



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

SEPTEMBER 3, 2024 – TIME 2:30 P.M.

AGENDA

HYBRID MEETING IN PERSON AND VIA ZOOM

CALL TO ORDER: Welcome to the Three Rivers Levee Improvement Authority (TRLIA) meeting. As a courtesy to others, please turn off cell phones or other electronic devices which might disrupt the meeting. Thank you.

The meeting information for the public is as follows:

In person meeting: The board meeting will be open to in-person attendance.

Zoom meeting: The Board proceedings are available via Zoom and you may participate in Public Comment by using the “raise hand” function.

Notice of Hybrid Meeting: As a courtesy only, the board is making the meeting available by Zoom and teleconference for those who cannot attend in person. The unexpected loss of connection to the video or teleconference will not result in cancellation of the hybrid meeting. Zoom provides a teleconference dial-in phone number for every videoconference meeting for those who want to participate by telephone only. Citizens with items before the board should be personally present to ensure they will have an opportunity to comment on or present their items of concern to the Board.

Join Zoom Meeting

<https://us02web.zoom.us/j/89353663372>

Meeting ID: 893 5366 3372

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

1 669 900 9128 US (San Jose)

1 346 248 7799 US (Houston)

Meeting ID: 893 5366 3372

Any member of the public on the telephone may speak during Public Communications.

I **ROLL CALL** – Directors Atwal, Bradford, Hastey, Vasquez

II **CONSENT ITEM**

A. Approve meeting minutes of August 6, 2024.

III **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.

IV **ACTION ITEMS**

A. Ordinance – Public Hearing, hold public hearing, waive second reading and adopt ordinance repealing and re-enacting Ordinance No.5 updating public access and rules of conduct in the Feather River Levee Setback Area (FRLSA). (Roll Call Vote)

- B. Consider one application received from Doug Lofton for the Three Rivers Levee Improvement Authority At-Large Director vacancy, and authorize Chair to proceed as directed.

V **BOARD /STAFF REPORTS**

VI **CLOSED SESSION**

- A. Discussion on Resolution of Necessity

VII **ADJOURN**

The complete agenda, including backup material, is available at the Yuba County Government Center, 915 8th Street, Suite 109, the County Library at 303 Second Street, Marysville, and 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.

If you choose not to attend the Three Rivers Levee Improvement Authority meeting but wish to make a comment on a specific agenda item, please submit your comment via email by 5:00 p.m. on the Monday prior to the Board meeting. Please submit your comment to the Clerk of the Board at clerkoftheboard@co.yuba.ca.us. Your comment will be placed into the record at the Board meeting

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

AUGUST 6, 2024

MINUTES

Call to order 2:30 p.m. with a quorum being present as follows: Directors Sarbdeep Atwal, Gary Bradford, and Andy Vasquez. Also present were Executive Director Kevin Mallen, General Counsel Andrea Clark via Zoom, and Board Clerk Natalie Allen. Vice Chair Vasquez presided.

I ROLL CALL – Directors Atwal, Bradford, Hastey, Ledbetter, Vasquez – Directors Hastey and Ledbetter were absent

II CONSENT ITEM

A. Approve meeting minutes of June 20, 2024.

MOTION: Move to approve

MOVED: Sarbdeep Atwal SECOND: Gary Bradford

AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez

NOES: None

ABSENT: Brent Hastey, Gary Ledbetter

ABSTAIN: None

Approved via unanimous Vote

III PUBLIC COMMUNICATIONS: None

IV ACTION ITEM

2:30 P.M. FINAL BUDGET HEARING FISCAL YEAR 2024-2025

Executive Director Kevin Mallen provided a brief recap.

Vice Chair Vasquez opened the Public Hearing. No one came forward.

A. Executive Director: Present recommendations for Fiscal Year 2024-25 Final Budget.

B. Board of Directors: Consider and discuss Fiscal Year 2024-2025 Budget.

C. Public Communication: Receive public comments. Comments will be limited to five minutes per individual or group and may address only those items so identified with Final Budget Hearing.

