



# Sutter Butte Flood Control Agency

Board of Directors Agenda – Regular Meeting, March 9, 2022, 1 p.m.  
City of Yuba City – Council Chambers - 1201 Civic Center Blvd., Yuba City

## MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with CA Executive Orders AB361 members of the Board of Directors and members of the public will participate in this meeting in person and by teleconference. The call in information for the Board of Directors and the public is as follows:

**Zoom Meeting URL:** [https://us06web.zoom.us/webinar/register/WN\\_8hhxLzJ4Stmxl63aVg8Owg](https://us06web.zoom.us/webinar/register/WN_8hhxLzJ4Stmxl63aVg8Owg)

Any member of the public on the telephone may speak during Public Comment or may email public comments to [admin@sutterbutteflood.org](mailto:admin@sutterbutteflood.org) and comments will be read from each member of the public. During this period of modified Brown Act Requirements, Sutter Butte Flood Control Agency 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.

### County of Sutter

Mat Conant  
Mike Ziegenmeyer  
Alt. Karm Bains  
Alt. Nicholas Micheli

### County of Butte

Bill Connelly  
Tod Kimmelshue

### City of Yuba City

Shon Harris  
Wade Kirchner  
Alt. Dave Shaw  
Alt. Marc Boomgaarden

### City of Live Oak

Lakhvir Ghag  
Alt. Jeramy Chapdelaine

### City of Gridley

Bruce Johnson

### City of Biggs

Bo Sheppard  
Alt. Chuck Nuchols

### Levee District 1

Charlie Hoppin  
Al Montna  
Alt. Vacant  
Alt. Drew Stresser

### Levee District 9

Mike Morris  
Chris Schmidl

## AGENDA SUMMARY

### REGULAR MEETING/CALL TO ORDER

- Roll Call
- Pledge of Allegiance

### PUBLIC COMMENT

Members of the public will be allowed to address the Sutter Butte Flood Control Agency's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the audience who may wish to bring a matter before the Board that has not been placed on the agenda may do so at this time; however, State law provides that no action may be taken on any item not appearing on the posted Agenda.

### CONSENT CALENDAR

The Consent Calendar groups together those items which are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chair will advise the audience that the matters may be adopted in total by one motion; however, the Board may, at its option or upon request of a member of the public, consider any matter separately.

1. Approval of the Minutes for the February 9, 2022 Board Meeting
2. Authorize the Executive Director to submit a grant application and execute a funding agreement with California Department of Water Resources for Feather River Regional Flood Management Planning
3. Continuing Brown Act Resolution No. 2022-05

**PRESENTATION, DISCUSSION & ACTION ITEMS**

4. Direction to Proceed on the Lower Feather River Phase 2 Levee Repair Project

**INFORMATIONAL AND POSSIBLE APPROVAL ITEMS**

5. Presentation and File Monthly Financial Report
6. Presentation and File Program/Project Update

**ADJOURNMENT**

The next regularly scheduled Board of Directors meeting will be held on Wednesday, April 13, 2022 at 1 p.m.



# Sutter Butte Flood Control Agency

Board of Directors Minutes Special Meeting, February 9, 2022, 1 p.m.

## MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

The Sutter Butte Flood Control Agency (Agency) Board of Directors (Board), State of California, met on the above date at 1 p.m. in Compliance with CA Executive Orders AB361 members of the Board of Directors and members of the public participated in this meeting by teleconference.

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:	Mat Conant, Mike Ziegenmeyer
County of Butte:	Tod Kimmelshue
City of Yuba City:	Wade Kirchner, Shon Harris
City of Biggs:	Bo Sheppard
City of Gridley:	Bruce Johnson
Levee District 9:	Mike Morris
Levee District 1:	Charlie Hoppin, Al Montna

**MEMBERS ABSENT:** Chris Schmidl, Lakhvir Ghag, Bill Connelly

**STAFF PRESENT:** Michael Bessette, Executive Director; Agency Counsel; Andrea Clark; Seth Wurzel, Budget Manager; Chris Fritz; Kim Floyd, Public Outreach Manager and Terra Yaney, Board Clerk

### MEETING/CALL TO ORDER

At 1:00 p.m., Director Tod Kimmelshue opened the meeting and led the group in the pledge of allegiance.

#### 1. Selection of 2022 SBFCA Chair and Vice Chair

Director Mat Conant nominated Director Wade Kirchner as the Chair of the 2022 SBFCA Board of Directors.  
Director Mike Ziegenmeyer nominated Director Mat Conant as Vice Chair.

