



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

SEPTEMBER 28, 2010 – SPECIAL MEETING

MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) 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, Assistant Counsel Andrea Clark, and Clerk of the Board of Supervisors/Secretary Donna Stottlemeyer. Chair Griego presided.

I ROLL CALL – Directors Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti - All Present

II CLOSED SESSION: The Board retired into closed session at 2:03 p.m. to discuss the following:

A. Pending litigation pursuant to Government Code §54956.9(a) regarding:

1. Nieschultz, S. YCSCCVED 08-0000289 GC 54956.9
2. Nieschultz, L. YCSCCVED 08-0000290 GC 54956.9
3. Foster YCSCCVED 08-0000327, YCSCCVED 08-0000326, YCSCCVED 08-0000364

B. Conference with real property negotiator pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Churchill/Morrison; Terms of Payment; regarding the following properties:

1. Michele R. Barker - APN 016-150-035
2. Henry P. Smith - APN 018-150-015, 018-190-001
3. Richard G. Wilbur Trust - APN 018-140-040, 018-190-002, 018-200-006
4. Michele R. Barker, et al - APN 018-190-104,
5. Awlar S. Sohal and Sukhvir K Sohal, Co-Trustees of the Sohal Family Trust - APN 018-190-107
6. Walbinder S. Sohal Living Trust - APN 018-190-110
7. Daniel J. Luis - APN 018-200-008
8. Anthony J. and Zelma B. Luis - APN 018-200-007, 018-200-005, 018-210-035
9. Ajit S. Bains and Maria Del Carmen – APN 018-200-001, 018-220-030
10. Robert Glenn Wood - APN 018-210-029
11. COF Quail Hollow Land 148T, LLC - APN 018-220-049, 018-220-048
12. Orest and Irene Wesely - APN 021-500-001
13. Humam El Sharif - APN 021-042-027
14. Steve and Denise Gilbert - APN 021-042-014, 021-041-012
15. Hust Bro. Inc. Pension Plan /Roy E. Lanza - APN 021-041-009
16. Lothar S. and Brigitta M. Klug - APN 021-041-010
17. Bernard J. Perez - APN 021-041-007
18. Ronnie C. Willis - APN 021-041-006
19. Western Aggregates, LLC - APN 020-080-009
20. Bhajan S. and Rajwant K. Sohal - APN 018-190-109
21. Howard R. Miller - APN 018-220-007

- 22. Naumes. Inc. - APN 018-140-041
- 23. Awtar S. Sohal and Sukhvir K. Sohal, CD-Trustees of the Sohal Family Trust - APN 018-190-108

The Board returned from closed session at 2:39 p.m. with all present as indicated above. There was no announcement.

III ACTION ITEMS

- A. Approve minutes of the meeting of August 3, 2010.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown
 AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
 NOES: None ABSTAIN: None ABSENT

- B. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel Nos. 018-200-001 and 018-220-030 (Bains, Ajit S. and Maria Del Carmen) for the Upper Yuba River Levee Improvement Project.

Chair Griego introduced items B through H, provided directions for hearing of the matters jointly, comment period for the property owners, and public comments.

Special Counsel Michael Churchill, Design Manager Larry Dacus, and Right-of-way Manager Bob Morrison provided a Power Point presentation on the resolution of necessities including the following and responded to Board inquiries:

- Legal requirement
- Upper Yuba Levee Improvement Project overview
- Property details
- Required findings for exercise of power of eminent domain

The following individuals spoke:

- Mr. Brant J. Bordsen, attorney on behalf of Ajit S. and Maria Del Carmen Bains, regarding purchasing fee interest rather than fee easement
- Mr. Lyle Gisi, on behalf of Wilbur Trust properties, regarding impact to surrounding wells and fee easement

MOTION: Move to adopt resolution MOVED: Don Graham SECOND: John Nicoletti
 AYES: Rick Brown, Jerry Crippen, Mary Jane Griego, John Nicoletti
 NOES: None ABSTAIN: Don Graham ABSENT: None

Adopted Resolution No. 2010-4 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation, and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: John Nicoletti SECOND: Rick Brown
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

- C. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel Nos. 018-220-048 and 018-220-049 (COF Quail Hollow Land 148T, LLC) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: Don Graham SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-5 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation, and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.
MOVED: John Nicoletti SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