D. Board of Directors: Provide Direction to staff and take action as appropriate for Fiscal Year 2024-2025 Final Budget.

Vice Chair Vasquez closed the Public Hearing.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

- A. Ordinance – Public Hearing, hold public hearing, waive reading and introduce ordinance repealing and re-enacting Ordinance No.5 updating public access and rules of conduct in the Feather River Levee Setback Area (FRLSA). Executive Director Kevin Mallen provided a PowerPoint presentation recapping the following, and responded to Board inquiries:
- Creation of Feather River Levee Setback Area
 - Recap of Three Rivers Levee Improvement Area Ordinance No. 5
 - Yuba County Ordinance No. 1634 creating Chapter 8.110
 - Amendments to Three Rivers Levee Improvement Authority Ordinance No. 5

Vice Chair Vasquez opened the Public Hearing. No one came forward.

Vice Chair Vasquez closed the Public Hearing.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Roll Call Vote

- B. Ratify Executive Director's signature and approve amendment No.2 to the agreement with David T. Williams and Associates, Engineers, LLC increasing the amount by \$10,000. for continued services. Program Manager Sami Nall provided a brief recap of the amendments with David T. Williams, Gannett Fleming and Geosyntec Consultants.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

- C. Ratify Executive Director's signature and approve amendment No.2 to the agreement with Gannett Fleming extending the contract term date to June 30, 2025 with no fiscal impact for this amendment.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

- D. Ratify Executive Director's signature and approve amendment No.4 to the agreement with Geosyntec Consultants increasing the amount by \$10,000. and extending the contract term date to June 30, 2025.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

- E. Ratify Executive Director's signature and approve amendment No.16 to the agreement with Larsen Wurzel & Associates, Inc. increasing the amount by \$19,400. and extending the contract term date to June 30, 2025. Program Manager Sami Nall provided a brief recap.

MOTION: Move to approve
MOVED: Gary Bradford SECOND: Sarbdeep Atwal
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

- F. Approve amendment No.9 to the agreement with Sacramento Valley Conservancy (SVC) increasing the base contract amount by \$14,000., and authorize Executive Director to execute.

MOTION: Move to approve
MOVED: Sarbdeep Atwal SECOND: Gary Bradford
AYES: Sarbdeep Atwal, Gary Bradford, Andy Vasquez
NOES: None
ABSENT: Brent Hastey, Gary Ledbetter
ABSTAIN: None

Approved via unanimous Vote

V BOARD/STAFF REPORTS

Director Bradford:

- Tax decrease given to residents through Three Rivers Levee Improvement Authority and Yuba Water Agency

Executive Director Kevin Mallen:

- Potential resignation from Director Ledbetter

VI ADJOURNED at 2:47 p.m.

Chair

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

Approved: _____



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

915 8th Street, Suite 115

Marysville, CA 95901

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

September 3, 2024

TO: Three Rivers Levee Improvement Authority Board

FROM: Kevin Mallen, Executive Director

SUBJECT: Hold public hearing, waive second reading, and adopt Ordinance repealing and reenacting Ordinance No. 5

Recommended Actions

Hold public hearing, waive second reading, and adopt Ordinance repealing and reenacting Ordinance No. 5 in order to update public access and rules of conduct on TRLIA lands in the Feather River Levee Setback Area (FRLSA).

Background

In 2016 the TRLIA Board of Directors adopted Ordinance No. 5 which set public access and rules of conduct in the Feather River Levee Setback Area.

Discussion

Over the years, the rural nature of the FRLSA has continued to become an issue for the County, TRLIA and RD 784. Due to the lack of enforcement authority, the original ordinance that was adopted by the board in 2016 has been non-enforceable by law enforcement.

