

**BEFORE THE BOARD OF DIRECTORS
OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**

IN RE:

**RESOLUTION PROVIDING
INDEMNITY TO THE STATE OF
CALIFORNIA, DEPARTMENT OF
WATER RESOURCES**

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) **RESOLUTION NO. 06-02**
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WHEREAS, the Three Rivers Levee Improvement Authority, herein after referred to as TRLIA, is desirous of improving levee protection in the County of Yuba; and,

WHEREAS, it has been determined that certain State Grant Funds are available to assist in levee repairs; and,

WHEREAS, in order to obtain the grant funds, the TRLIA is required by the State to indemnify it as set forth below; and,

WHEREAS, the urgent need for the grant funds outweighs questioning the State's authority to require indemnification at this time; and,

WHEREAS, indemnification provisions substantially similarly to those set forth below are commonly part of other grants and contracts involving the TRLIA.

NOW, THEREFORE, BE IT RESOLVED:

1. The foregoing recitals are found to be true and correct.

2. The TRLIA agrees to defend, indemnify and hold the State of California, including its agencies, departments, boards and commissions, and their respective officers, agents, employees, successors and assigns, safe and harmless of and from all claims and damages arising out of the Project, and to discharge this obligation to the extent allowed by law. "Project" shall mean that described in Grant Agreement No. 4600004327--Grant Agreement between the State of California Department of Water Resources and TRLIA for an Implementation Grant for Unit One of the Bear-Feather Rivers Levee Setback Element of the Yuba-Feather Supplemental Flood Control Project. Work performed by TRLIA on the subject levees shall be deemed part of the Project, even if not authorized by Permit. Nothing herein shall preclude the County, TRLIA, and RD 784 from contracting to apportion indemnity and the responsibility to defend amongst themselves, but such apportionment shall not limit the rights of the State of California to full defense and indemnification from these three parties.

BE IT FURTHER RESOLVED that Charles K. McClain, TRLIA Executive Director, is authorized to execute any and all documents desirable or necessary to comply with this Resolution.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the
TRLIA, State of California on the 3rd day of January, 2006 by the
following vote:

AYES: Directors Brown, Griego, Logue, Webb

NOES: None

ABSENT: None

Richard E. Webb CHAIRMAN

ATTEST: DONNA STOTTLEMEYER
Clerk of the Board of Directors

By:

Donna Stottlemeier

APPROVED AS TO FORM

Daniel G. Montgomery DANIEL G. MONTGOMERY
TRLIA COUNSEL