**A motion to approve the Board Chair nomination was made by Director Mat Conant and seconded by Director Mike Ziegenmeyer. A motion to approve the Board Vice Chair nomination was made by Director Mike Ziegenmeyer and seconded by Director Tod Kimmelshue. The motions passed with no objection. The motion was approved as follows:**

- Mat Conant– yes
- Shon Harris- yes
- Charlie Hoppin– yes
- Tod Kimmelshue- yes
- Wade Kirchner- Yes
- Bruce Johnson- yes
- Mike Morris- yes
- Bo Sheppard– yes
- Al Montna - yes
- Mike Ziegenmeyer- yes

### CONSENT CALENDAR

2. **Brown Act Resolution No. 2022-02**
3. **Approval of Plans and Specifications and Consideration of Award of the Construction Contract for the LD1 Access Control Project, Contract No. 01-2022-AC to the Lowest Responsive and Responsible Bidder – Coleman Environmental Engineering Co., Inc.**
4. **Approval of Task Order 14 under the Master Services Agreement with WSP (formally Parsons Brinckerhoff, Inc.) to provide construction management services for the Levee District 1 Access Control Project.**
5. **Approve and authorize the Executive Director to execute an agreement with AECOM for FEMA 100-Year Accreditation Support**
6. **Approve Resolution 2022-03 which authorizes the Executive Director to submit a grant application and execute a funding agreement with California Department of Water Resources for the Oroville Wildlife Area Robinson’s Riffle Project**
7. **Approve and authorize the Executive Director to execute a Professional Services Agreement and Task Orders 1, 2, 3, and 4 with R&F Engineering Inc. for Agency Engineer and Project Management Support**

A motion to approve 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:

- |                       |                         |
|-----------------------|-------------------------|
| • Mat Conant– yes     | • Bruce Johnson- yes    |
| • Shon Harris- yes    | • Mike Morris- yes      |
| • Charlie Hoppin– yes | • Bo Sheppard– yes      |
| • Tod Kimmelshue- yes | • Al Montna - yes       |
| • Wade Kirchner- Yes  | • Mike Ziegenmeyer- yes |

**No public Comment**

The entire discussion and presentation is available on the SBFCA website at:  
<http://sutterbutterflood.org/board/meetings-agendas/>

**PRESENTATION, DISCUSSION & ACTION ITEMS**

8. **Presentation of Agency Audited Financial Statements and Related Reports for Fiscal Year Ending June 30, 2021**  
 Budget Manager Seth Wurzel presented the Agency Audited Financial Statements and Related Reports for Fiscal Year Ending June 30, 2021. He reported that it was a clean audit with no significant findings. It was reported that the next step will be to submit the audit report to our insurance and bonding agency. The entire report, along with a PowerPoint presentation is available on the SBFCA website at: <http://sutterbutterflood.org/board/meetings-agendas/>
9. **Funding Strategies for FRWLP2 & Sutter Bypass East Levee repairs**  
 Executive Director Michael Bessette gave a presentation and discussed options and approaches for funding design, permitting and environmental review of both a Sutter Bypass East Levee (SBEL) Critical Repair Project and Lower Feather River Phase 2 Project. He provided background and cost breakdowns of the projects. He reported that SBFCA staff has been working independently and in coordination with the California Department of Water Resources (DWR) to advance a repair project to the SBEL through several avenues.

It was reported that we are working closely with DWR to seek an agreement with DWR for design, environmental review and permitting. SBFCA would be the primary lead for Project Management, Design, Permitting and Environmental Review. DWR would be lead Agency for CEQA/NEPA and utilize DWR’s environmental contractor (GEI).

Staff recommends the Board create an AdHoc Committee to provide direction on a cost sharing approach for SBEL work.

The board recommended the following members to the committee:

- Mat Conant
- Mike Ziegenmeyer
- Charlie Hoppin
- Wade Kirchner
- Mike Morris

### No public Comment

The entire discussion and presentation is available on the SBFCA website at:

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

### INFORMATIONAL AND POSSIBLE APPROVAL ITEMS

#### 10. Presentation and File Monthly Financial Report

Budget Manager Seth Wurzel presented the monthly financial reports for November and December 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/>

#### 11. Presentation and File Program/Project Update

Executive Director Michael Bessette gave a presentation outlining the recent and ongoing activities of the agency. He provided an update on the Feather River Regional Flood Management Planning (RFMP). He reported that the team is working in close conjunction with partner agencies and other stakeholders to advance the flood management priorities of the Region while at the same time collaborating with the State as they develop the 2022 Central Valley Flood Protection Plan (CVFPP) update. DWR set up meetings at the end of the year with Sutter County and Butte County supervisors to brief them on the 2022 CVFPP update. They are in the process of briefing Yuba City elected officials.

Mr. Bessette went on to provide an update on the Butte County FEMA Accreditation. Butte County and SBFCA recently received a formal “determination document” letter from FEMA stating that they are issuing the draft maps for public review. The effective date for the Letter of Map Revision (LOMR) will be January 31, 2022 as long as no issues arise during the 90-day appeal period. The notice of map changes was published in the federal register, local newspaper and FEMA’s Flood Hazard Mapping website. FEMA indicated that no appeals have been received and that the LOMR is on track to go effective on January 31.

SBFCA staff continues to coordinate with Sutter County and City of Yuba City staff regarding future FEMA accreditation and floodplain remapping. It is anticipated that SBFCA, in coordination with the City and County, will submit the 100-year accreditation package for the southern Feather River west levee to FEMA in early summer of 2022.

