



**THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**  
Yuba County Government Center, Board Chambers  
915 Eighth Street, Suite 109A  
Marysville, California

**DECEMBER 6, 2022 – TIME 2:30 P.M.**

**AGENDA**

**HYBRID MEETING IN PERSON AND VIA ZOOM**

**In person meeting:** The board meeting will be open to in-person attendance. To remain in compliance with the state's public health guidance and CalOSHA COVID-19 Emergency Temporary Regulations [8 CCR §3205], **masks will be encouraged to be worn by individuals who are not fully vaccinated while inside the Government Center and while in the Board Chambers.**

**Zoom meeting:** The Board proceedings are available via Zoom and you may participate in Public Comment by using the "raise hand" function. Pursuant to Government Code section 54953, local legislative bodies may hold public meetings via teleconference. Additionally, even when members of the local legislative body are attending meetings in person the local legislative body may make public meetings accessible telephonically or otherwise electronically to all members of the public. Members of the public are encouraged to observe and participate in the teleconference."

The meeting information for the Board of Directors and the public is as follows:

**Join Zoom Meeting**

**<https://us02web.zoom.us/j/83918308351>**

**Meeting ID: 839 1830 8351**

**To participate via the audio only teleconference, dial in to the meeting using the below information:**

**1-669-900-9128 (San Jose)**

**1-346-248-7799 (Houston)**

**Meeting ID: 839 1830 8351**

Any member of the public on the telephone may speak during Public Communications. During this period of modified Brown Act Requirements, Three Rivers Levee Improvement Authority will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

I **ROLL CALL** – Directors Atwal, Bradford, Brown, Ledbetter, Vasquez

II **PUBLIC COMMUNICATIONS:** Any person may speak about any subject of concern within the jurisdiction of TRLIA which is not on today's agenda. The total amount of time allotted shall be limited to a total of 15 minutes and each individual or group will be limited to no more than 5 minutes. If you are participating via Zoom and wish to comment, please use the "raise hand" function, or \*9 if participating on a phone.

III **CONSENT ITEM**

A. Approve meeting minutes of November 1, 2022.

B. Adopt resolution authorizing remote teleconference meetings of the Three Rivers Levee Improvement Authority (TRLIA) pursuant to the Brown Act.

#### IV **ACTION ITEM**

- A. Adopt resolution approving amendments to the Prop 1E agreement and the General Fund agreement for the Feather River Floodway Corridor Restoration Project, and authorize Executive Director to execute any and all amendments.
- B. Approve temporary agreement with Yuba Water Agency for support of agency staff to assist Executive Director in the oversight and management of Three Rivers Levee Improvement Authority (TRLIA) for a term of January 1, 2023 through December 31, 2024, and authorize Chair to execute.
- C. Approve amendment No. 13 to the agreement with Larsen Wurzel & Associates, Inc. for financial consulting services in the amount of \$102,400., and authorize Executive Director to execute.
- D. Adopt resolution declaring real property APN 018-180-085 as Surplus Land per Government Code §54220 et seq. and not necessary for Three Rivers Levee Improvement Authority's use.

#### V **BOARD /STAFF REPORTS**

- A. Miscellaneous Reports

#### VI **ADJOURN**

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The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8<sup>th</sup> Street, Suite 109, the County Library at 303 Second Street, Marysville, and [www.trlia.org](http://www.trlia.org). Any disclosable public record related to an open session item on the agenda and distributed to all or a majority of the Board of Directors less than 72 hours prior to the meeting are available for public inspection at Suite 109 during normal business hours.

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking is available. If you have a disability and need disability-related modifications or accommodations to participate in this meeting, please contact the Clerk of the Board's office at (530) 749-7510 or (530) 749-7353 (fax). Requests must be made one full business day before the start of the meeting.



## THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

NOVEMBER 1, 2022

### MINUTES

Called to order at 2:30 p.m. with a quorum being present as follows: Directors Rick Brown, Gary Bradford and Andy Vasquez; Director Sarbdeep Atwal attended via ZOOM. Director Ledbetter was absent. Also present were Executive Director Kevin Mallen, General Counsel Andrea Clark, and Board Clerk Angela Dayberry. Chair Atwal presided.

I ROLL CALL – Directors Atwal, Bradford, Vasquez and Brown – Director Ledbetter was absent

II PUBLIC COMMUNICATIONS: None

III CONSENT ITEMS

MOTION: Move to approve Consent Agenda

MOVED: Rick Brown SECOND: Gary Bradford

AYES: Sarbdeep Atwal, Gary Bradford, Rick Brown, and Andy Vasquez

NOES: None ABSTAIN: None ABSENT: Gary Ledbetter

Approved via unanimous Roll Call Vote

A. Approve meeting minutes of October 4, 2022. Approved as written

B. Adopt resolution authorizing remote teleconference meetings of the Three Rivers Levee Improvement Authority (TRLIA) pursuant to the Brown Act. Adopted Resolution No. 2022-22

IV ACTION ITEMS

A. Approve letter of commitment for local share of Building Resilient Infrastructure Communities (BRIC) funding to meet the non-federal cost share requirement; and memorandum of understanding with Yuba County for grant application administration, and authorize Executive Director to execute. Yuba Water Agency Project Manager Kyle Morgado provided a brief recap of the non-federal cost share requirements and responded to Board inquiries.

Executive Director Kevin Mallen provided background on the memorandum of understanding with Yuba County regarding its application and implementation and clarity of rules.

MOTION: Move to approve

MOVED: Gary Bradford SECOND: Rick Brown

AYES: Sarbdeep Atwal, Gary Bradford, Rick Brown, and Andy Vasquez

NOES: None ABSTAIN: None ABSENT: Gary Ledbetter

Approved via unanimous Roll Call Vote

- B. Approve addendum to the final TRLIA Budget for Fiscal Year 2022/23 incorporating the Climate Resiliency Project and Goldfields Multi-Benefit Feasibility Study. Yuba Water Agency Project Manager Kyle Morgado provided background on the budget adjustment, local cost share and the percentage of project completion to date.

MOTION: Move to approve

MOVED: Gary Bradford SECOND: Rick Brown

AYES: Sarbdeep Atwal, Gary Bradford, Rick Brown, and Andy Vasquez

NOES: None ABSTAIN: None ABSENT: Gary Ledbetter

Approved via unanimous Roll Call Vote

- C. Approve amendment No. 7 to the contract with MBK Engineers for development of Goldfields Multi-Benefit Project Feasibility Study for RD 784 and add scope for design of Climate Resiliency Project in the amount of \$1,389,750., and authorize Executive Director to execute. Yuba Water Agency Project Manager Kyle Morgado recapped contract amendment.