On July 9, 2024, the Yuba County Board of Supervisors adopted ordinance number 1694 which established chapter 8.110 of the Yuba County Ordinance Code. This new ordinance established a set of rules and regulations for the FRLSA, that of which is enforceable by law enforcement, and is set to go into effect August 9, 2024.

One of the main regulations that affects TRLIA is that property owners whose lands lie inside the FRLSA, that allow public access, must designate locations, routes, times and uses that align with Yuba County Ordinance. Discussions with both the public and private stakeholders have concluded that continued public access to the Feather River through TRLIA owned land is desired. The recommended public access locations, routes and parking areas have been identified in Exhibit "A".

Furthermore, Ordinance No. 6 updates the rules of conduct on TRLIA owned land, which align with the County's ordinance, and gives the authority to the Board of Directors to restrict or repeal public access at any time in the future if the Board chooses to do so.

Fiscal Impact

Annual costs are currently unknown and will be addressed through the annual budget process each year.

Up front costs for grading, signage, and labor are anticipated, and are already budgeted for FY 2024-2025.

Attachment

1. TRLIA Ordinance No. 6 (Exhibit "A" & Exhibit "B")

ORDINANCE NO. 6

AN ORDINANCE REPEALING AND REENACTING ORDINANCE NO. 5 OF THE BOARD OF DIRECTORS OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY (TRLIA) IN ORDER TO UPDATE PUBLIC ACCESS AND RULES OF CONDUCT ON TRLIA LANDS IN THE FEATHER RIVER LEVEE SETBACK AREA

Pursuant to the powers contained in and referenced by the Joint Exercise of Powers Agreement by and between the County of Yuba and Reclamation District No. 784, the Board of Directors of the Three Rivers Levee Improvement Authority (“TRLIA”) hereby repeals in its entirety Ordinance No. 5 that was passed and adopted on September 27, 2016 and ordains the following to replace and update the rules of conduct and public access on TRLIA owned lands in the Feather River Levee Setback Area:

SECTION 1

Public Access to Feather River Setback Area. TRLIA owns in fee title certain portions of the Feather River Levee Setback Area described more specifically and attached hereto and incorporated by reference as Exhibit A of this Ordinance, and hereby allows the public limited access as designated in Exhibit A consistent with the limitations set forth in this Ordinance and Chapter 8.110 of the Yuba County Ordinance Code - Feather River Levee Setback Area. Such access can be restricted or repealed at any time in the future for any reason through a future action of the TRLIA Board of Directors.

TRLIA Designated Public Access Areas. Public access across on TRLIA owned lands in the Feather River Setback Area are depicted in Exhibit A and described in more detail below:

1. Country Club Route: Beginning at the end of the County maintained Country Club Road, crossing over the Feather River Levee operated and maintained by Reclamation District 784 and continuing to the west to the western boundary of TRLIA owned land. Public utilizing this access route may do so at a speed not to exceed 15 miles per hour and utilizing motorized vehicles that are licensed and street legal, non-motorized conveyance, electric bicycles, or as pedestrians. No parking allowed along this route, except in the TRLIA designated parking locations as depicted in Exhibit A. No camping allowed at TRLIA designated parking locations.
2. TRLIA Western Boundary Route: This route is generally the footprint of the former location of the Feather River levee. Beginning at the TRLIA designated parking area at the western terminus of the Country Club Route, continue north or south along the

designated route; northerly to a TRLIA designated parking location that is approximately 14,000 feet (2.7 miles) north of the parking area at the end of the Country Club Route and southerly to a TRLIA designated parking location that is approximately 6,000 feet (1.1 miles) south of the parking area at the end of the Country Club Route. Public utilizing this access route may do so at a speed not to exceed 15 miles per hour and utilizing motorized vehicles that are licensed and street legal, non-motorized conveyance, electric bicycles, or as pedestrians. No parking allowed along this route, except in the TRLIA designated parking locations as depicted in Exhibit A. No camping allowed at the TRLIA designated parking locations.