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

### ADJOURNMENT

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

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

Terra Yaney, Board Clerk

\_\_\_\_\_  
Board Chair



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

March 9, 2022

**TO:** Board of Directors

**FROM:** Michael Bessette, Executive Director

**SUBJECT:** Authorize the Executive Director to submit a grant application and execute a funding agreement with California Department of Water Resources for Feather River Regional Flood Management Planning.

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## Recommendation

It is recommended that the Board of Directors approve Resolution No. 2022-04, which authorizes the Executive Director to submit a grant application and to execute, upon review and approval of counsel, a grant agreement with the California Department of Water Resources (DWR), as well as any related documentation, for Feather River Regional Flood Management Planning (RFMP).

## Background

The partner agencies in the Feather River RFMP group include: Three Rivers Levee Improvement Authority (TRLIA), Yuba Water Agency, Marysville Levee Commission, Sutter Butte Flood Control Agency, and Reclamation District 1001. In June of 2020, the SBFCA Board approved an MOU between the Feather RFMP partners where TRLIA was identified as the lead agency for the State contract. Since that time, the partner agencies have worked closely with each other and with other stakeholders to advance the flood management priorities of the Region while at the same time aligning with the Central Valley Flood Protection Plan (CVFPP) to the extent feasible.

For the next round of funding from DWR, the partner agencies have agreed that SBFCA should be the new lead agency for the State contract. The partner agencies will continue to collaborate and work together as part of the planning effort to ensure that the Region's priorities and interests are met, and to maximize future investments in reducing flood risk within the Region.

SBFCA staff is currently working with the other regional Steering Committee members on developing the proposed scope of work and budget for the next round of RFMP funding. Representatives from DWR have informed SBFCA that they anticipate approximately \$300k to be available to the Feather River Region in next year's funding phase.

## Fiscal Impact

There is no net budgetary impact from the Board's approval of staff's recommendation to apply for grant funding and execute a funding agreement. The total state cost-share for the project is proposed at 100%. If SBFCA is successful in being awarded a grant, upon the execution of task orders to contract for the approved work under the grant, SBFCA staff would present a budget amendment reflective of the award, associated grant revenues and related obligations associated with delivering the approved scope of work.

Attachments: Resolution 2022-04

**RESOLUTION NO. 2022-04**

**A RESOLUTION BY THE BOARD OF DIRECTORS OF THE  
SUTTER BUTTE FLOOD CONTROL AGENCY  
AUTHORIZING AN APPLICATION FOR FUNDING FROM THE DEPARTMENT OF  
WATER RESOURCES AND DESIGNATING A REPRESENTATIVE TO EXECUTE  
THE AGREEMENT AND ANY AMENDMENTS THERETO, FOR  
FEATHER RIVER REGIONAL FLOOD MANAGEMENT PLANNING**

WHEREAS, the Sutter Butte Flood Control Agency (SBFCA) proposed to prepare a Regional Flood Management Plan in collaboration and coordination with interested parties in the Feather River Region; and

WHEREAS, SBFCA is a California Local Public Agency with responsibility for flood management in the area protected by the facilities of the State Plan of Flood Control and is willing to participate in, coordinate, and collaborate with other interested parties in the region that are participating in the development of their Regional Flood Management Plan; and

WHEREAS, SBFCA intends to apply for funding from the California Department of Water Resources for the RFMP costs;

**NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Sutter Butte Flood Control Agency as follows:**

1. That pursuant and subject to all of the terms and provisions of the California Proposition 1E “Disaster Preparedness and Flood Prevention Bond Act of 2006” Bond Law, application by this Agency be made to the California Department of Water Resources to obtain funding for preparation of the Flood Management Plan for the Feather River Region.
2. The SBFCA Executive Director is hereby authorized and directed to prepare the necessary data, make investigations, sign, and file such application with the California Department of Water Resources, and take such other actions as necessary or appropriate to obtain the funding.
3. That the Board of Directors authorizes the Executive Director, or designee, to execute the funding agreement with the Department of Water Resources and any amendments thereto.

**CERTIFICATION**

I hereby certify that the foregoing Resolution No. 2022-04 was duly and regularly adopted by the Board of Directors of SBFCA at the meeting held on March 9, 2022.

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APPROVED AS TO FORM  
GENERAL COUNSEL

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Chair

**Sutter Butte Flood Control Agency**

**RESOLUTION NO. 2022-05**

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF SUTTER BUTTE  
FLOOD CONTROL AGENCY PURSUANT TO THE BROWN ACT**

WHEREAS, Sutter Butte Flood Control Agency (“Agency”) is committed to preserving public access and participation in meetings of the Board of Directors; and

WHEREAS, all meetings of the Agency 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 Agency’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, 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, 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 District; and

WHEREAS, such conditions persist in the District, 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 Agency shall 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 Agency and offer public comment by telephone or internet-based service options including video conference are posted on the Agency website and physically outside of the Agency office.

NOW, THEREFORE, THE BOARD OF DIRECTORS OF SUTTER BUTTE FLOOD CONTROL AGENCY 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 hereby determines that meeting in person would present imminent risks to the health or safety of attendees.

Section 3. Remote Teleconference Meetings. Agency 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.

