

# Feather River West Levee Financing Authority

Board of Directors Regular Meeting Agenda – June 14, 2023 2:00 p.m.  
City of Yuba City Council Chambers – 1201 Civic Center Blvd., Yuba City  
(or upon conclusion of the Sutter Butte Flood Control Board Meeting)

The agenda is posted in the building of the Sutter Butte Flood Control Agency at 1445 Butte House Road. Suite B, Yuba City. The agenda summary, backup materials, and approved minutes are also posted on the Feather River West Levee Financing Authority website at FRWLFA.org. Materials related to an item on this agenda and submitted to the Board of Directors after distribution of the agenda packet are available for public inspection in the office of the Board Clerk at 1445 Butte House Road, Suite B, Yuba City, during normal business hours. In compliance with the American 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 SBFCA office at 530-755-9859 or [admin@sutterbutteflood.org](mailto:admin@sutterbutteflood.org). Requests must be made one full business day before the start of the meeting.

## Levee District 1

Charlie Hoppin  
Alt: Al Montna

## Levee District 9

Mike Morris  
Alt: Chris Schmidl

## Sutter County

Mike Ziegenmeyer  
Alt: Mat Conant

Persons wishing to address the Board during consideration of matters listed on the agenda will be allowed to do so. Testimony should always begin with the speaker giving his or her name and place of residence. Requests for assistive listening devices or other accommodations, such as interpretive services, should be made through the Sutter Butte Flood Control Agency office at 530-755-9859. Requests should be made at least 72 hours prior to the meeting. Later requests will be accommodated to the extent feasible.

## AGENDA SUMMARY

### **SPECIAL MEETING/CALL TO ORDER**

- Roll Call
- Pledge of Allegiance

### **PUBLIC COMMENT**

Members of the public will be allowed to address the Feather River West Levee Financing Authority 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 May 10, 2023 Board Meeting

## **PRESENTATION, DISCUSSION & ACTION ITEMS**

2. LD1 – MA3 Annexation Status Update
3. Adoption of Resolution approving the 2023-24 Fiscal Year Assessment District Budget and levy and collection of assessments for the Feather River West Levee Financing Authority Operations and Maintenance Assessment District in Sutter County
4. SBFCA Services Update

## **ADJOURNMENT**

The next regularly scheduled Board of Directors meeting is scheduled for June 14, 2023 at 2 p.m.

# Feather River West Levee Financing Authority

Board of Directors Special Meeting Minutes, May 10, 2023, 2:00 p.m.

The Feather River West Levee Financing Authority (Agency) Board of Directors (Board), State of California, met on the above date at 2 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 FRWLFA's website: <http://frwlfa.org/governance/meetings>

## MEMBERS PRESENT

Levee District 1:	Charlie Hoppin
Levee District 9:	Mike Morris
County of Sutter:	Mike Ziegenmeyer (after roll call)

**STAFF PRESENT:** Michael Bessette, SBFCA Executive Director; Chris Fritz, SBFCA Director of Engineering; Andrea Clark, SBFCA Counsel; Seth Wurzel, SBFCA Budget Manager, Drew Stresser, Levee Districts 1 & 9 General Manager; and Terra Yaney, Board Clerk

## MEETING/CALL TO ORDER

At 2:00 p.m., Director Charlie Hoppin opened the meeting and led the group in the pledge of allegiance.

## PUBLIC COMMENT

**No Public Comment**

## CONSENT CALENDAR

### 1. Approval of the minutes for the December 14, 2022 Board Meeting

A motion to approve the Consent Calendar was made by Director Mike Morris and seconded by Director Charlie Hoppin. The motion passed with no objection. The motion was approved as follows:

- Charlie Hoppin - yes
- Mike Morris - yes
- Mike Ziegenmeyer - yes

## PRESENTATION, DISCUSSION & ACTION ITEMS

### 2. FRWLFA – LD 1 – LD 9 Agreement for Assessment Apportionment

Budget Manager Seth Wurzel gave a PowerPoint presentation on the process needed to apportion revenues from the FRWLFA Assessment to LD 1 and LD 9. The following materials were provided:

- A technical memorandum prepared by Larsen Wurzel & Associates.
- An agreement for execution between FRWLFA, LD 1 and LD 9 to formalize the arrangement for apportioning revenues based on the technical memorandum.

It was recommended that the Board approve the form of agreement subject to any minor modifications needed. However, if the Board desires any modification, provide direction to staff on how to modify the approach or advance the agreement with Levee Districts.