MOTION: Move to approve

MOVED: Andy Vasquez SECOND: Sarbdeep Atwal

AYES: Sarbdeep Atwal, Gary Bradford, Rick Brown, and Andy Vasquez

NOES: None ABSTAIN: None ABSENT: Gary Ledbetter

Approved via unanimous Roll Call Vote

#### IV BOARD/STAFF REPORTS

Executive Director Kevin Mallen received approval from the Board to execute letter drafted by General Counsel acknowledging Congressman Garamendi for his engagement with the Goldfields 200 Project.

MBK Engineers Program Manager Ric Reinhardt provided an update on the 2022 Protection Plan and Board proposal to form a committee related to climate change hydrology.

#### V ADJOURNED at 2:45 p.m.

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Chair

ATTEST: MARY PASILLAS  
CLERK OF THE BOARD OF SUPERVISORS  
AND SECRETARY OF THE PUBLIC AUTHORITY

Approved: \_\_\_\_\_



**RESOLUTION NO. 2022-\_\_**

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THREE RIVERS  
LEVEE IMPROVEMENT AUTHORITY PURSUANT TO THE BROWN ACT**

WHEREAS, the Three Rivers Levee Improvement Authority (“Authority”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the Authority’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, such conditions now exist within the Authority , specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus continues to spread and has impacted nearly all sectors of California; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, number 2021-08 on October 19, 2021, finding that the requisite conditions existed for the Authority to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the Authority ; and

WHEREAS, such conditions persist in the Authority, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the continued threat of COVID-19; and

WHEREAS, the Board of Directors does hereby find that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the Authority shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the Authority and offer public comment by telephone or internet-based service options including video conference are posted on the District website and physically outside of the Authority office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Risks to Health and Safety of Attendees. The Board has reconsidered the conditions of the State of Emergency and hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. Authority staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

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Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 5, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Three Rivers Levee Improvement Authority, this 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson

ATTEST:  
CLERK OF THE BOARD

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APPROVED AS TO FORM:

*Andrea P. Clark.*

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Andrea P. Clark, General Counsel, TRLIA



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

Office (530) 749-7841 Fax (530) 749-6990

December 6, 2022

TO: Three Rivers Levee Improvement Authority Board  
FROM: Kevin Mallen, Executive Director *KM/dw*  
Andrea Clark, General Counsel  
SUBJECT: Resolution Authorizing Amendments to Prop 1E Funding Agreement and General Fund Funding Agreements for the Feather River Floodway Corridor Restoration Project/Conservation Bank

## **Recommended Action:**

That the Board of Directors (the "Board") of the Three Rivers Levee Improvement Authority ("TRLIA") approve Resolution No. 2022-XXXX delegating authority to the Executive Director to execute amendments to both funding agreements with the Department of Water Resources ("DWR") for the Feather River Floodway Corridor Restoration Project/Conservation Bank ("Project") in the Feather Setback Area.

## **Background:**

In 2012, TRLIA entered into a funding agreement for Prop 1E funding with DWR in order to develop a conservation bank in the Feather Setback Area. The Project is formally called the Feather River Floodway Corridor Restoration Project, but has also been referenced over the years as the "FESSRO Project" since it involved a program within DWR called the Flood Safe Environmental Stewardship and Statewide Resources Office. In 2019 TRLIA entered into a second funding agreement for the Project with general funds. Accordingly, TRLIA has received funding from DWR for the Project under two separate funding agreements, one for Prop 1E funds and one for general funds.

Currently DWR has asked that TRLIA agree to an extension of the Prop 1E funding agreement in order to allow project planning and implementation to continue. TRLIA wishes to facilitate this extension in order to continue work on the Project. The proposed resolution grants to the Executive Director authority to approve any and all amendments to either funding agreement associated with the Project.

## **Fiscal Impact:**

None.

Attachments: Draft Resolution No. 2022-XXXX

RESOLUTION NO. 2022-\_\_

**A RESOLUTION BY THE BOARD OF DIRECTORS OF  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AUTHORIZING EXECUTIVE DIRECTOR TO EXECUTE AMENDMENTS TO  
FUNDING AGREEMENTS RELATED TO THE FEATHER RIVER FLOODWAY  
CORRIDOR RESTORATION PROJECT**

**WHEREAS**, the Board of Directors of the Three Rivers Levee Improvement Authority (“TRLIA”) approved (i) Resolution No. 2012-14 on November 27, 2012, authorizing the Executive Director to execute a funding agreement with the Department of Water Resources (“DWR) for Proposition 1E funds (“Prop 1E Agreement”), and (ii) Resolution No. 2019-4 on May 21, 2019, authorizing the Executive Director to execute a separate funding agreement with DWR for general funds (“General Fund Agreement”), both for the Feather River Floodway Corridor Restoration Project (together, “Funding Agreements”); and

**WHEREAS**, DWR and TRLIA currently wish to amend the Prop 1E Agreement, and may wish to amend either or both of the Funding Agreements in the future;

**WHEREAS**, the purpose of this resolution is to grant to the Executive Director authority to execute any and all amendments to the Funding Agreements.

***NOW, THEREFORE, BE IT RESOLVED THAT:***

1. The Board of Directors of the Three Rivers Levee Improvement Authority hereby grants authority to the Executive Director to execute any and all amendments to the Prop 1E Agreement and the General Fund Agreement for the Feather River Floodway Corridor Restoration Project.

**PASSED AND ADOPTED** this sixth day of December, 2022, by the Board of Directors of Three Rivers Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson

ATTEST: Mary Pasillas,  
CLERK OF THE BOARD

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APPROVED AS TO FORM: GENERAL COUNSEL  
ANDREA P. CLARK

*Andrea P. Clark.*

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# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

Office (530) 749-7841 Fax (530) 749-6990

December 6, 2022

**TO:** Three Rivers Levee Improvement Authority Board  
**FROM:** Kevin Mallen, Executive Director *KM/KW*  
**SUBJECT:** Services Agreement between TRLIA and Yuba Water Agency

**Recommendation:**

Approve, upon review and approval of general counsel, a Temporary Services Agreement between TRLIA and Yuba Water Agency for support of the TRLIA Executive Director beginning January 1, 2023 and extending until December 31, 2024.