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) April 11, 2022, 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 Agency may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Sutter Butte Flood Control Agency, this 9<sup>th</sup> day of March, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Chair



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

March 9, 2022

**TO:** Board of Directors

**FROM:** Michael Bessette, Executive Director  
Seth Wurzel, Budget Manager

**SUBJECT:** Direction to Proceed on the Lower Feather River Phase 2 Levee Repair Project

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## **Recommendation**

Staff recommends that the Board direct the Executive Director to negotiate task orders with the FRWLP 1 engineering design and environmental teams for the design, permitting and environmental review of the 1.6 mile Lower Feather River Phase 2 Levee Repair Project and bring those task orders back to the board for approval.

## **Background**

The remaining 1.6 miles of the Lower Feather River west levee will ultimately need to be repaired by SBFCA to ensure that the Feather River West Levee provides an appropriate level of protection for the community. SBFCA has identified this reach of levee as having priority for repair during the non-urban levee analysis that took place in 2017. While the State currently operates and maintains this levee through Maintenance Area 3 (MA3), the State has not expressed interest in cost sharing in repairs of this reach of levee at this time. As such, the near term advancement of the design and permitting for the repair of this levee is entirely a local interest. Levee District 1 (LD1) has advanced a discussion with the Central Valley Flood Protection Board to address the annexation of MA3 by LD1, however, a concern with this annexation is the condition of the levee upon assumption of maintenance responsibilities by LD1. To alleviate this concern, repair of the levee should take place in conjunction with or prior to annexation.

## **Funding and Cost Sharing**

As it relates to the advancement of flood protection in the southern sub-basin, SBFCA has two specific Objectives stated within its adopted Strategic Plan – Objectives No. 6 and No. 7 state:

**#6 - Rehabilitation or replacement of the east levee of the Sutter Bypass, Wadsworth Canal, Interceptor Canals and the southern 1.5 miles of the lower Feather River to 100-year level of protection and FEMA regulation relief.**

These improvements would substantially improve public safety and provide FEMA regulatory relief. However, at the same time, State law limits or prevents unwise development that could increase overall risk. Objective 6 requires substantial investment in the larger flood system that is beyond SBFCA's financial capability, thus investment by the State and/or federal government is essential. State investment would require major policy and fiscal decisions by the State through the CVFPP. Federal investment decisions could be facilitated through future USACE Civil Works studies, the Sacramento River General Reevaluation Report, Central Valley Integrated Flood Management Study, FEMA Grant Programs, or legislation.

**#7 - To the extent funding is available, complete critical repairs in the southern sub-basin by 2025**

The large, system-wide work described in Objective 6 will take decades to plan and implement. In the interim, residents and property remain exposed to an unacceptable level of risk from existing deficient levees. Accordingly, critically deficient levees in the southern sub-basin will be repaired on a risk-prioritized basis as SBFCA concurrently pursues long-term, comprehensive solutions; these repairs will also progressively reduce risk as part of the longer-term solution. Annual, routine State appropriations for critical levee repairs and deferred maintenance are essential to reduce interim risk.

Based on the above stated objectives, staff is focused on utilizing the remaining funding available after the completion of current ongoing projects to advance critical repairs to the levees in the southern sub-basin. This includes repairs to approximately 1.6 miles of the Lower Feather River south of the Highway 99 Bridge to the confluence with the Sutter Bypass, and the repair of approximately 5.2 miles of critical sites along the Sutter Bypass East Levee (SBEL).

The reasoning for advancing both the FRWLP2 (1.6 miles) and SBEL (5.2 miles) simultaneously is as follows:

1. Both these areas are on SBFCA's critical levee repairs list
2. SBFCA has the funding to advance both projects for design/permitting, and both efforts will take at least two (2) years to complete and be ready for construction
3. The 1.6 miles along the lower Feather River are within MA3 and LD1 wants to annex MA3. Completing this repair would lower LD 1's exposure should the annexation be successful
4. Having two projects "shovel-ready" will increase our likelihood to get at least one funded for construction, if not both
5. Costs for design and permitting as well as construction are increasing annually, therefore SBFCA would lock in design and permitting costs by proceeding at this time
6. The design team has already advanced this repair to the 30% design level as part of past FRWLP work
7. A levee relief cut in an emergency flood can be accomplished along the lower Sutter Bypass and not in the location of the proposed levee repair along the lower Feather River
8. This is the approach that staff believes is the most prudent to advance SBFCA's Strategic Plan

As presented to the board last month, upon completion and closeout of SBFCA's urban levee repairs and ongoing construction work, SBFCA will have a limited amount of funding available to advance and implement these objectives. Staff anticipates that at the end of FY 2023/24, given current budgeted work, SBFCA will have approximately \$25 million to advance and achieve Objective 7. Full implementation of the identified combined 6.8 miles of work is expected to cost more than \$70 million necessitating significant cost sharing from the State and or Federal government to achieve the objective.

The immediate funding to advance the design and permitting of the 1.6 mile lower Feather River Project is approximately \$1.9 million. Actual costs once negotiated will be brought back to the Board for approval.