**A motion to approve the agreement for Assessment Apportionment was made by Director Mike Morris and seconded by Director Mike Ziegenmeyer. The motion passed with no objection. The motion was approved as follows:**

- **Charlie Hoppin - yes**
- **Mike Morris - yes**
- **Mike Ziegenmeyer - yes**

**3. Status update on LD1 – MA3 Annexation**

Budget Manager Seth Wurzel provided an information status briefing regarding LD1’s efforts to advance the following two processes; 1) Assumption of O&M responsibility for the State Maintained MA 3 levee, and 2) the annexation of the MA3 service into LD1’s service area through a Local Agency Formation Commission annexation proceeding.

**4. SBFCA Services Update**

Budget Manager Seth Wurzel presented Items for consideration at future FRWLFA Board Meetings. The items discussed included: process for establishing a FRWLFA fund/ Treasury.

**PUBLIC COMMENT**

**No public comment**

The entire recording, along with a PowerPoint presentation is available on the FRWLFA website at: <http://frwlfa.org/governance/meetings>

**ADJOURNMENT**

With no further business coming before the Board, the meeting was adjourned at 2:15 p.m.

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

**Terra Yaney, Board Clerk**

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**Charlie Hoppin, Board Chair**

# Feather River West Levee Financing Authority

June 14, 2023

**TO:** Board of Directors

**FROM:** Andrew Stresser – FRWLFA Executive Director

**SUBJECT:** LD1 – MA 3 Annexation Status Update

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Time has been set aside on the Agenda for Staff to provide an informational status briefing to the FRWLFA Board regarding LD1's efforts to advance the following two processes; 1) Assumption of O&M responsibility for the State Maintained MA 3 levee, and 2) the annexation of the MA3 service into LD1's service area through a Local Agency Formation Commission annexation proceeding.

# Feather River West Levee Financing Authority

June 14, 2023

**TO:** Board of Directors

**FROM:** Michael Bessette, SBFCA Executive Director

**SUBJECT:** Adoption of Resolution approving the 2023-24 Fiscal Year Assessment District Budget and levy and collection of assessments for the Feather River West Levee Financing Authority Operations and Maintenance Assessment District in Sutter County

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## Recommendation

Adopt a resolution approving the Fiscal Year 2023-24 Assessment District Budget and levy and collection of Feather River West Levee Financing Authority's assessments in Fiscal Year 2023-24 in Sutter County. The assessments will be levied at the rate specified in the Final Engineer's Report.

## Background

On June 22, 2022, after completion of a voter-approved Proposition 218 election, the FRWLFA Board approved Resolution 2022-09 adopting the Final Engineer's Report and forming the Feather River West Levee Financing Authority Operations and Maintenance Assessment District. The new district would collect approximately \$2 million per year, which would fund the local share of the proposed activities.

## Discussion

A condition precedent of the levy of the assessments described in the Engineer's Report was the assumption of levee O&M responsibility of the MA 3 Levee by LD1. Earlier this year, the annexation of new lands, including State Maintenance Area 3, into Levee District 1 was approved by the Sutter Local Agency Formation Commission and the assumption of levee maintenance responsibility of the State Maintenance Area 3 Levee by Levee District 1 was approved by the Central Valley Flood Protection Board.

The attached resolution approves the annual budget of the assessment district including the authorized escalation of the maximum assessment rate for FY 2023/24. The Final Engineer's report authorizes an annual increase in the assessments based upon the annual increase in CPI subject to a maximum of 4%. The annual increase in CPI (based upon the index specified in the Engineer's Report was 4.19%, so the increase was reduced to 4%. The attached Table 1 shows the escalated budget based on the 4% increase limitation and associated assessment rate. Table 2 shows the summary of the budget based upon the allocation of the funding approved by the Board at its May meeting.

The attached resolution also approves the levy of the assessments and orders that the assessment roll of all parcels subject to the FRWLFA Operations and Maintenance Assessment District assessments to be filed with the Sutter County Auditor-Controller for Fiscal Year 2023-24.

## Fiscal Impact

Approval of the attached resolution authorizes the levy of assessments which generates approximately \$2 million in revenue. The approved budget reflects \$2 million of assessment revenue in Fiscal Year 2023-24 within FRWLFA's operational and capital funds (combined).

## Attachments

- a) A resolution of the Feather River West Levee Finance Authority Board of Directors Approving the Fiscal Year 2023-24 Assessment District Budget and ordering the levy assessments within the Feather River West Levee Financing Authority Operations and Maintenance Assessment District
- b) Table 1 – Assessment District Budget for FY 2023-24
- c) Table 2 – Assessment District Budget allocation for FY 2023-24

**FEATHER RIVER WEST LEVEE FINANCING AUTHORITY  
RESOLUTION 2023-01**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF  
THE FEATHER RIVER WEST LEVEE FINANCING AUTHORITY  
APPROVING THE FISCAL YEAR 2023-24 ASSESSMENT DISTRICT BUDGET  
AND ORDERING LEVY OF ASSESSMENTS WITHIN THE FEATHER RIVER WEST LEVEE  
FINANCING AUTHORITY OPERATIONS AND MAINTENANCE ASSESSMENT DISTRICT**