3. TRLIA Public Open Space Area: To the west of the parking area located at the northern terminus of the TRLIA Western Boundary Route is TRLIA owned land approximately 185 acres in size and identified as Yuba County APN 014-250-028, and Sutter County APN 023-180-07 and 023-180-09. The parcel is generally bounded by the Feather River on the west and the TRLIA Western Boundary Route on the east, City of Yuba City sewer ponds on the north and State lands on the south. A complete legal description of the public open space area is referenced in Exhibit B. This TRLIA owned land is available for public uses consistent with Chapter 8.110 of the Yuba County Ordinance Code and conveyance via non-motorized conveyance, electric bicycles, and pedestrians at a speed not to exceed 15 miles per hour. No camping allowed in this area.

Rules of Conduct Associated with Access. In addition to the rules governing the public's use of the Feather River Levee Setback Area contained in Chapter 8.110 of the Yuba County Ordinance Code and incorporated herein by reference, TRLIA has developed the following additional rules associated with the public's use of TRLIA owned lands:

1. The public enters TRLIA owned land, including designated routes and parking areas, at their own risk.
2. The public must avoid damage to levees and abide by Chapter 9.35 of the Yuba County Ordinance Code, Regulation of Travel on Levees.
3. The public is only allowed on TRLIA lands on the designated routes, parking areas, and locations identified in this Ordinance and use must be consistent with Chapter 8.110 of the Yuba County Ordinance Code. All other TRLIA lands are for non-public access purposes including but not limited to farming, environmental conservation banks, other environmentally sensitive areas, and flood control purposes.

SECTION 2

This Ordinance shall take effect and be in force as of thirty (30) days after the date of its passage. Before the expiration of fifteen (15) days after the passage of this Ordinance, it or a summary of it shall be published once, with the names of the members of the Board of Directors voting for and against the Ordinance in a newspaper of general circulation in the County of Yuba.

SECTION 3

If any section, subsection, sentence, clause, or phrase of this ordinance is for any reason held to be unconstitutional and invalid, such decision shall not affect the validity of the remaining portion of this ordinance. The Board of Directors hereby declares that it would have passed this ordinance and every section, subsection, sentence, clause or phrase thereof, irrespective of the fact any one or more sections, subsections, sentences, clauses or phrases be declared unconstitutional.

PASSED, APPROVED and ADOPTED by the Board of Directors of the Three Rivers Levee Improvement Authority, State of California, this _____ day of _____, 2024, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

CHAIRPERSON

ATTEST: MARY PASILLAS, SECRETARY

APPROVED AS TO FORM:
ANDREA P. CLARK, COUNSEL

Andrea P. Clark.

EXHIBIT 'A'