#### **Fiscal Impact**

There is no immediate Fiscal Impact associated with this item. Upon the receipt of direction from the Board on how to proceed, specific implementation recommendations including negotiated consultant task orders, and their associated Fiscal Impacts, will be presented to the Board for action at a future meeting.



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

March 9, 2022

**TO:** Board of Directors

**FROM:** Michael Bessette, Executive Director  
Seth Wurzel, Budget Manager

**SUBJECT:** Receive and File Monthly Financial Reports (January 2022)

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## Recommendation

Staff recommends that the Board receive and file the January 2022 Financial Reports and receive staff's monthly financial report update.

## Background

Staff will provide a brief presentation of SBFCA's current financial position and financial activities at the Board meeting and will be prepared to answer any questions. For this report, staff is presenting financial information for January 2022. Staff's oral presentation will cover the financial activities of the Agency through January 2022.

The monthly financial reports include the following information:

- Current Working Capital Position: The reports provide an update as to the liquidity of the Agency and ability to cover current obligations. This information is presented within the monthly financial reports prepared in coordination with Yuba City finance staff. The current and past months' financial reports reflects the financial information as of January 2022. The information presented is compared to the Final Amended Final Budget for 2021/22.

## Fiscal Impact

This is an informational item with no fiscal impact.

## Attachments

*(Note – The Monthly Financial Report is not available prior to the finalization of the Agenda Packet – the Monthly Financial Report will be provided and made available prior to the start of the Board Meeting)*

Yuba City Finance Department Memorandum, March 9, 2022 re: Monthly Financial Report: January 2022



# Sutter Butte Flood Control Agency

*A Partnership for Flood Safety*

March 9, 2022

**TO:** Board of Directors

**FROM:** Michael Bessette – Executive Director

**SUBJECT:** Receive and File Program/Project Update Report

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## **Recommendation**

Receive and file the March 2022 Program/Project update report and receive staff's monthly Program/Project presentation.

## **Background**

The purpose of this report is to provide a regular, monthly update on SBFCA program and project activities:

### *Proposition 68 Sediment Management Project*

Both the Live Oak Boat Ramp project and the Yuba City Boat Ramp project have been completed and closed out. Staff is pursuing additional funding opportunities in order to remove additional sediment from the confluence of the Feather and Yuba Rivers (phase 2 work) and is currently working on a grant application which will be submitted to CDFW this month. In addition staff is coordinating with Senator Nielson and Assemblyman Gallagher to identify and secure directed state funding for the project. Existing environmental permits acquired for the phase 1 work would cover this additional phase 2 work and are valid through 2026. SBFCA staff also continues to coordinate with Yuba County staff to remove sediment at the Star Bend boat ramp.

### *Feather River Regional Flood Management Planning*

The RFMP team is advancing the flood management priorities of the region while at the same time collaborating with the State as they develop the 2022 Central Valley Flood Protection Plan (CVFPP) update. SBFCA's primary interests in the regional planning effort is to advance OMRR&R activities for Cherokee Canal, advance the multi-benefit OWA Robinson's Riffle project, advance critical repairs along the Sutter Bypass east levee, participate in FEMA National Flood Insurance Program reform, and identify and implement other regional flood risk reduction projects. These priorities for SBFCA will also be documented within the 2022 CVFPP. SBFCA has also been in coordination with member agency staff, such as City of Gridley, to help develop and identify funding for beneficial multi-benefit projects within the region. DWR will be issuing a fourth round of funding for this effort, and it has been proposed amongst the partner agencies that SBFCA should be the lead agency for the State contract for this next phase of work.

### *Sutter Bypass Critical Repairs*

Staff continues to actively pursue funding through DWR for Sutter Bypass Critical Repairs. A draft scope of work was sent to DWR for their review and comment. Also, staff has a meeting scheduled with DWR on March 2 to discuss the proposed local cost share for the project and to address comments on the scope of work. Next steps will be to advance discussions toward a funding agreement to initiate design and permitting work. At the same time, we are utilizing the approved contract amendments to the Tudor Small Community Study and the Sutter Small Community study to advance our levee investigations (both geotechnical and environmental). In addition, staff is coordinating with DWR and the California Office of Emergency Services (CalOES) to pursue FEMA Building

Resilient Infrastructure and Communities (BRIC) grant funding and Hazard Mitigation Grant Program (HMGP) funding for the proposed bypass levee repairs.

*Sutter Basin Flood Risk Management Project (federal project)*

USACE's contractor, Forgen, continues to close out their contract with USACE on the 5-mile Cypress to Tudor levee improvement project including as-built drawings and addressing punch-list items identified by the design team and Local Maintaining agencies (Levee District 1 and State MA3). Ongoing coordination is taking place to ensure the contractor corrects the outstanding deficiency items. In addition, staff developed bid documents for the Levee District 1 fence and gate replacement project, put the project out to bid, opened bids on January 18, and issued a construction contract after the board approved it last month. This project will mitigate for the removal of existing fences and gates that took place in error by the project. SBFCA staff continues to participate in frequent USACE project management team and construction coordination meetings in order to advance the project and is working with USACE on project crediting reports and other remaining project closeout items. These two items of work will continue to be a focus of discussion and coordination between SBFCA and USACE. The crediting reports are needed to perfect the credit established by SBFCA by advancing the levee improvements before the federal government appropriated funds for the project.

