



## THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

FEBRUARY 15, 2011

### MINUTES

A meeting of the Board of Directors of the Three Rivers Levee Improvement Authority (TRLIA) was held on the above date, commencing at 2:02 p.m., within the Government Center, Marysville, California, with a quorum being present as follows: Directors Rick Brown, Jerry Crippen, and Mary Jane Griego. Directors Don L. Graham, and John Nicoletti were absent. Also present were Executive Director Paul Brunner, Counsel Scott Shapiro, 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 – Directors Graham and Nicoletti absent.

II CLOSED SESSION

Mr. Tom Eres, Hofman Ranch, felt it was premature to have negotiation discussions without a real estate plan developed.

The Board retired into closed session at 2:08 p.m. to discuss the following:

A. Conference with Real Property Negotiators pursuant to Government Code §54956.8 - Negotiating Parties: TRLIA/Mike Churchill/Kelly Pope/ Max Steinheimer/Scott McElhern/Bob Morrison. Negotiation: Price and terms of Payment for the following properties:

016-040-021, 052, 051, 049, 050/PG&E and Underlying owners  
016-070-002, 016-040-019/UPRR  
014-270-084, 105, 106/014-350-044, 065/Alfaro, Jean Pierre & Marie Jeanne  
016-050-023/Bluebird Farms  
014-360-011, 013/Hofman Ranch  
016-070-018/Miller, Gary J. and June W.  
022-010-005/Cresleigh Homes  
016-130-012, 017/DeValentine, Robert B.

B. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Ajit S. Bains, et al.

C. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. COF Quail Hollow Land 148T, LLC, et al.

D. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Anthony J. Luis and Zelma B. Luis, et al.

E. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Bhajan Singh Sohal, et al.

F. Pending litigation pursuant to Government Code §54956.9(a) - TRLIA vs. Richard G. Wilbur, et al.

Director Nicoletti joined closed session discussion at 2:28 p.m.

The Board returned from closed session at 3:02p.m. with all members present including Director Nicoletti.

Counsel Scott Shapiro announced: "Items 2 B through F, updates were received from eminent domain counsel. On item A the Board received a report regarding lands adjacent to the WPIC and Bear River levee and the need to acquire appropriate access for operation and maintenance purposes. The Board considered the comments offered by Mr. Eres in regards to ensuring a proper and public airing of any eminent domain action before it occurred; and as result the Board directed staff to negotiate arms length transactions, if possible, with each of the landowners listed in item 2a. And in the event that those armed length transactions are not possible with the range of options that the Board is open to, including terms of acquisitions and costs, then the Board has directed staff to bring those items back to the Board for future consideration as to whether eminent domain is appropriate."

III PUBLIC COMMUNICATIONS: No one came forward.

IV ACTION ITEMS

A. Approve minutes of the meeting of February 1, 2011.

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

B. Approve amended budget for Fiscal Year 2010-11 to reflect increased expenditures of \$898,500 and receive amended forecasted budget for Fiscal Year 2011-12.

Financial Consultant Seth Wurzel recapped the appropriations increases for current fiscal year and estimated projections for next fiscal year regarding actions taken to preparing a real estate plan and right-of-way activities previously approved by the Board and responded to Board inquiries.

Mr. Tom Eres, Hofman Ranch, expressed concerns regarding funding sources.

Mr. Wurzel recapped the purpose of the amendment to reflect an increase in current year expenditures which were not approved within the budget and those funding sources.

Executive Director Paul Brunner commented on keeping the funding and expenditures transparent to the public.

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

C. Approve RD 784 Levee System Approach to provide 200-year certification for Senate Bill 5 and authorize Executive Director to take actions necessary for 200-year certification. Executive Director Paul Brunner continued the item to March 1, 2011.

Director Nicoletti left the meeting at 3:20 p.m. and did not return.

D. Approve Amendment No. 9 to agreement with Bender Rosenthal Inc. in the amount of \$538,000 for right-of-way services and authorize Executive Director to execute same. Executive Director Paul Brunner recapped services needed.

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

E. Approve Amendment No. 2 to agreement with CTA Engineering and Surveying in the amount of \$75,000 and authorize Executive Director to execute same. Executive Director Paul Brunner recapped purpose of the agreement.

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

F. Approve Amendment No. 2 to agreement with River Partners in the amount of \$58,000 for additional maintenance and monitoring services for Bear River setback restoration and authorize Executive Director to execute same. Executive Director Paul Brunner recapped maintenance required for one year.

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

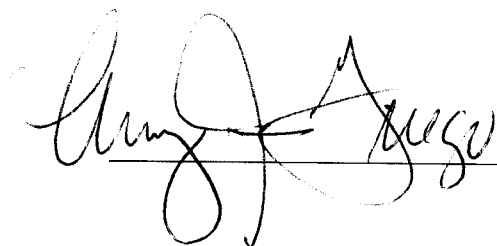
V BOARD AND STAFF MEMBERS' REPORTS

Counsel Scott Shapiro: Upcoming leave of assistant counsel

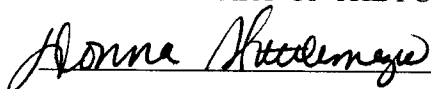
Executive Director Paul Brunner:

- Western Pacific Interceptor Canal crack and letter to Territorial Dispatch editor regarding recent article on crack
- Elderberry transplant progress to Anderson site
- American Society of Civil Engineers awarded overall project of the year to Feather River Setback Levee and ceremony on March 9, 2011
- Received 408 approval on moving forward with the Upper Yuba River Project and have continued discussions on the 104 credits and award of contract upon approval of 104 credits

VI ADJOURN: 3:39 by Chair Griego.

  
Chair

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



Approved: March 1, 2011