**Background:**

Beginning January 1, 2022, the Yuba County Administrative Officer (CAO) has fulfilled the role of Executive Director for TRLIA. However, due to the complexity of that role, and a clear overlap in mission areas consistent with the Yuba Water Agency, TRLIA and Yuba Water Agency entered into a temporary one (1) year agreement for Agency staff to assist in the oversight and management of TRLIA's mission.

The agreement services called for Yuba Water Agency staff to assist with project management, communication and coordination with consultants and contractors, drafting of staff reports and other materials for TRLIA board meetings, attendance at project meetings, and other services as requested by the TRLIA Executive Director or Board at no cost to TRLIA.

**Discussion:**

The original agreement was for a period of one (1) year, set to expire on December 31, 2022. Staff recommends renewing this agreement for a period of two (2) years, commencing January 1, 2023 and expiring December 31, 2024.

**Fiscal Impact:**

The services to TRLIA would be performed by existing Agency staff (principally Ryan McNally and Kyle Morgado) and within the TRLIA Budget.

**Attachment:**

1. Temporary Services Agreement with YWA

**AGREEMENT FOR TEMPORARY SERVICES  
BETWEEN THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AND YUBA COUNTY WATER AGENCY**

This Agreement for Services ("Agreement") is made this 6th day of December, 2022, by and between the Three Rivers Levee Improvement Authority, a joint powers agency ("TRLIA"), and the Yuba County Water Agency, a public agency ("YWA").

**1. Recitals.**

1.1. TRLIA is a joint powers agency, consisting of the County of Yuba and Reclamation 784, formed in 2004 for the purpose of implementing flood control improvements in Yuba County.

1.2. YWA is an independent public agency formed to reduce flood risk, provide a sustainable water supply for residents of Yuba County, and provide other services.

1.3. Upon the retirement of TRLIA's Executive Director, at the end of 2021, the County Administrative Officer ("CAO") of Yuba County assumed the role of Executive Director for TRLIA, consistent with TRLIA's joint powers agreement.

1.4. YWA is willing to provide project management services in support of the TRLIA Executive Director as described herein; the TRLIA Executive Director will be looking to Yuba County staff for financial support services.

1.5. The parties acknowledge that the services to be performed by YWA staff under this Agreement will directly further the TRLIA objective of implementing flood control improvements in Yuba County and, consequently, the work to be performed by YWA staff will be consistent with the staff's responsibilities as YWA employees. The parties recognize that management and policy determinations for each party are carried out under the direction and control of that party's governing board.

**2. Term of Agreement.** This Agreement shall commence on January 1, 2023 and terminate December 31, 2024, unless terminated prior to that date by election by either party pursuant to Section 8 herein.

**3. Scope of Support Services.** YWA shall perform the following services to assist the TRLIA Executive Director, at all times at his or her direction (the "Support Services"):

3.1. Project management actions including communication and coordination with consultants and contractors, drafting of staff reports and other materials for TRLIA Board meetings, and attendance at project meetings.

3.2. Such other services as may be requested by the TRLIA Executive Director or Board.

**4. Compensation.** YWA agrees to provide Support Services without financial compensation.

**5. Relationship of YWA Staff to TRLIA.** YWA staff performing services under this Agreement shall remain at all times employees of YWA and limited agents of TRLIA only for performing those services specifically provided for by this Agreement. YWA will be solely



responsible for paying all YWA staff salaries, benefits, taxes, insurance, and any other required or discretionary compensation.

**6. Workers' Compensation Insurance.** YWA, at its sole cost and expense, shall continue to procure and maintain for the duration of this Agreement workers' compensation insurance or self-insurance covering YWA staff, in accordance with the requirements of California law. In accordance with Labor Code Section 3602(d), the parties intend that this obligation constitute a valid and enforceable agreement by which YWA agrees to obtain, and shall obtain, workers' compensation coverage for YWA staff working for TRLIA pursuant to this Agreement. TRLIA therefore shall not be subject to civil, criminal or other penalties for failure to provide workers' compensation coverage or tort liability in the event of an injury to or illness of YWA staff suffered in the course of providing services to TRLIA under this Agreement.

**7. Documents.** All correspondence, other documents, e-mail, and other communications prepared and made by YWA staff in connection with the Support Services provided to TRLIA under this Agreement shall be the property of TRLIA and subject to its document retention, management and other applicable policies and regulations. This provision shall not apply to preliminary drafts or notes that are not provided to TRLIA and not retained by YWA in the ordinary course of business.

**8. Termination.** This Agreement may be terminated for any reason by either party upon 10 days' written notice to the other party.

**9. Conflicts between Parties.** The parties recognize that each party is a distinct legal entity, and from time to time, their positions on items of mutual concern may differ. In the event of a conflict between the interests of the parties, either presently occurring or potential, YWA staff will cease Support Services related to the conflict and the TRLIA Executive Director and YWA General Manager, as advised by a respective Board Chair and/or agency counsel, will meet and confer in order to resolve the issue and develop a plan for staffing on that issue. In no case shall staff be required or expected to prioritize competing interests of the two parties.

**10. Indemnification.**

10.1. TRLIA shall indemnify, defend, protect and hold harmless YWA and its officers, employees, volunteers and agents, from and against any and all liability, losses, claims, damages, expenses, demands, and costs (including, but not limited to, attorney, expert witness and consultant fees, and litigation costs) arising out of a breach by TRLIA of its obligations under this Agreement.

10.2. YWA shall indemnify, defend, protect and hold harmless TRLIA, and its officers, employees, volunteers and agents, from and against any and all liability, losses, claims, damages, expenses, demands, and costs (including, but not limited to, attorney, expert witness and consultant fees, and litigation costs) arising out of a breach by YWA of its obligations under this Agreement, or any negligent acts, errors or omissions of YWA or its employees in performing or failing to perform the Support Services.

10.3. The parties' obligations under these indemnification provisions shall survive the termination of this Agreement.

**11. Notices.** All notices, bills, and payments shall be made in writing and may be given by personal delivery or by mail. Notices, bills, and payments sent by mail shall be addressed as follows:

To TRLIA:                    Three Rivers Levee Improvement Authority  
                                 1114 Yuba Street, Suite 218  
                                 Marysville, CA 95901

To YWA:                     General Manager  
                                 Yuba County Water Agency  
                                 1220 F Street  
                                 Marysville, CA 95901

and when so addressed, shall be deemed given upon deposit in the United States mail, postage prepaid. In all other instances, notices, bills, and payments shall be deemed given at the time of actual delivery. Changes may be made in the names and addresses of the person to whom notices, bills, and payments are to be given by giving notice in the manner set forth herein.

