire Property owned by Eleanor Herold/2052 Feather River Boulevard/Three Rivers Phase 4 Levee Repair Project (Assessor's Parcel Number 016-010-009). Special Counsel Scott McElhern provided a Power Point presentation on the following and responded to Board inquiries.

- Property location and partial acquisition in March 2008
- Cultural resources discovery and redesign of the far southern end of the set-back levee
- Public necessity for the project with remainder of property an "uneconomic remnant"
- Formal offer of the 1.0 acre site made on June 4, 2009

Upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board adopted Resolution No. 2009-10, which is entitled: "A RESOLUTION OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DECLARING THE PUBLIC NECESSITY FOR THE TAKING OF CERTAIN PROPERTY FOR REPAIR, CONSTRUCTION, INSTALLATION AND MAINTENANCE OF THE THREE RIVERS LEVEE IMPROVEMENT PROJECT," identified as APN 016-010-009 (Herold).

ADOPT  
RESOLUTION  
NO. 2009-10

Upon motion of Director Nicoletti, seconded by Director Brown, and carried with Director Crippen being absent, the Board directed general counsel and special counsel to take appropriate legal action in imminent domain to acquire the necessary property for the repair, construction, installation and maintenance of the Phase 4 Levee Repair Project.

DIRECT  
LEGAL  
ACTION

C. Resolution/Development Agreements: Mr. Seth Wurzel, Environmental Planning Systems, provided a Power Point presentation of the funding agreements and

financing mechanisms implemented by Three Rivers Levee Improvement Authority and Yuba County to generate funds for levee improvements, advising agreements would release parties from conditions of prior funding agreements.

Mr. Seth Wurzel responded to specific questions raised by Mr. Tom Eres regarding the Mello-Roos special bonds, levee fees, and disclosure information provided at time of sale to potential home buyers.

Following additional discussion, upon motion of Director Nicoletti, and seconded by Director Brown, and carried with Director Crippen being absent, the Board adopted Resolution No. 2009-11, which is entitled: "A RESOLUTION BY THE BOARD OF DIRECTORS OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY AUTHORIZING EXECUTION OF DEVELOPMENT AGREEMENTS," and any subsequent agreements substantially in conformance with the terms of the below listed agreements and subject to review and conforming changes by General Counsel.

ADOPT  
RESOLUTION  
NO. 2009-11


- Cresleigh Homes Corporation relative to development known as Plumas Ranch and Woodside Village;
- Patrick Laughlin, David Lanza and Ranjit Khagura relative to development known as Draper Ranch North;
- Plumas Lake Riverside Meadows, LP relative to the development known as Riverside Meadows;
- Landsource Holding Company, LLC relative to the development known as Rio Del Oro Village 15;
- MS Rialto River Oaks CA, LLC relative to the development known as River Oaks East;
- River Landings Investments, LLC relative to the development known as Rio Del Oro Village 14;
- KB Home Sacramento, Inc. relative to the development known as Hawes Ranch Estates and Plumas Lake-Cobblestone;

D. Proposed Budget for Fiscal Year 2009/2010: Following a recap from Executive Director Paul Brunner and Board inquiries, upon motion of Director Graham, seconded by Director Nicoletti, and carried with Director Crippen being absent, the Board approved the proposed Budget for Fiscal Year 2009-2010, set Budget Hearings for Tuesday, July 21, 2009 commencing at 3:00 p.m., and directed copies be made available to the public.


ADOPT  
PROPOSED  
BUDGET FOR  
FY 2009/10

ADJOURNMENT

There being no further business to come before the Three Rivers Levee Improvement Authority Chair Griego adjourned the meeting at 3:36 p.m.

  
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Chair

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

  
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Approved: 