*Engineering Design*

The Design team has completed their work to produce the Urban Level of Protection EVD-1 Engineer's Report, which was presented to and approved by the Board in October 2021. Staff is coordinating with SBFCA's land-use member agencies so they take the necessary actions required by Senate Bill 5. In addition, the team is continuing to make progress on the low-risk/long-term items identified in the EVD-1 and USACE Periodic Inspection report that will require addressing later this year and into the future. USACE completed their "routine" levee inspection which started in June last year. We have been informed by USACE that we will receive the inspection results in the next several months. Once the results are received staff will coordinate a meeting with DWR to discuss next steps.

The design team continues to process the encroachment permits for facilities (pipes, electrical, levee ramps, etc.) modified by the Feather River West Levee Project (FRWLP). Those permits are processed through the Central Valley Flood Protection Board after approval by the Corps of Engineers. The scoping work on developing the encroachment permits for the Second Street properties in Yuba City has been completed and informational letters have been sent to the property owners last month. Lastly, the design team is coordinating closely with USACE on the review and approval of the Operation and Maintenance manuals for the FRWLP levee improvements (3 separate manuals) which must be submitted to USACE for approval. We continue to hold monthly coordination meetings with USACE in order to advance this review and approval process.

*Environmental Documentation/Permitting/Monitoring/Mitigation*

ECORP Consulting continues to provide environmental and cultural permit compliance monitoring and documentation for all active projects (OWA project, FRWLP closeout activities, Sediment Removal project, and the USACE Cypress to Tudor levee improvement project as needed).

ICF continues to work on the Sutter and Butte Cultural Resources Mitigation reports that are required for the FRWLP. These reports require both USACE and tribal reviews prior to closeout. The Sutter draft report is with the USACE for review and has been transmitted to the United Auburn Indian Community for their review. The Butte internal draft report was completed in October 2020 and the final draft was completed and transmitted to USACE in June 2021 for their review.

Work on the Star Bend and Mathews Property environmental mitigation sites continues. SBFCA staff and the Sacramento Valley Conservancy team continue to work on completing all the associated land transfers, easement establishments, regulatory reviews, and other associated activities required to establish and manage the mitigation sites in perpetuity. The revised draft management plan and associated easement documents were sent to California Department of Fish and Wildlife (CDFW) and the US Fish & Wildlife Service for their respective reviews and staff continues to coordinate toward final approval. Coordination calls have been held with the agencies to

help closeout this process. Staff continues to coordinate with Levee District 1 on the required land transfer and ongoing maintenance cost reimbursement at Star Bend.

*Right of Way*

The Right of Way team is working on the few remaining acquisitions for the FRWLP, including the easements needed from the affected public agencies and one outstanding privately owned parcel. Coordination with PG&E on the easements SBFCA was required to acquire for their relocated facilities is also taking place. DWR will cost share in these property easement acquisitions through SBFCA’s UFRR Funding Agreement. The SBFCA right-of-way team and DWR (real estate branch and geodetics group) continue to conduct monthly coordination meetings to streamline the real estate acquisition reimbursement process and ultimate transfer of property to the State. Discussions with DWR on the final transfer of property from SBFCA to the Sacramento San Joaquin Drainage District (the legal entity that holds property for the State) are taking place.

*Regional Development Impact Fee*

At SBFCA’s August 2021 Board meeting the board unanimously approved the development of a Regional Development Impact Fee (DIF) Program to help fund implementation of the SBFCA Strategic Plan and directed staff to proceed on completing an AB1600 compliant Nexus Study. The DIF would be imposed on new development within the Sutter-Butte Basin, collected by the land-use agency members and the funds would be remitted to SBFCA to build additional projects. Staff prepared drafts of the Nexus Study and Collection Agreement and is coordinating review of the draft documents with member agency staff prior to presentation to SBFCA and the land-use agencies’ Councils/Boards for approval. Next steps are to finalize the draft documents and continue outreach to member land-use agencies.

*Feather River West Levee Financing Authority (FRWLFA)*

SBFCA staff continue to assist the FRWLFA with the development of a benefit assessment district to adequately fund the operations and maintenance activities of Levee Districts 1 and 9. The consultant team HDR/Willdan is working on the initial Task Order 2 activities which consist of development of a Preliminary Engineer’s Report and implementation and execution of the public outreach strategy. The FRWLFA Board meeting in March will include a briefing on the draft Engineer’s Report and the public outreach process.

*State & Local Funding and Coordination*

EIP / UFRR Agreement

SBFCA staff continues to work with DWR to process additional payments and reimbursement requests for various items of work. The last payment received and reported to the Board was in the amount of \$783,081.81 on June 4, 2021 for costs incurred during the 27<sup>th</sup> Quarter. SBFCA is currently requesting four payments totaling \$4.9 Million from DWR including a release of retention for Emergency Repair Work on Reaches 14-16 and reimbursements of costs incurred in the 28<sup>th</sup>, 29<sup>th</sup>, 30<sup>th</sup>, and 31<sup>st</sup> Quarters of the Project.