**12. Assignment.** This Agreement shall not be assigned by either party in whole or in part without the written consent of both parties.

**13. Entire Agreement.** This Agreement shall constitute the entire agreement between the parties and shall supersede any previous agreements, whether verbal or written, concerning the same subject matter. No modification of this Agreement shall be effective unless such modification is in writing and signed by both parties.

THREE RIVERS LEVEE  
IMPROVEMENT AUTHORITY

YUBA COUNTY WATER AGENCY

By: \_\_\_\_\_  
Sarb Atwal  
Board Chair

By: \_\_\_\_\_  
Nicholas Whittlesey, Jr.  
General Manager

Approved as to form:

Approved as to form:

*Andrea P. Clark.*

\_\_\_\_\_  
Andrea P. Clark  
General Counsel

\_\_\_\_\_  
Richard P. Shanahan  
General Counsel



# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

Office (530) 749-7841 Fax (530) 749-6990

December 6, 2022

TO: Three Rivers Levee Improvement Authority Board of Directors  
FROM: Kyle Morgado, Project Manager *KM/MW*  
SUBJECT: Amendment No. 13 to the Professional Services Agreement with Larsen Wurzel & Associates, Inc.

## **Recommended Action:**

Approve a 13<sup>th</sup> amendment (Attachment 1) to the agreement providing financial consulting services to TRLIA by Larsen Wurzel & Associates, Inc. (LWA) that adds an additional \$102,400 to the current agreement for grant closeout and other financial services through December 31, 2023. LWA's services include financial consulting services and support for the preparation of TRLIA's annual budget, annual audit, administration and financial closeout of various State Funding Agreements and support for the local funding mechanisms including the County's Three Rivers Levee Impact Fee and TRLIA's Mello-Roos CFD's. The Board's approval would authorize the Executive Director to sign and execute Amendment No. 13 once General Counsel has reviewed and approved.

## **Background:**

On May 1, 2010, TRLIA entered into an Agreement for Consulting Services, (Agreement) with Capitol Public Finance Group, LLC and on June 1, 2011 this agreement was assigned to Larsen Wurzel & Associates, Inc (formerly Seth Wurzel Consulting, Inc.) The contract currently provides a cumulative budget for services over the past 12 years of \$2,399,000 and, as of services provided through October 2022, a budget of approximately \$30,700 remains. There is a desire to amend the contract at this time to ensure continuity of services and further extend the agreement to provide ongoing services through December 2023.

## **Discussion:**

LWA's agreement was last amended in October 2022 to address additional services related to the RFMP Phase 3 work. This proposed amendment covers a different scope of work as described in the attached November 29, 2022 budget request letter from LWA. The last amendment addressing this scope of work was made in December 2021. The estimated level of work associated with the services at that time assumed that the closeout of TRLIA's grants would take place sometime in June 2022. The time frame and level of effort associated with the closeout work has taken longer than expected and as a result an additional amendment is needed to ensure that all of the original scope work can be performed through final closeout of the agreements in early 2023. This effort is needed to ensure that all of the final reimbursements from the Grants are received and TRLIA is able to respond to any inquiries from DWR related to the final retention release and reimbursement requests.

Further, after December 2021, an additional scope of work associated with the Plumas Lake Workout agreement was identified and additional budget is needed to support negotiations with

developers that are due reimbursements from future Levee Impact fees. Additional budget is needed to support finalizing reimbursements with these developers.

The Agreement is proposed to be amended to increase the contract amount by \$102,400 to allow the needed financial consulting services to be available to perform the following tasks through December 31, 2023 (see Attachment 2 Scope of Work dated November 29, 2022).

This additional budget is expected to be funded from the following sources:

<b>Scope of Work</b>	<b>Funding Source</b>
General Coordination, Budget Preparation and Audit Support	TRLIA Funds
FRLIP Grant Closeout – Final Retention and Reimbursement Request Support	TRLIA Funds
UYRLIP Grant Closeout – Final Retention and Reimbursement Request Support	TRLIA Funds
Goldfields UFRR Grant Admin and Closeout	Goldfields Grant Funds
FESSRO Grant(s) Administration	FESSRO Funding
Levee Impact Fee Program Ongoing Administration	Levee Impact Fee Funds
Regional Flood Management Plan Grant Administration	Regional Flood Management Plan Grant Funds
CFD Administration & Reporting	CFD Administration Funds

**Fiscal Impact:**

The agreement with LWA is a time and materials contract which means the tasks under this contract can be terminated, suspended, or minimized at any time. Agreements are in place with the State to cover a portion of this work. A portion of the levy of special taxes is available to fund the ongoing administration and reporting obligations of TRLIA CFD's. A portion of the Three Rivers Levee Impact Fee is available to fund the ongoing cost of administering the Levee Impact Fee Program and reimbursements with Developers. Based upon the budget associated with the Amendment:

- Approximately 38% of the cost would be funded by the State through various funding agreements;
- Approximately 32% would be covered through funding provided by the TRLIA CFD's and / or Levee Impact Fee program funds; and,
- Approximately 29% of the costs would be covered from available TRLIA funds or prior agreements with YWA.

**2 Attachments:**

1. Amendment No. 13
2. LWA Budget Augmentation Request & Scope of Work dated November 29, 2022

ATTACHMENT 1

AMENDMENT NO. 13

AGREEMENT FOR PROFESSIONAL SERVICES  
BETWEEN  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
AND  
LARSEN WURZEL & ASSOCIATES, INC.

THIS THIRTEENTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES is made as of the execution date set forth below by and between the Three Rivers Levee Improvement Authority, a California Joint Powers Authority (THREE RIVERS LEVEE IMPROVEMENT AUTHORITY), and LARSEN WURZEL & ASSOCIATES, INC. *formerly SETH WURZEL CONSULTING, INC.* (CONSULTANT).