YUBA COUNTY FEATHER RIVER LEVEE SETBACK AREA MAP

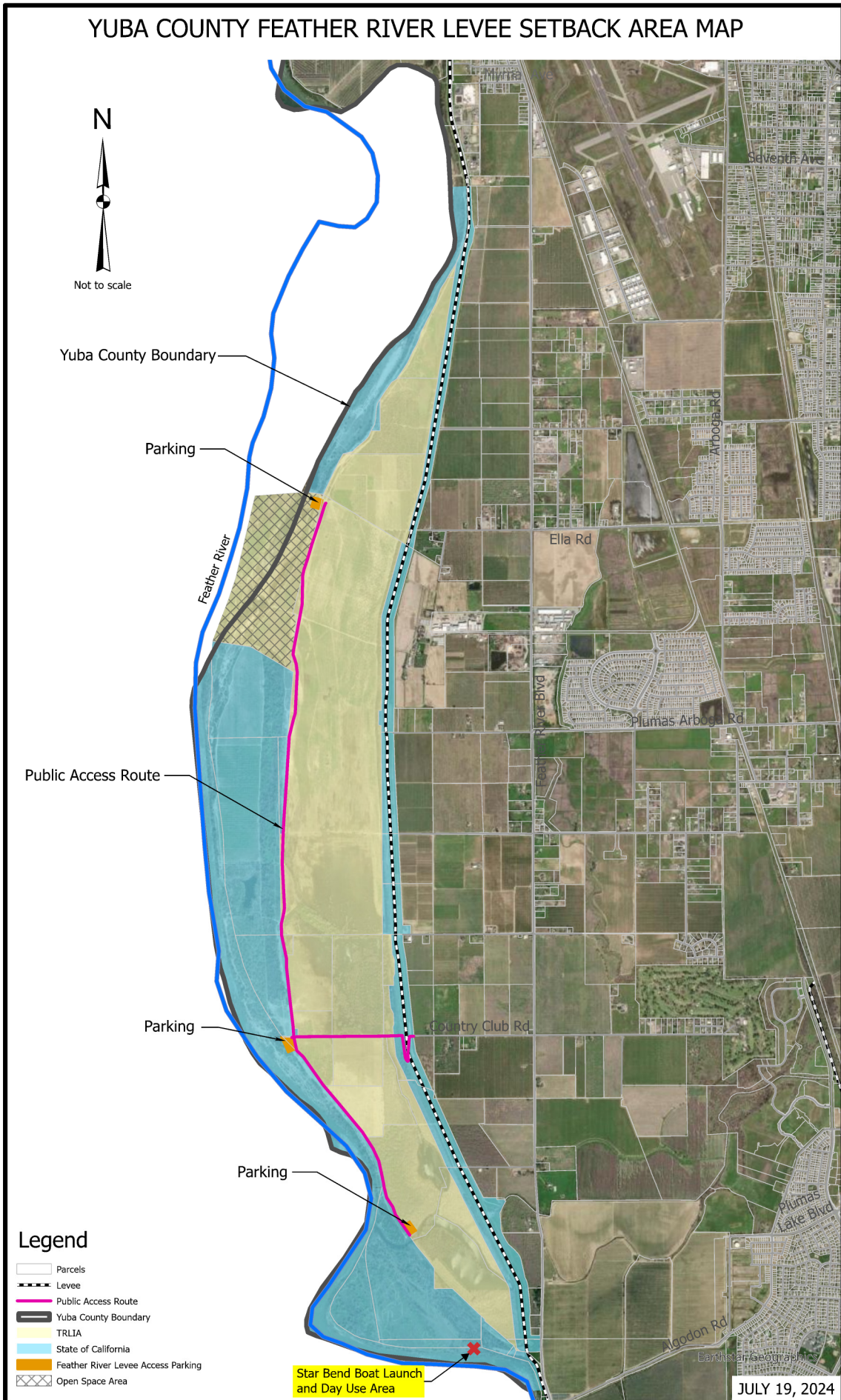


EXHIBIT 'B'
PROPERTY DESCRIPTION

YUBA COUNTY ASSESSOR'S PARCEL 014-250-028

All that real property situate in the County of Yuba, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the following described line:

Commencing at the Northwest corner of that certain parcel described in decree quieting title in the matter of Earl Fruit Company vs. The Wolf Hop Company, recorded July 20, 1938 in Book 44, Page 469, Official Records of said County Northerly line of said parcel, South 59°09'11" East, 244.51 feet more or less to the toes of an existing levee and the Point of Beginning; thence along the toe of levee the following nine (9) courses:

1. South 20°10'14" West, 418.11 feet; thence
2. South 14°10'14" West, 483.28 feet; thence
3. South 14°06'14" West, 505.75 feet; thence
4. South 10°28'14" West, 1666.75 feet; thence
5. South 11°21'14" West, 112.79 feet to a point on the Southerly line of that certain parcel of land described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County; thence
6. along said Southerly line, South 69°03'22" East, 1.73 feet; thence
7. South 10°13'34" West, 877.66 feet; thence
8. South 04°56'32" West, 424.72 feet; thence
9. South 05°01'33" West, 3.33 feet to a point on the South line of that certain parcel described in the deed to Di Giorgio Fruit Company, recorded in Book 270, Page 363, Official Records of said County, being the Southerly line of said Parcel 4 and the Southerly terminus of the one described herein.

