



## Sutter Butte Flood Control Agency

Board of Directors Minutes Regular Meeting, December 13, 2017, 1p.m.  
City of Yuba City Council Chambers - 1201 Civic Center Blvd., Yuba City, CA

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. at the City of Yuba City Council Chambers - 1201 Civic Center Boulevard, Yuba City, CA.

These minutes do not represent a transcript of the meeting and are intended to be a summary of the most important points. For a complete record, please refer to the video recording of the meeting, which is posted on SBFCA's website: <http://sutterbutteflood.org/board/meetings-agendas/>

### MEMBERS PRESENT

County of Sutter:	Larry Munger, Mat Conant
County of Butte:	Steve Lambert
City of Yuba City:	Stan Cleveland, John Buckland
City of Live Oak:	Jason Banks
Levee District 9:	Mike Morris, Chris Schmidl
Levee District 1:	Francis Silva, Charlie Hoppin

**MEMBERS ABSENT:** Bill Connelly, Dan Flores, Frank Hall, Bo Sheppard

**STAFF PRESENT:** Mike Inamine, Executive Director; Michael Bessette, Director of Engineering; Scott Shapiro, Agency Counsel; and Terra Yaney, Board Clerk

### MEETING/CALL TO ORDER

At 1 p.m., Director Larry Munger opened the meeting and led the group in the pledge of allegiance.

### CLOSED SESSION

Conference with real property negotiators pursuant to Govt. Code section 54956.8.

Agency negotiator(s): McElhern/O'Regan

Properties and negotiating parties:

- STA 1374-1392 (Sutter County)
- STA 522-532 (Sutter County)
- APN 024-220-030 (Butte County)

Nothing to report. No Board Action

### CONSENT CALENDAR

1. Approval of the Minutes for the November 8, 2017 Board Meeting
2. Authorize the Executive Director to execute Task Order 3 Amendment 1 with ECORP Consulting, Inc. for Environmental Compliance and Biological Permitting for the Federal Sutter Basin Flood Risk Management Project (Cypress Avenue to the Star Bend Setback Levee)
3. Authorize the Executive Director to execute Task Order 4 with ECORP Consulting, Inc. for Environmental Compliance and Permitting Support for the Regional Conservation Investment Strategy
4. Authorize the Executive Director to execute Task Order 5 with ECORP Consulting, Inc. for Environmental Compliance and Permitting Support for the Oroville Wildlife Area Flood Stage Reduction Project
5. Approval of the Resolution Establishing the Regular SBFCA Meetings for the 2018 Calendar Year
6. Consideration of Continuing Emergency Action Associated with Levee Reaches 14-16

Items 2, 3 and 4 were pulled from Consent Calendar for further discussion. Item 6 was pulled due to lack of quorum for the required 4/5 vote.

Yuba City resident Elaine Miles provided public comment.

Executive Director Mike Inamine provided background on items two, three, and four as explained in the staff reports provided.

A motion to approve items one through five of the Consent Calendar was made by Director Mat Conant and seconded by Director Mike Morris. The motion passed with no objection. The Consent Calendar was approved as follows:

- |                         |                       |
|-------------------------|-----------------------|
| • Jason Banks - yes     | • Steve Lambert - yes |
| • John Buckland – yes   | • Mike Morris - yes   |
| • Stan Cleveland - yes  | • Larry Munger - yes  |
| • Mat Conant- yes       | • Chris Schmidl - yes |
| • Charlie Hobbins - yes | • Francis Silva - yes |

#### RESOLUTION OF NECESSITY HEARING

7. Consider Adopting Resolutions of Necessity for Acquisition of Property Interests from Parcels with Unknown Owners and/or No Assessor's Parcel Numbers.

- A portion of the real property in Sutter County identified as STA 522-532, the owner of which is currently unknown.

Board Chair Larry Munger noted that the property resolution of necessity for parcel numbers: STA 1374-1392 (Sutter County), APN 024-220-030 (Butte County) would not be heard at this meeting.

Agency Counsel Scott McElhern covered the procedures for the resolution of necessity process:

- Property owner, if known, receives notice of the hearing and requirement is waived if no known owner
- Staff provides a presentation to the SBFCA Board of Directors
- SBFCA Board question and answer period
- Presentation by property owners, if known
- Public comment period
- Board votes on proposed resolutions of necessity - an affirmative vote of 2/3rds of all Board members is required for adoption

The required findings for the adoption of a resolution of necessity include:

- The public interest and necessity require the project
- The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury
- The property interests are necessary for the proposed project
- The offer required by Government Code Section 7267.2 has been made to the owner or owners of the record of property--SBFCA is exempt from making such offer because there is no known owner

**Finding 1 – The Project is Necessary Because Of Levee Deficiencies**

- Existing levee vulnerable to through-seepage and under-seepage
- Levee slope stability issues
- Encroachments into and on the levee
- Lack of protection from 100-year and 200-year floods