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and CAPITOL PUBLIC FINANCE GROUP, LLC (an assignor of the AGREEMENT to the CONSULTANT) entered into an agreement on April 27, 2010 to provide professional consulting services ("AGREEMENT");

WHEREAS, Article C.24 of the AGREEMENT, states that modifications or amendments to the terms of the AGREEMENT shall be in writing and executed by both parties.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and CAPITOL PUBLIC FINANCE GROUP, LLC entered into THE FIRST AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on June 15, 2010 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY, CAPITOL PUBLIC FINANCE GROUP, LLC and SETH WURZEL CONSULTING, INC. entered into an ASSIGNMENT AGREEMENT assigning the AGREEMENT from CAPITOL PUBLIC FINANCE GROUP, LLC to SETH WURZEL CONSULTING, INC. on June 1, 2011.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and SETH WURZEL CONSULTING, INC. entered into THE SECOND AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on January 3, 2012 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, on August 1, 2013 SETH WURZEL CONSULTING, INC. changed its name to LARSEN WURZEL & ASSOCIATES, INC.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE THIRD AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on December 17, 2013 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE FOURTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on December 15, 2015 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE FIFTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on October 3, 2017 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE SIXTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on December 18, 2018 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE SEVENTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on October 15, 2019 amending both the term and base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE EIGHTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on September 28, 2020 amending the base contract fee of the AGREEMENT.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and LARSEN WURZEL & ASSOCIATES, INC. entered into THE NINTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES on January 20, 2021 amending the base contract fee of the AGREEMENT.

WHEREAS, TRLIA AND CONSULTANT entered into the TENTH AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES on October 21, 2021 amending the base contract fee of the AGREEMENT.

WHEREAS, TRLIA AND CONSULTANT entered into the ELEVENTH AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES on August 2, 2022 amending the base contract fee of the AGREEMENT.

WHEREAS, TRLIA AND CONSULTANT entered into the TWELFTH AMENDMENT TO THE AGREEMENT FOR CONSULTING SERVICES on October 4, 2022 amending the base contract fee of the AGREEMENT and adding RFMP Phase 3 related services.

WHEREAS, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and CONSULTANT desire to further extend the term and budget of the Agreement;

NOW, THEREFORE, THREE RIVERS LEVEE IMPROVEMENT AUTHORITY and CONSULTANT agree to as follows;

- 1. APPENDIX A TO ATTACHMENT A, SCOPE OF WORK AND BUDGET.** Appendix A to Attachment A, Scope of Work, Sections 3 - Proposed Schedule and 4 – Proposed Budget and Payment shall be amended to reflect the amended Sections 3 and 4 to the Scope of Work and Budget described in **Attachment A** attached to this THIRTEENTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES.



2. **ATTACHMENT B, ARTICLE B.1, BASE CONTRACT FEE.** Article B.1 shall be revised to increase the maximum not to exceed total contract fee of the Agreement by \$102,400 from \$2,399,000 to \$2,501,400.

All other terms and conditions contained in the AGREEMENT shall remain in full force and effect.

This THIRTEENTH AMENDMENT TO AGREEMENT FOR CONSULTING SERVICES is hereby executed on this \_\_\_\_\_ day of \_\_\_\_\_ 2022.

THREE RIVERS LEVEE  
IMPROVEMENT AUTHORITY

LARSEN WURZEL & ASSOCIATES, INC.

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Kevin Mallen  
Executive Director

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Seth Wurzel  
President

ATTEST:  
MARY PASILLAS  
BOARD CLERK

APPROVED AS TO FORM:  
ANDREA P. CLARK  
THREE RIVERS LEVEE IMPROVEMENT  
GENERAL COUNSEL

*Andrea P. Clark.*



LARSEN WURZEL  
& Associates, Inc.

November 29, 2022

VIA EMAIL

Kevin Mallen, PE  
Three Rivers Levee Improvement Authority  
Executive Director  
1114 Yuba Street, Suite 218  
Marysville, CA 95901  
Email: [kmallen@co.yuba.ca.us](mailto:kmallen@co.yuba.ca.us)

**RE: Budget and Scope Augmentation Request for Financial Management Support (LWA #11100)**

Dear Mr. Mallen:

Larsen Wurzel & Associates, Inc. (LWA) very much appreciates the opportunity to work with the Three Rivers Levee Improvement Authority (TRLIA) on its flood risk reduction program. Staff from LWA has been working with TRLIA since 2005 providing support for ongoing financial management and administration of the Authority's funding programs.

LWA's services include providing financial and administrative support and well as public finance consulting services for the following:

- Administration of multiple grants from the State across various grant programs;
- Administration of the Agency's local funding programs including a development impact fee program, multiple Mello-Roos Community Facilities Districts (CFD's) and a companion Advance Funding and Fee Credit & Reimbursement program;
- The annual preparation and adoption of the Agency's budget and support for the Agency's annual Financial Audit;
- Support for the preparation of Regional Flood Management Planning program deliverables.

The ongoing support for the above-listed aspects of TRLIA's programs has included support for the wind down of the local funding program including support for the Plumas Lake Workout Agreement the scope of which remains ongoing.

To provide ongoing support over the years, LWA's contract limit has generally been increased through an amendment on an annual or bi-annual basis based on an estimate of the level of effort



needed to support the Authority over the term of the increase. The last increase to LWA's contract for ongoing administrative support took place in October 2021. The expectation at that time was that the augmentation would allow LWA to provide continued financial management and administrative support services based upon an estimate at the time of how long certain services would be needed. The expectation at that time was that closeout activities related to TRLIA FRLIP and UYRLIP Grants regarding would extend through June 2022, ongoing support activities including the levee impact fee and CFD programs would need support through December 2022, and other general financial and administrative support would extend through the contract term which was set at December 2023.

The services provided by LWA since December 2021 have exceeded the level of effort estimated in October 2021. This is due primarily to the following two factors:

- The Plumas Lake Workout Agreement efforts have resulted in more work than previously budgeted. Specifically, the efforts associated preparing and coordinating settlement agreement payments due to certain developers has taken more time and effort than originally estimated. This is primarily due to the fact that the scope of resolving the issue identified in late 2021 was not easily defined. LWA has been coordinating with the County and Water Agency through November and the expectation now is that the issue will be resolved by end of Q3 of FY 2022/23.
- The closeout related efforts associated with the FRLIP and UYRLIP Projects have taken more time than expected. LWA has been working closely with MBK and other team members to execute the plans for closeout of the funding agreements. The original expectation was that the work would be completed by June 2022, however, through closeout coordination and resolution of identified issues, the effort to submit all documentation has been extended through December 2022. It is also expected that LWA will continue to coordinate with DWR on their review of submitted documentation into early 2023.