EXCEPTING THEREFROM all that portion of the above lying West of the Yuba-Sutter County line.

The above described parcel contains 105.33 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-07

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying North of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 69.96 acres more or less.

SUTTER COUNTY ASSESSOR'S PARCEL 023-180-09

All that real property situate in the County of Sutter, State of California, being a portion of Parcel 4, as described in the grant deed from Di Giorgio Fruit Company to Naumes of Oregon, Inc. dated June 14, 1978 and recorded in Book 671, Page 302, Official Records of said County and being more particularly described as follows:

All that portion of said Parcel 4 lying West of the Yuba-Sutter County line and lying South of a line which extends North 86°06'44" West, from the Western most corner of that certain parcel described in the quit claim deed to Di Giorgio Fruit Company, recorded in Book 270, Page 366, Official Records of said County, to the top left bank of the Feather River, being the West line of said Parcel 4.

The above described parcel contains 9.57 acres more or less.

The County of Yuba

RECEIVED

JUL 15 2024

Clerk/Board of Supervisors



Application for Board/Commission/Committee
Appointed by the Board of Supervisors

RETURN APPLICATION WITH ORIGINAL SIGNATURE TO:

CLERK OF THE BOARD OF SUPERVISORS
YUBA COUNTY GOVERNMENT CENTER
915 EIGHTH STREET, SUITE 109
MARYSVILLE, CA 95901
(530) 749-7510

BOARD/COMMISSION/COMMITTEE
ON WHICH YOU WOULD LIKE TO SERVE: TR LIA.

APPLICANT NAME: Doug Lofton

MAILING ADDRESS - (Street/P.O. Box, City, Zip): [REDACTED] Olivehurst CA 95961

PHYSICAL ADDRESS (Street, City, Zip): [REDACTED] Olivehurst CA 95961

TELEPHONE: HOME [REDACTED] WORK: n/a.

EMAIL ADDRESS: [REDACTED]

OCCUPATION/PROFESSION:
SUPERVISOR/ DISTRICT
NUMBER: Retired District 3

REASONS YOU WISH TO
SERVE ON THIS BODY: To serve my Community

QUALIFICATIONS: Experience on Multiple levels of
Public Service

LIST PAST AND CURRENT
PUBLIC POSITIONS HELD: Multiple positions over the years.

DO YOU HAVE ANY CRIMINAL CONVICTION THAT MAY BE CONSIDERED A CONFLICT OF INTEREST WITH THE COMMITTEE YOU WISH TO SERVE UPON? YES NO
IF YES, PLEASE EXPLAIN. NOTE: THAT A FELONY CONVICTION SHALL PRECLUDE YOU FROM SERVICE.

I UNDERSTAND THAT IF APPOINTED TO A BOARD/COMMISSION/COMMITTEE AND WHAT MAY BE CONSIDERED A CONFLICT OF INTEREST ARISES, THAT I HAVE A DUTY TO GIVE WRITTEN NOTICE OF SUCH TO THE COUNTY.

I DECLARE UNDER PENALTY OF PERJURY THAT THE FOREGOING INFORMATION IS TRUE AND CORRECT TO THE BEST OF MY KNOWLEDGE.

SIGNATURE [Signature] DATE 7/14/24

THIS SECTION FOR OFFICE USE ONLY

NO VACANCY CURRENTLY EXISTS ON ABOVE-MENTIONED BODY. APPLICANT NOTIFIED.

APPLICANT APPOINTED: _____

OTHER: _____