- D. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel Nos. 018-200-008, 018-200-007, 018-200-005, and 018-210-035 (Luis, Daniel and Luis, Anthony J. and Zelma B.) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: Jerry Crippen SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-6 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation, and maintenance of the

Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: Jerry Crippen SECOND: John Nicoletti

AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

NOES: None ABSTAIN: None ABSENT: None

- E. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel No. 018-140-041 (Naumes. Inc.) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: Jerry Crippen SECOND: Don Graham

AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-7 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: John Nicoletti SECOND: Jerry Crippen

AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

NOES: None ABSTAIN: None ABSENT: None

- F. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel Nos. APN 018-140-040, 018-190-002, and 018-200-006 (Richard G. Wilbur Trust) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: John Nicoletti SECOND: Jerry Crippen

AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti

NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-8 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: Jerry Crippen SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

- G. Adopt resolution of necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel No. 018-210-029 (Robert Glenn Wood) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: John Nicoletti SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-9 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: Jerry Crippen SECOND: John Nicoletti
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

- H. Adopt resolution amending and superseding Resolution No. 2010-3 and declaring necessity for acquisition to acquire certain property interests of property identified as Assessor Parcel Nos. 018-190-109 and 018-190-110 (Bhajan S. and Rajwant K. Sohal/ Walbinder S. Sohal Living Trust) for the Upper Yuba River Levee Improvement Project.

MOTION: Move to adopt resolution MOVED: John Nicoletti SECOND: Don Graham
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

Adopted Resolution No. 2010-10 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 UPPER YUBA RIVER LEVEE IMPROVEMENT PROJECT CODE CIV. PROC. 1245.230)."

MOTION: Move to direct General Counsel and Special Counsel to proceed with an action in eminent domain to acquire the necessary property interest for the repair construction, installation and maintenance of the Phase 4 Levee Repair Project, and to authorize them to deposit probable compensation in the State Treasury's Condemnation Fund.

MOVED: John Nicoletti SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT: None

- I. Approve adding Feather River Segment 1 V-Ditch Repair to the Feather River EIP Funding Agreement and delegate authority to the Executive Director to execute contract to accomplish work upon review and approval of Counsel.

Executive Director Paul Brunner recapped damage to concrete ditch and responded to Board inquiries.

MOTION: Move to approve MOVED: Don Graham SECOND: Jerry Crippen
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT

- J. Approve Amendment No. 2 to agreement with Kleinfelder West Inc. in the amount of \$17,000 for geotechnical exploration services and authorize Executive Director to execute same.

Executive Director Paul Brunner recapped the scope of work encompassed in the amendment.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT

- K. Approve Amendment No. 15 to agreement with MBK Engineers in the amount of \$661,887 for project management services and authorize Executive Director to execute same.

Executive Director Paul Brunner recapped the scope of work encompassed in the amendment.

MOTION: Move to approve MOVED: John Nicoletti SECOND: Rick Brown
AYES: Rick Brown, Jerry Crippen, Don Graham, Mary Jane Griego, John Nicoletti
NOES: None ABSTAIN: None ABSENT

IV BOARD AND STAFF MEMBERS' REPORTS: Reports were received on the following:

Director Nicoletti: Building of original levees by the farmers and respectfulness of the process for eminent domain

Director Griego:

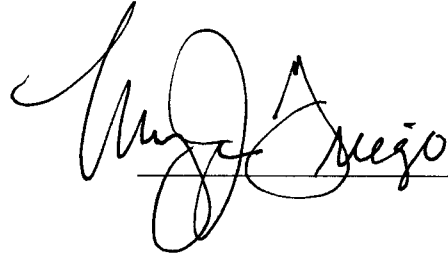
- Delicate issue of eminent domain and appreciative of owners and their appreciation of the projects
- Interview process for documentary style video of project

Executive Director Paul Brunner:

- Eminent domain process and construction of project
- Upper Yuba Project 408 permit approval sent with expected receipt at yearend
- Anderson elderberry site and permit requirement from Central Valley Flood Control Board

- Construction status of Feather River project
- Water Foundation Tour
- Corps of Engineers inspection of levees

V ADJOURN: 4:58 p.m. by Chair Griego.



Chair

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



Approved: October 26, 2010