To continue to provide services through December 2023, an augmentation to LWA's current approved budget is needed at this time. TRLIA has requested that LWA provision for services through Fiscal Year 2023/24 (June 2024). LWA's ongoing support services through Fiscal Year 2023/24 would include:

- Ongoing administration and the final closeout of multiple grants with the State across TRLIA's various grant programs;
- Ongoing administration of the Agency's Mello-Roos Community Facilities Districts (CFD's) including;
  - Preparation and submission of the annual special tax rolls for the required annual levy of special taxes;

- Ongoing support for property owner and/or bond owner inquiries related to the CFD's and special taxes;
- Annual Municipal Securities Rulemaking Board ("MSRB") continuing disclosure compliance reporting including the preparation and posting of the CFD's Annual Continuing Disclosure Report to the MSRB's the Electronic Municipal Market Access ("EMMA") system;
- Annual California Debt and Investment Advisory Commission reporting which includes Annual Debt Transparency (SB 1029) Reporting and Mello-Roos Yearly Fiscal Status Reporting.
- Ongoing support for the administration of the Three Rivers Levee Impact Fee program and the full resolution of the Plumas Lake Workout Agreement; and,
- Support for annual preparation and adoption of the Agency's budget as well as its Annual Financial Audit.

LWA has prepared an estimate of the budget augmentation needed to support ongoing TRLIA efforts as identified above. The duration of the efforts varies and is dependent upon the specific scope of work. The timeframes for support are indicated in the matrix below. This estimated level of effort is based in part on the previous level of efforts expended over the course of the last year and is also informed by an understanding of the time frame needed to complete the closeout of some of the grant efforts nearing completion.

<b>Staff Member</b>	<b>Wurzel</b>	<b>McClean</b>	<b>Lee</b>	<b>Estimated</b>	<b>Estimated</b>	
<b>Position</b>	<b>Principal</b>	<b>Assoc. Eng.</b>	<b>Associate I</b>	<b>Monthly Cost</b>	<b>Months</b>	<b>Budget</b>
<b>Hourly Rate</b>	<b>\$260</b>	<b>\$195</b>	<b>\$183</b>			
<b>Related Scope of Work</b>	<i>Estimated Monthly Hours</i>					
General Coordination, Budget Preparation and Audit Support	3	3	0	\$1,400	6	\$8,400
FRLIP Grant Administration and Closeout	2	16	0	\$3,600	3	\$10,800
UYRLIP Grant Administration and Closeout	2	16	0	\$3,600	3	\$10,800
Goldfields UFRR Grant Admin and Closeout (Prop 1 E Portion)	2	8	0	\$2,100	6	\$12,600
FESSRO Grant(s) Administration	1	12	0	\$2,600	2	\$5,200
Levee Impact Fee Program Ongoing Administration	16	0	0	\$4,200	3	\$12,600
Regional Flood Management Plan Grant Administration	8	8	0	\$3,600	6	\$21,600
CFD Administration & Reporting	1	0	8	\$1,700	12	\$20,400
<b>Total</b>						<b>\$102,400</b>

The attached scope of work details the amended scope of work and budget to be provided under the proposed amended agreement. The above estimated budget augmentation would increase the existing contract limit of \$2,399,000 by \$102,400 to \$2,501,400.

The term of the current engagement is currently set to December 31, 2023, however, the existing budget only provisioned for services through December 31, 2022. The proposed amended budget detailed herein would align the budget with current term of the agreement.

Please let me know if you have any questions or comments on the attached scope of services and associated budget estimate. We appreciate the opportunity to assist you with advancing flood risk reduction efforts in Yuba County.

Sincerely,



Seth Wurzel, CGFM  
Larsen Wurzel & Associates, Inc.

cc: (via e-mail)

Kyle Morgado, PE [kmorgado@yubawater.org](mailto:kmorgado@yubawater.org)

Sean Powers, [spowers@co.yuba.ca.us](mailto:spowers@co.yuba.ca.us)

**Attachments:**

**Exhibit A:** Attachment A to Thirteenth Amendment Services and Budget Amendment

**Exhibit B:** 2023 Hourly Rate Schedule

## **Attachment A to Thirteenth Amendment**

### **Scope of Work and Budget**

Sections 3 and 4 of the approved Scope of Work and Budget are hereby modified as follows. All other terms within the Scope of Work and Budget shall remain unchanged.

#### **4. Proposed Budget and Payment**

The work defined in the scope of this proposal will be performed on a time-and-materials basis up to a specific maximum amount.

The total budget to provide all work for the listed scope of work for the contract period is \$2,501,400, which includes this amendment for \$102,400. This is CONSULTANT's estimate of the amount of budget that may be required to perform the above-listed scope of work. With this type of work, a moderate level of uncertainty is inherent, and this uncertainty is reflected in this budget. Consequently, the estimated budget may be in excess of or under the funds required to perform the requested work.

CONSULTANT will charge for services on a direct-cost (hourly billing rates plus direct expenses), not-to-exceed basis; therefore, CONSULTANT will bill only for the work completed up to the authorized budget amount. CONSULTANT's hourly billing rates are included within **Exhibit A** attached hereto and are effective as indicated within Exhibit A.

If additional work is required or requested, CONSULTANT will request authorization for additional budget with the understanding that terms would be negotiated in good faith. It is expected that this budget may be increased on an as-needed basis through a contract amendment process.

CONSULTANT will send request for payment to TRLIA on a monthly basis after the completion of services.

Request for payment will be sent to the following address:

County of Yuba  
Auditor Controller  
915 8<sup>th</sup> Street, Suite 105  
Marysville, CA 95901  
Attn: TRLIA

Proper Cost Coding of time expended will be indicated on all requests for payment



Separate Invoices will be issued for the following groups of related tasks:

- TRLIA Funding Agreement Administrative and General Support Services
  - FRLIP
  - UYRLIP
  - UFRR Goldfields
  - FESSRO
  - Hallwood
  - General Overhead related items (Budget and Audit Support)
- Three Rivers Levee Impact Fee and Credit & Reimbursement related tasks
- TRLIA CFD Administrative support Services
- Feather River Regional Flood Management Plan Related Services

*(Additional separate invoices may be issued as needed to properly segregate and track costs.)*

**RESOLUTION NO. 2022-\_\_**

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF THREE RIVERS  
LEVEE IMPROVEMENT AUTHORITY PURSUANT TO THE BROWN ACT**

WHEREAS, the Three Rivers Levee Improvement Authority (“Authority”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Authority are open and public, as required by the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (“Brown Act”), so that any member of the public may attend, participate, and watch the Authority’s legislative body conduct its business; and