- Insufficient right of way to maintain levees

**Finding 2 – Compatible with Greatest Public Good and Least Private Injury**

- The proposed acquisition from this parcel is limited in scope to what is necessary for the construction of the project and the long-term operation and maintenance of the levee system
- Acquiring fee title to the levee and the maintenance corridors is necessary to give SBFCA the control over the levee and the O&M corridors it needs in order to maintain levee stability and decrease maintenance costs
- There is no known owner of the parcel

**Finding 3 – Proposed Fee Acquisition is Necessary for the Project**

- Ownership of this parcel is necessary to:
  - Meet minimum standards for 200-year flood protection as set forth in Urban Levee Design Criteria
  - Provide adequate room for construction, maintenance, repairs, inspection, patrolling during high water, and flood fighting
  - Prohibit excavations and modifications that would endanger the integrity of the levee

**Finding 4 – SBFCA Exempt from Making an Offer under Government Code Section 7267.2**

- SBFCA is exempt from making the offer of just compensation required by Government Code Section 7267.2 because the owner cannot be located with reasonable diligence

Director Charlie Hoppin asked how the parcel value is determined.

Mr. McElhern answered that an appraisal is performed.

Yuba City resident Elaine Miles provided public comment on behalf of Pat Miller, Sutter County Tax Payers Association.

**A motion to approve the Resolution of Necessity was made by Director Jason Banks and seconded by Director Mike Morris. The motion passed with no objection. The Resolution of Necessity was approved as follows:**

- |                        |                       |
|------------------------|-----------------------|
| • Jason Banks - yes    | • Steve Lambert - yes |
| • John Buckland – yes  | • Mike Morris - yes   |
| • Stan Cleveland - yes | • Larry Munger - yes  |
| • Mat Conant- yes      | • Chris Schmidl - yes |
| • Charlie Hoppin - yes | • Francis Silva - yes |

The entire report, along with a PowerPoint presentation is available on the SBFCA website at:

<http://sutterbutterflood.org/board/meetings-agendas/>

**PRESENTATION, DISCUSSION & ACTION ITEMS**

**8. Receive and File Monthly Financial Report**

Budget Manager Seth Wurzel presented the monthly financial report for October and answered questions regarding operating revenue of advanced funding. The entire report, along with a PowerPoint presentation is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

**No public comment.**

**9. Selection of 2018 SBFCA Board Chair and Vice Chair**



A motion to nominate Steve Lambert to serve as the 2018 SBFCA Board Chair was made by Director Larry Munger and seconded by Director Chris Schmidl. The motion passed with no objection. The nomination was approved as follows:

- |                        |                       |
|------------------------|-----------------------|
| • Jason Banks - yes    | • Steve Lambert - yes |
| • John Buckland – yes  | • Mike Morris - yes   |
| • Stan Cleveland - yes | • Larry Munger - yes  |
| • Mat Conant- yes      | • Chris Schmidl - yes |
| • Charlie Hoppin - yes | • Francis Silva - yes |

A motion to nominate John Buckland to serve as the 2018 SBFCA Board Vice Chair was made by Director Stan Cleveland and seconded by Director Mike Morris. The motion passed with no objection. The nomination was approved as follows:

- |                        |                       |
|------------------------|-----------------------|
| • Jason Banks - yes    | • Steve Lambert - yes |
| • John Buckland – yes  | • Mike Morris - yes   |
| • Stan Cleveland - yes | • Larry Munger - yes  |
| • Mat Conant- yes      | • Chris Schmidl - yes |
| • Charlie Hoppin - yes | • Francis Silva - yes |

#### INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

##### 10. Program/Project Update

Director of Engineering Michael Bessette gave a presentation outlining the recent and ongoing activities. He reported that closeout work on the Completion Projects continues. The construction work is mostly complete with minor punch list items ongoing. He reported that the Laurel Avenue slurry wall placement and levee embankment reconstruction is complete. Mr. Bessette provided an update on the emergency levee repairs on Reaches 14-16 in Yuba City. He reported that levee regrade operations are complete and the levee was topped out yesterday. The remaining work to be completed is the installation of the new Gilsizer drainage detention pond pipes and the levee crown paving. In addition to the active construction work, Mr. Bessette reported on the additional project activities, Oroville Wildlife Area Flood Stage Reduction Project, DWR Small Communities Grant and the Sutter Basin Flood Risk Management Project

Mr. Bessette reported that the public levee tour held on December 2 was well attended and received positive feedback.

The entire report, along with the presentation, is available on the SBFCA website at:  
<http://sutterbutterflood.org/board/meetings-agendas/>

##### 11. Requests from Levee Districts 1 and 9 for Technical and Financial Assistance regarding Long-Term Operations, Maintenance, Repair, Replacement & Rehabilitation

Agency Counsel Scott Shapiro gave a presentation on the history of OMRR&R Obligations. The entire presentation, is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>

##### 12. Other Reports from Agency Staff and Consultants Nothing to report.

##### 13. Report by Member and Partner Agencies Nothing to report.

**CORRESPONDENCE**

**14. Report on Correspondence Sent by and Received by the Board**

Nothing to report.

**PUBLIC COMMENT**

None

**ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 2:35 p.m.

ATTEST BY: \_\_\_\_\_

  
Terra Yaney, Board Clerk

  
Larry Munger, Board Chair