The table below presents the funding status of the Agency’s UFRR Grant.

**FRWLP DWR EIP/UFRR Funding**

	<u>Agreement</u>		
	<u>Design</u>	<u>Construction</u>	<u>Total</u>
Agreement No.	#4600009480	#4600010296	
Capital Outlay Amount	\$9,000,000	\$56,780,000	\$65,780,000
Amendment 1	\$0 [1]	\$0 [2]	\$0
Amendment 2	\$14,869,280 [3]	\$57,803,791 [4]	\$72,673,071
Amendment 3	\$0	\$43,861,587	\$43,861,587
Amendment 4	\$0	\$40,828,931	\$40,828,931
Amendment 5	-\$2,529,451 [5]	\$31,730,451 [5]	\$29,201,000
Amendment 6	\$0	\$0 [1]	\$0
Amendment 7	\$0	\$3,744,017 [6]	\$3,744,017
<b>TOTAL FUNDING</b>	<b>\$21,339,829</b>	<b>\$234,748,777</b>	<b>\$252,344,589</b>

<b>Receipts</b>			
Payments to Date	\$21,339,829	\$219,119,441	\$240,459,270
Pending	\$0	\$4,919,919	\$4,919,919
<b>TOTAL PAYMENTS</b>	\$21,339,829	\$224,039,361	\$245,379,190
<b>GRANT BALANCE</b>	<b>\$0</b>	<b>\$10,709,416</b>	<b>\$10,709,416</b>

- [1] Amendment 1 to the Design Agreement and Amendment 6 to the Construction Agreement amended the terms of the agreements (time extensions only).
- [2] Amendment 1 to the Construction Agreement amended the scope agreement to include the closure of gaps (at reaches 13 and 24) in Area C.
- [3] Amendment 2 to the Design Agreement increased the cost share from 50% to 76% State Cost Share and increased the State funding limit.
- [4] Amendment 2 to the Construction Agreement increased the scope to include Areas B & D2A and increased the State funding limit. It also incorporated many of the guideline provisions of the UFRR Program.
- [5] Reflects pending transfer of remaining design funding to the CFA and additional funding from DWR for emergency work (\$25,000,000 for R 14 – 16 and \$4,201,000 for emergency storm response).
- [6] Additional funding for other scope items (OWA) included in Amendment 7 are included in the above analysis.

*OWA (CDFW & WCB) Grant Agreements*

SBFCA staff is working with the WCB and CDFW to process payments for the ongoing OWA work. Recent payments were received for all of the WCB grants in the amount of \$7,358,542 to date and for the CDFW Berm, Canal & Bridges grant in the amount of \$5,386,984 through the 8<sup>th</sup> Quarter, with \$80,014 for the 9<sup>th</sup> Quarter submitted and pending payment. Payments on the CDFW Veg Planting grant for the first through fifth quarters were received in the sum amount of \$756,367 with \$0 currently pending. A 6<sup>th</sup> Quarter package is currently being formulated with submittal this coming month. SBFCA also presently has \$0 in pending payments due from all additional WCB packages that were recently resubmitted with modifications and updates at WCB’s request.

The tables below present the funding status of the Agency's WCB Grants and CDFW Grants, respectively.

**OWA WCB Funding**

Grant Agreement No.	<u>Agreement</u>				<u>Total</u>
	WC-1736BC	WC-1842AP	WC-1729SS	WC-1554MM	
Grant Amount	\$5,070,900	\$1,542,100	\$484,000	\$792,522	\$7,889,522
<b>TOTAL FUNDING</b>	<b>\$5,070,900</b>	<b>\$1,542,100</b>	<b>\$484,000</b>	<b>\$792,522</b>	<b>\$7,889,522</b>
<i>Payment Received</i>					
PMT 1	\$768,688	\$1,011,120	\$484,000		\$2,263,808
PMT 2	\$1,593,679				\$1,593,679
PMT 3	\$17,073				\$17,073
PMT 4	\$53,946				\$53,946
PMT 5	\$1,558,060				\$1,558,060
PMT 6	\$139,225				\$139,225
PMT 7	\$12,169				\$12,169
PMT 8	\$9,228				\$9,228
PMT 9	\$23,227				\$23,227
PMT 10	\$23,143				\$23,143
PMT 11	\$10,840			\$101,525	\$112,365
PMT 12	\$354,531				
Retention Release	\$507,090				
Previous Amounts Sum [1]				\$690,997	\$690,997
<b>TOTAL PAYMENTS</b>	<b>\$5,070,900</b>	<b>\$1,011,120</b>	<b>\$484,000</b>	<b>\$792,522</b>	<b>\$7,358,542</b>
<b>GRANT BALANCE</b>	<b>\$0</b>	<b>\$530,980</b>	<b>\$0</b>	<b>\$0</b>	<b>\$530,980</b>

[1] Amount includes payments 1 thru 10 for WC-1554MM grant.