WHEREAS, Assembly Bill 361 added Government Code section 54953(e) to make provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, such conditions now exist within the Authority , specifically, on March 4, 2020, Governor Gavin Newsom proclaimed a State of Emergency to exist in California due to the threat of COVID-19; despite sustained efforts, the virus continues to spread and has impacted nearly all sectors of California; and

WHEREAS, it is further required that state or local officials have imposed or recommended measures to promote social distancing, or, the legislative body determines that meeting in person would present imminent risks to the health and safety of attendees; and

WHEREAS, the Board of Directors previously adopted a Resolution, number 2021-08 on October 19, 2021, finding that the requisite conditions existed for the Authority to conduct remote teleconference meetings without compliance with paragraph (3) of subdivision (b) of section 54953; and

WHEREAS, as a condition of extending the use of the provisions found in Section 54953(e), the Board of Directors must reconsider the circumstances of the state of emergency that exists in the Authority ; and

WHEREAS, such conditions persist in the Authority, specifically, the March 4, 2020 State of Emergency Proclamation remains active in California due to the continued threat of COVID-19; and

WHEREAS, the Board of Directors does hereby find that meeting in person would present imminent risks to the health or safety of attendees; and

WHEREAS, the Board of Directors does hereby find that the Authority shall continue to conduct its meetings without compliance with paragraph (3) of subdivision (b) of Government Code section 54953, as authorized by subdivision (e) of section 54953, and that the Board shall comply with the requirements to provide the public with access to the meetings as prescribed in paragraph (2) of subdivision (e) of section 54953; and

WHEREAS, all meeting agendas, meeting dates, times, and manner in which the public may participate in the public meetings of the Authority and offer public comment by telephone or internet-based service options including video conference are posted on the District website and physically outside of the Authority office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF THREE RIVERS LEVEE IMPROVEMENT AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

Section 1. Recitals. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.

Section 2. Risks to Health and Safety of Attendees. The Board has reconsidered the conditions of the State of Emergency and hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. Authority staff are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution, including conducting open and public meetings in accordance with Government Code section 54953(e) and other applicable provisions of the Brown Act.

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Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) January 5, 2023, or such time the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953(e)(3) to extend the time during which the Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Three Rivers Levee Improvement Authority, this 6th day of December 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chairperson

ATTEST:  
CLERK OF THE BOARD

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APPROVED AS TO FORM:

*Andrea P. Clark.*

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Andrea P. Clark, General Counsel, TRLIA





# THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

1114 Yuba Street, Suite 218

Marysville, CA 95901

Office (530) 749-7841 Fax (530) 749-6990

December 6, 2022

**TO:** Three Rivers Levee Improvement Authority Board  
**FROM:** Kevin Mallen, Executive Director *kmf*  
Andrea Clark, Agency Counsel  
**SUBJECT:** Resolution No. 2022-xx Declaring that Certain Property is Surplus Land and Not Necessary for TRLIA's Use

## **Recommended Action:**

Staff recommends that the Three Rivers Levee Improvement Authority (TRLIA) Board approve and adopt Resolution No. 2022-xx Declaring that Certain Property is Surplus Land not Necessary for TRLIA's Use.

## **Background:**

TRLIA owns a parcel on the water side of the new Goldfields levee that it purchased in 2019 as part of the Goldfields Project (APN No. 018-180-085, also known as the "Nunes" property) ("Property"). The property was utilized during construction of the Goldfields levee for purposes including levee construction, retention basin creation, construction staging, borrow excavation and creation of maintenance corridors.

## **Discussion:**

Prior to disposing (selling or leasing) of real property, local agencies are generally required to comply with the noticing procedures of the SLA or determine that the property is exempt from such requirements. (Gov. Code, § 54222.) Since its enactment in 1968, the SLA has required local agencies to prioritize affordable housing, as well as parks and open space, when selling or leasing land surplus to an agency's needs. "Local agencies" are broadly defined under the SLA to include counties as well as districts, joint powers authorities, and any other political subdivisions of the State. (Gov. Code, § 54221(a)(1).)

Section 54221(b)(1) of the SLA defines "surplus land" as "land owned in fee simple by any local agency for which the local agency's governing body takes formal action in a regular public meeting declaring that the land is surplus and is not necessary for the agency's use." Land must be declared either "surplus land" or "exempt surplus land," as supported by written findings, before a local agency may take action to dispose of it consistent with that agency's policies or procedures.

Once an agency declares land surplus, it must provide a Notice of Availability to certain entities to gauge interest in a purchase for purposes of affordable housing or open space/recreation. The agency must wait 60 days for any responses; if no responses are made within 60 days, the agency may dispose of the property however it wishes. If a notice of interest is received, the agency must negotiate in good faith on price and terms.

Because the Property is on the water side of the new Goldfields levee, TRLIA will require as a term in any sale, whether in the Surplus Land Act process or not, that it be encumbered by a flowage right. This will effectively restrict the Property from any residential use into the future.

**Fiscal Impact:**

None.

**Attachments:**

1. Resolution 2022-xx & Exhibit A

**RESOLUTION NO. 2022-\_\_**

**A RESOLUTION BY THE BOARD OF DIRECTORS OF  
THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
DECLARING THAT CERTAIN REAL PROPERTY IS SURPLUS  
AND NOT NECESSARY FOR TRLIA'S USE**

**WHEREAS**, the Three Rivers Levee Improvement Authority ("TRLIA") is the owner in fee simple of that certain real property located in Yuba County, APN 018-180-085 ("Property"); and

**WHEREAS**, the Surplus Land Act (Gov. Code, §§ 54220 et seq.) ("Act") establishes a specific process local agencies must follow prior to disposing of surplus land, which includes declaring the land is surplus, providing written notice of availability to certain entities, and negotiating in good faith with entities that submit timely responses; and

**WHEREAS**, the Act defines surplus land as land owned in fee simple by a local agency for which the agency takes formal action in a regular public meeting declaring that the land is surplus and not necessary for the agency's use; and

**WHEREAS**, TRLIA purchased the Property in 2019 as part of TRLIA's 200-Year Goldfields Levee Project for purposes including levee construction, retention basin creation, construction staging, borrow excavation, creation of maintenance corridors and removal of the residential structure from the floodway. TRLIA no longer has a project-related need for the parcel; and

**WHEREAS**, the TRLIA Board of Directors desires to declare that the Property is surplus land, is not necessary for the Authority's use, and may be disposed of in accordance with the Act and other applicable requirements.