WHEREAS, the Feather River West Levee Financing Authority (“Agency”) is a Joint Powers Authority created in 2022 to finance and construct levee improvements in the west Feather River levees; and

WHEREAS, the Board of Directors of the Agency, after a public hearing and voter election in compliance with Proposition 218 and pursuant to California Government Code Sections 54710, 54710.5 and 54718, adopted Resolution 2022-09 approving the Final Engineer’s Report (“Engineer’s Report”) for the Feather River West Levee Financing Authority Operations and Maintenance Assessment District (“Assessment District”), approving the assessment diagram and assessments therein.

WHEREAS, the annexation of new lands, including State Maintenance Area 3, into Levee District 1 was approved by the Sutter Local Agency Formation Commission and the assumption of levee maintenance responsibility of the State Maintenance Area 3 Levee by Levee District 1 was approved by the Central Valley Flood Protection Board consistent with assumptions reflected in the Final Engineer’s Report prior to the levy of the assessment by the Agency.

WHEREAS, the Agency agrees that it shall be solely liable and responsible, and will defend and hold the County of Sutter harmless from any liability as a result of claims or claims for refunds and related interest due filed by taxpayers against any assessment placed on the roll for the Agency by the County.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The above recitals are true and correct.
2. The Agency approves the budget of the Assessment District as specified in the staff report presented to the Board at its June 14, 2023 Board meeting.
2. The assessments for fiscal year 2023-24 shall be levied at the rate as specified in the Engineer’s Report, using the method for apportioning such assessments as provided in the Engineer’s Report. The assessments are levied without regard to property valuation.
3. The Agency staff is directed to file or cause to be filed and to take or cause to be taken all actions necessary to allow collection of the assessment, including the filing of a certified copy of this Resolution with the Auditor/Controller of Sutter County (the “County Auditor/Controller”). Upon such filing, the County Auditor/Controller shall enter on the County tax roll opposite each

lot or parcel of land in the Assessment District the amount of assessment thereupon as shown in the Engineer's Report and described in this Resolution. The benefit assessment shall be collected at the same time and in the same manner as County ad valorem taxes are collected and all laws providing for the collection and enforcement of County ad valorem taxes shall apply to the collection and enforcement of the assessments. After collection by the County Tax Collector, the net amount of the assessments, after deduction of any compensation due the County for collection, shall be paid to the Agency for the purposes of the Assessment District.

4. For parcels within the Assessment District that are owned by public agencies, utilities or for other reasons are not included in the Direct Levy Secured Roll by the County Auditors/Controller, the Agency staff is directed to direct bill such assessments.

5. The monies representing assessments collected shall be deposited in a separate fund or funds designated for the Assessment District. Amounts deposited to such fund(s) shall be expended only for the services and other activities that specially benefit the lands within the Assessment District as described in the Engineer's Report.

6. The assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board or by order of the Executive Director of the Agency. Any such corrections, cancellations or refunds shall be limited to current or future fiscal years and shall not be granted retroactively.

**PASSED AND ADOPTED** 14th day of June, 2023, by the following vote of the FRWLFA Board, to wit:

**AYES:**

**NOES:**

**ABSENT:**

**ABSTAIN:**

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Terra Yaney, Board Clerk  
Feather River West Levee Financing Authority  
County of Sutter  
State of California

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Charlie Hoppin, Board Chair  
Feather River West Levee Financing Authority  
County of Sutter  
State of California