**OWA CDFW Funding**

	<u>Agreement</u>		<u>Total</u>
Grant Agreement No.	P1796010	Q1996015	
Grant Amount	\$5,648,836	\$1,716,847	\$7,365,683
<b>TOTAL FUNDING</b>	<b>\$5,648,836</b>	<b>\$1,716,847</b>	<b>\$7,365,683</b>
 Receipts			
Received			
PMT 1	\$22,457	\$404,324	\$426,781
PMT 2	\$29,825	\$113,379	\$143,205
PMT 3a	\$3,253,250	\$56,180	\$3,309,430
PMT 3b	\$1,458,029		\$1,458,029
PMT 4	\$303,191	\$42,759	\$345,950
PMT 5	\$164,122	\$139,725	\$303,847
PMT 6	\$114,971		\$114,971
PMT 7	\$27,302		\$27,302
PMT 8	\$13,837		\$13,837
Pending			
PMT 9	\$80,014		\$80,014
 <b>TOTAL PAYMENTS</b>	 <b>\$5,466,999</b>	 <b>\$756,367</b>	 <b>\$6,223,366</b>
 <b>GRANT BALANCE</b>	 <b>\$181,837</b>	 <b>\$960,480</b>	 <b>\$1,142,317</b>

*CNRA Proposition 68 Sediment Management Project*

SBFCA staff finalized a grant with California Natural Resources Agency (CNRA) for Sediment Management along the Feather River in February 2020 for \$5,000,000. The first four invoice packages cover costs through March 31, 2021. All four packages have been submitted to CNRA for payment, with the first quarter payment of \$15,477 received and the remaining three packages for the 2<sup>nd</sup> through 4<sup>th</sup> Quarters pending. A fifth invoice package is being formulated and will be submitted in near time. Additional invoices for subsequent quarters will proceed in coming months. SBFCA has been in close contact with CNRA to process payments.

**CNR Sediment Removal Funding**

	<u>Agreement</u>	<u>Total</u>
Grant Agreement No.	R31866-0	
Grant Amount	\$5,000,000	\$5,000,000
<b>TOTAL FUNDING</b>	<b>\$5,000,000</b>	<b>\$5,000,000</b>
 Receipts		
Received		
PMT 1	\$15,477	\$15,477
Pending		
PMT 2	\$237,517	\$237,517
PMT 3	\$151,111	\$151,111
PMT 4	\$258,997	\$258,997
 <b>TOTAL PAYMENTS</b>	 <b>\$647,625</b>	 <b>\$647,625</b>

*Oroville Wildlife Area (OWA) Flood Stage Reduction Project*

The project team is coordinating closely with CDFW and WCB on the documentation for closing out this project, including work on project closeout and on post-construction monitoring activities. Closeout for both remaining WCB grants is expected early this year. In February, SBFCA finalized the Name Change Request process through the CVFPB to transfer the permit and obligations back to DWR since the State owns and maintains the area. SBFCA staff also continues to coordinate with River Partners regarding their ongoing work on the invasive species removal and the new vegetation planting efforts.

With regards to funding, SBFCA staff has recently submitted three different grant applications for advancing the OWA Robinson's Riffle Restoration Project. The first grant application was submitted to the State Parks Department on January 20 which requested approximately \$3M in funding for improvements at the Thermalito Afterbay boat ramp and campground. A second grant application was submitted to DWR's Floodplain Management, Protection, and Risk Awareness Grant Program on February 9 which requested approximately \$1.4M in funding for the alternatives analysis, pre-design, and environmental work. The third application will be submitted to CDFW's Watershed Restoration Program on March 4 which will request approximately \$1.7M in funding for the alternatives analysis, design, and environmental work. SBFCA staff will continue to monitor for other potential grant opportunities to advance this important project.

*Butte County FEMA Accreditation*

SBFCA staff submitted the Butte County FEMA accreditation package to FEMA in July of 2019. Following submittal, it was projected that the review and processing period with FEMA would take approximately 2 to 3 years before the proposed mapping changes become effective. In January, Butte County and SBFCA received a formal "determination document" letter from FEMA stating that the Letter of Map Revision (LOMR) has been approved and is effective beginning January 31, 2022.

*Sutter County FEMA Accreditation*

SBFCA staff continues to coordinate with Sutter County and City of Yuba City staff regarding future FEMA accreditation and floodplain remapping. SBFCA has finished with incorporating the updates to the post-FRWLP 100-year floodplain maps and continues to coordinate with City and County staff. SBFCA's design team is actively preparing the Sutter County FEMA Accreditation Package and it is anticipated that SBFCA, in coordination with Sutter County and Yuba City, will submit the 100-year accreditation package for the southern Feather River west levee reaches to FEMA in summer of 2022 following the closeout of the Federal project. Following submittal, it is anticipated that the review and processing period with FEMA will take approximately 3 to 5 years before the proposed mapping changes become effective. SBFCA staff has also been in contact with Yuba County staff and their consultants to help coordinate the ongoing hydraulic modeling efforts and to maintain consistency with recent levee work performed by both SBFCA and Three Rivers Levee Improvement Authority.

**Fiscal Impact**

This is an informational item only with no fiscal impact to SBFCA.