**NOW, THEREFORE, BE IT RESOLVED THAT:**

1. The Board hereby finds and determines that the foregoing recitals are true and correct.
2. For the reasons described above which constitute written findings for purposes of this Resolution, the Board hereby declares that the Property is not necessary for TRLIA's use and is surplus land as defined in the Act.
3. TRLIA staff are authorized and directed to prepare and transmit a Notice of Availability of the Property to the entities entitled to such notice, to the extent required by the Act.
4. TRLIA staff are authorized to do all things necessary or proper to effectuate the purposes of this Resolution. Such actions include, but are not limited to, negotiating in good faith in accordance with, and subject to the requirements of, the Act with any entities that timely submit a written notice of interest to purchase the Property.

**PASSED AND ADOPTED** this \_\_\_\_\_ day of December, 2022, by the Board of Directors of Three Rivers Levee Improvement Authority by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

\_\_\_\_\_  
Chairperson

ATTEST: MARY PASILLAS  
CLERK OF THE BOARD

\_\_\_\_\_

APPROVED AS TO FORM: GENERAL COUNSEL  
ANDREA P. CLARK

*Andrea P. Clark.*

\_\_\_\_\_

**EXHIBIT A**  
**LEGAL DESCRIPTION**

THE LAND REFERRED TO HEREIN BELOW IS SITUATED IN THE CITY OF MARYSVILLE UNINCORPORATED AREA OF THE COUNTY OF YUBA, STATE OF CALIFORNIA, AND IS DESCRIBED AS FOLLOWS:

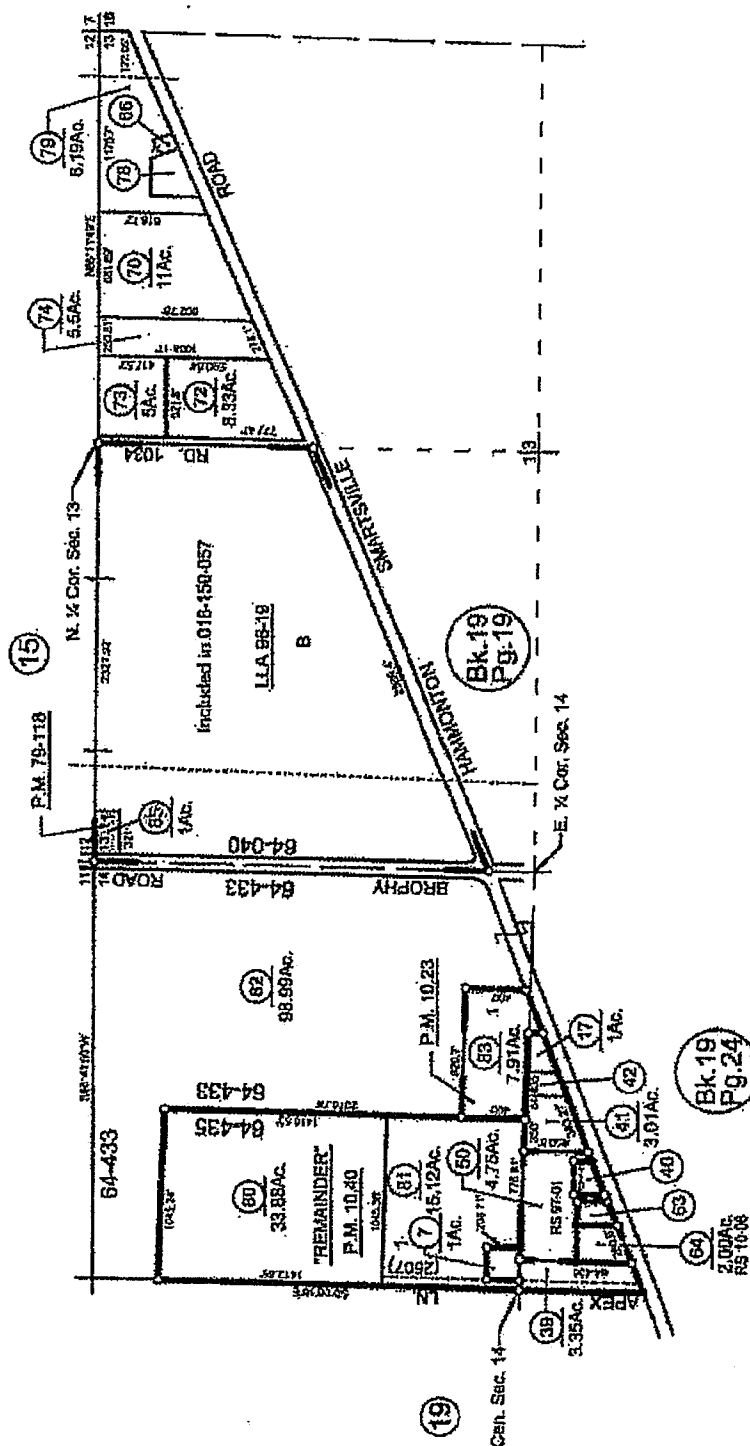
PARCEL 1 AS SHOWN UPON THAT CERTAIN PARCEL MAP NO. 79-118, FILED IN THE YUBA COUNTY RECORDER'S OFFICE ON APRIL 25, 1980 IN BOOK 32 OF MAPS, PAGE 22, YUBA COUNTY OFFICIAL RECORDS.

APN: 018-180-085

# POR. SEC. 13 & 14, T.15N., R.4E., M. D. B. & M.

Tax Area Code  
64-040  
64-435  
64-433

1



Formerly Pin 12  
NOTE - Assessor's Block Numbers Shown  
Assessor's Parcel Numbers Shown

Assessor's Map Bk. 18,  
County of Yuba, Ca  
Year - 6/73

06/19

R.S. - Bk. 97, Pg. 01 (R.O.S 15-01)  
R.S. - Bk. 32, Pg. 22 (Parcel Map 79-118) (L.L.A. 96-19)  
R.S. - Bk. 28, Pg. 42 (Parcel Map 10.23)  
R.S. - Bk. 28, Pg. 27 (Parcel Map 10.40)  
R.S. - Bk. 10, Pg. 6 (R.O.S.)

NOTE: This map was prepared for assessment purposes only, and is not intended to illustrate legal building sites or establish precedence over local ordinances. Official information concerning sites or use of any parcel should be obtained from recorded documents and local government.