TABLE 1 - ASSESSMENT DISTRICT BUDGET BUDGET ITEMS	FINAL ER	Escalation [1]	ANNUAL
	BUDGET FISCAL YEAR 2022/2023		BUDGET FISCAL YEAR 2023/2024
<b>Annual Operations &amp; Maintenance Expenses</b>			
Personnel Salaries and Benefits	\$ 696,271	1.04	\$ 724,122
Contract and Operational Services	153,967	1.04	160,126
Material, Equipment, and Utilities	170,208	1.04	177,016
<b>Total Annual Operations and Maintenance Expenses</b>	<b>\$ 1,020,446</b>		<b>\$ 1,061,264</b>
<b>Repair, Rehabilitation, &amp; Replacement Funding (RR&amp;R)</b>			
<b>Operational Services and Activities</b>			
Operational Services and Activities (LD1)	235,843	1.04	245,276
Operational Services and Activities (LD9)	87,147	1.04	90,633
Operational Services and Activities (MA3)	37,319	1.04	38,811
Operational Services and Activities (Adjustments)	-	1.04	-
<b>Operational Services and Activities</b>	<b>360,309</b>		<b>374,721</b>
<b>Reimbursed Operational Services and Activities</b>			
Reimbursed Operational Services and Activities (LD1)	13,563	1.04	14,106
Reimbursed Operational Services and Activities (LD9)	-	1.04	-
Reimbursed Operational Services and Activities (MA3)	-	1.04	-
Reimbursed Operational Services and Activities (Adjustments)	-	1.04	-
<b>Reimbursed Operational Services and Activities</b>	<b>13,563</b>		<b>14,106</b>
<b>RR&amp;R Services and Activities Funding Collection</b>	<b>\$ 373,872</b>		<b>\$ 388,827</b>
<b>Material, Equipment, and Utilities</b>			
Material, Equipment, and Utilities (LD1)	62,038	1.04	64,519
Material, Equipment, and Utilities (LD9)	17,373	1.04	18,068
Material, Equipment, and Utilities (MA3)	5,383	1.04	5,599
Material, Equipment, and Utilities (Adjustments)	-		-
<b>RR&amp;R Material &amp; Equipment Funding Collection</b>	<b>84,795</b>	<b>1.04</b>	<b>88,186</b>
<b>Total RR&amp;R Funding Collection</b>	<b>\$ 458,666</b>		<b>\$ 477,013</b>
Planned Capital Expenditures for Fiscal Year 2022/2023	\$ -	1.04	\$ -
<b>Total Repair, Rehabilitation, &amp; Replacement Funding Collection</b>	<b>\$ 458,666</b>		<b>\$ 477,013</b>
<b>Incidental Operational Expenses</b>			
Agency Overhead & Administration	\$ 233,836	1.04	\$ 243,189
Professional Administration Services	189,791	1.04	197,382
Office Supplies, Equipment, Utilities & Repairs	28,909	1.04	30,065
Federal, State, County & Local Fees and Reimbursements	99,646	1.04	103,632
<b>Total Annual Incidental Expenses</b>	<b>\$ 552,182</b>		<b>\$ 574,269</b>
<b>TOTAL ANNUAL EXPENSES</b>	<b>\$ 2,031,294</b>		<b>\$ 2,112,546</b>
<b>General Benefit Expenses (Agency Funded)</b>	<b>\$ (99,980)</b>		<b>\$ (99,980)</b>
<b>TOTAL ELIGIBLE SPECIAL BENEFIT EXPENSES</b>	<b>\$ 1,931,314</b>		<b>\$ 2,012,566</b>
<b>Funding Adjustments/Contributions</b>			
Additional Agency Contribution	-	1.04	-
<b>Total Funding Adjustments / Contributions</b>	<b>\$ -</b>		<b>\$ -</b>
<b>BALANCE TO LEVY</b>	<b>\$ 1,931,314</b>		<b>\$ 2,012,566</b>
<b>District Statistics</b>			
Total Parcels	25,097		25,097
Parcels Levied	24,733		24,733
Total Flood Damage Reduction Benefits (FDRBs)	3,740,275,424		3,740,275,424
<b>Assessment Rate per FDRB FY2023/2024</b>	<b>\$0.00051636</b>		<b>\$0.00053701</b>
<b>Maximum Assessment Rate per FDRB</b>	<b>\$0.00051636</b>		<b>\$0.00053701</b>
<b>Total Balloted Assessment Amount</b>	<b>\$ 1,931,314.18</b>		<b>\$ 2,012,565.95</b>

[1] The Annual Increase in CPI-U for San Francisco-Oakland-Hayward based upon the annual change in the April-April Index (the latest data available) is 4.19%. The annual increase is limited to a Maximum of 4%.

TABLE 2 - Budget Summary and Approved Allocation Approach  
 FISCAL YEAR 2023/24

	<u>Total Budget</u> <u>2023/24</u>	<u>Estimated</u> <u>Agency Funded</u>	<u>Net Levy</u> <u>2023/24</u>	<u>Allocation %</u> <u>(% of LD Work)</u>
FRWLFA	\$88,647		\$88,647	<i>Paid First</i>
LD 1	\$1,275,585	\$0	\$1,275,585	66.4%
MA 3	\$299,970	\$0	\$299,970	15.6%
<i>LD 1 including MA3</i>	<i>\$1,575,556</i>	<i>\$0</i>	<i>\$1,575,556</i>	<i>82.0%</i>
LD 9	\$448,343	(\$99,980)	\$348,363	18.1%
<i>Subtotal LD Work</i>	<i>\$2,023,899</i>	<i>(\$99,980)</i>	<i>\$1,923,919</i>	<i>100.1%</i>
<b>Total</b>	<b>\$2,112,546</b>	<b>(\$99,980)</b>	<b>\$2,012,566</b>	