

THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

RESOLUTION NO. 2012-09

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY
UPDATING AND ORDERING LEVY OF ASSESSMENTS WITHIN THE LEVEE AND FLOOD CONTROL
FACILITIES ASSESSMENT DISTRICT FOR FISCAL YEAR 2012-2013**

WHEREAS, the Three Rivers Levee Improvement Authority ("Three Rivers") has installed and otherwise made substantial improvements to the flood control facilities along portions of the Feather and Yuba Rivers within Yuba County;

WHEREAS, Three River formed an assessment district — the Three Rivers Levee Improvement Authority Flood Control Facilities Assessment District (the "District") — in June 2009 to fund operation and maintenance of the improved facilities;

WHEREAS, the legal notices that were mailed to property owners in the District in March 2009 and the Three Rivers Levee and Flood Control Facilities Engineer's Report dated May 28, 2009 state that the assessment is subject to an annual adjustment based on the US Department of Labor Consumer Price Index (CPI-U) for the San Francisco Bay Area with the maximum annual adjustment not to exceed 4%;

WHEREAS, the Three Rivers Board of Directors found on June 28, 2011 that to meet the budgeting requirements for operation and maintenance of the flood control facilities for fiscal year 2011-12 there was a need to adjust the assessment to match the full 2010 CPI change of 1.52% plus the unused CPI of 2.61%. However, in light of severe economic impacts within the District, the Board decided it would not be appropriate to make that full CPI adjustment at that time. Thus, the Board decided to impose an increase of only the current 2010 CPI of 1.52% and reserved the right to later make that 2.610% adjustment as explained in the Engineer's Report (p. 37) and Section 10 of Resolution No. 2009-08;

WHEREAS, the US Department of Labor Consumer Price Index (CPI-U) for the San Francisco Bay Area December to December change for 2011 was 2.93%;

WHEREAS, the Three Rivers Board of Directors is now to consider whether to meet the budgeting requirements for operation and maintenance of the flood control facilities for fiscal year 2012-13 there is a need to adjust the assessment consistent with the CPI-U. The Board again notes severe economic impacts which the Board desires to consider;

WHEREAS, Reclamation District No. 784 has submitted, and the Three Rivers Board of Directors has reviewed, a proposed annual budget for operation and maintenance of the improved levees for fiscal year 2012-13,

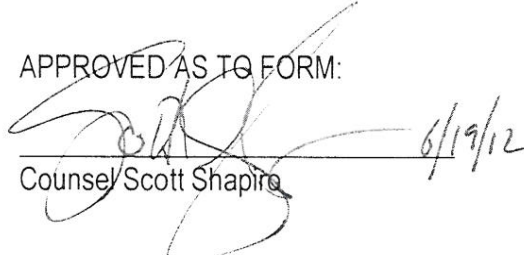
NOW, THEREFORE, BE IT RESOLVED THAT:

- 1: The above recitals are true and correct.
- 2: The Three Rivers Board of Directors finds that to meet the budgeting requirements for operation and maintenance of the flood control facilities for fiscal year 2012-13 there is a need to adjust the assessment to match the full 2012 CPI change of 2.93%. The Board acknowledges the severe economic impacts within the District but believes that the increased funds are necessary to secure flood protection and is therefore imposing a 2.93% increase. The Board will continue to reserve the unused 2.613% increase from 2009 and the Board in its discretion may use it to adjust the maximum CPI increase for future fiscal years as explained in the Engineer's Report (p. 37) and Section 10 of Resolution No. 2009-08.
3. Therefore, the assessments for fiscal year 2011-12 shall be levied at the rate of one hundred fifty four dollars and sixty nine cents (\$154.69) per single-family equivalent benefit unit for the South Zone, eleven dollars and eighty four cents (\$11.84) for the Central A Zone, thirty three dollars and sixty one cents (\$33.61) for the Central B Zone, and eleven dollars and sixty one cents (\$11.61) for the East Zone.
4. Three Rivers staff is directed to file or cause to be filed a certified copy of this Resolution with the Auditor/Controller of Yuba County (the "County Auditor/Controller"). Upon such filing, the County Auditor/Controller shall enter on the County tax roll opposite each lot or parcel of land in the District the amount of assessment thereupon as shown in the Engineer's Report and described in Section 3 of this Resolution. The benefit assessment shall be collected at the same time and in the same manner as County ad valorem taxes are collected and all laws providing for the collection and enforcement of County ad valorem taxes shall apply to the collection and enforcement of the assessments. After collection by the County Tax Collector, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to Three Rivers for the purposes of the District.

PASS AND ADOPTED at a regular meeting of the Board of Directors of the Three Rivers Levee Improvement Authority on the 19th day of June, 2012, by the following vote:

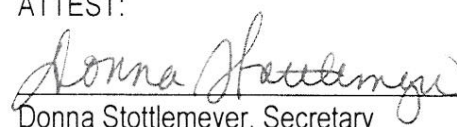
AYES: Directors Brown, Crippen, Graham, Griego, Nicoletti
NOES: None
ABSENT: None
ABSTAIN: None

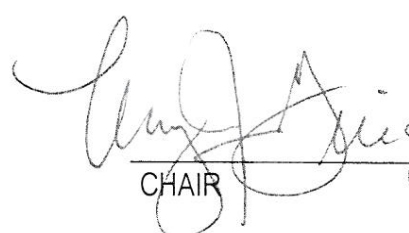
APPROVED AS TO FORM:


Counsel Scott Shapiro


6/19/12

ATTEST:


Donna Stottlemeyer, Secretary


CHAIR

The foregoing instrument is a Correct Copy
of the original on file in this office
ATTEST: DONNA STOTTEMEYER
Clerk of the Board of Supervisors of the
County of Yuba, State of California

By 
Date: June 29, 2012