

# Feather River West Levee Financing Authority

Board of Directors Regular Meeting Agenda – July 13, 2022, 2:00 p.m.  
(or upon conclusion of the Sutter Butte Flood Control Board Meeting)

## 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 or by teleconference. For those attending by teleconference, the call-in information for the Board of Directors and the public is as follows:

**Meeting URL:** [https://us06web.zoom.us/webinar/register/WN\\_MQTa3DoqTBaQ\\_f5GDHaXFw](https://us06web.zoom.us/webinar/register/WN_MQTa3DoqTBaQ_f5GDHaXFw)

Any member of the public participating by teleconference 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, Feather River West Levee Financing Authority will use best efforts to swiftly resolve requests for reasonable modifications or accommodations with individuals with disabilities, consistent with the Americans with Disabilities Act, and resolving any doubt whatsoever in favor of accessibility.

### Levee District 1

Charlie Hoppin  
Alt: Al Montna

### Levee District 9

Mike Morris  
Alt: Chris Schmidl

### Sutter County

Mike Ziegenmeyer  
Alt: Mat Conant

## 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 June 22, 2022 Special Board Meeting
- 2) Continuing Brown Act Resolution No. 2022-07

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

- 3) Approval of resolutions related to the formation of the Feather River West Levee Financing Authority Operations and Maintenance Assessment District
  - a) A resolution declaring the results of the property owner protest ballot proceeding
  - b) A resolution approving the formation of the assessment district, confirming the Engineer's Report, assessment diagram and assessments
  
- 4) SBFCA Services Update

**ADJOURNMENT**

The next regularly scheduled Board of Directors meeting is scheduled for August 10, 2022 at 2 p.m.

# Feather River West Levee Financing Authority

Board of Directors Special Meeting Minutes, June 22, 2022, 2:00 p.m.

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

The Feather River West Levee Financing Authority (Authority) Board of Directors (Board), State of California, met on the above date at 2:00 p.m. in Compliance with CA Executive Orders AB361. Members of the Board of Directors and members of the public participated in this meeting in person and 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 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

**STAFF PRESENT::** Michael Bessette, SBFCA Executive Director; Andrea Clark, SBFCA Counsel; Seth Wurzel, SBFCA Budget Manager, Kim Floyd, Public Outreach (Interim Board Clerk); Drew Stresser, Levee Districts 1 & 9 General Manager; Mike Inamine, HDR Project Manager; Jim McGuire, Assessment Engineer; and Ally Jeffers, Public Outreach

### MEETING/CALL TO ORDER

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

\*Director Ziegenmeyer arrived after the roll call and consent calendar vote.

### PUBLIC COMMENT

**No Public Comment**

### CONSENT CALENDAR

1. Approval of the minutes for the May 11, 2022 Special Board Meeting
2. Continuing Brown Act Resolution No. 2022-04

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 – not present for vote

**No Public Comment**

## PRESENTATION, DISCUSSION & ACTION ITEMS

### 3. Public Hearing

HDR Project Manager, Mike Inamine, provided a PowerPoint presentation reviewing background information on the FRWLFA Operations & Maintenance Assessment. Before opening the public hearing Director Hoppin outlined the proceeding for the public hearing. He explained the public hearing is the conclusion of the assessment ballot proceeding that allows property owners within FRWLFA to decide if an assessment should be approved to provide adequate funding for levee operations and maintenance. He went on to explain that in accordance with Proposition 218 law, the public hearing gives property owners the opportunity to provide comments and questions to the Board. After the conclusion of the public hearing, the balloting period will close.

Director Hoppin opened the public hearing and invited the public to comment on the proposed benefit assessment.

## PUBLIC COMMENT

Yuba City resident, Edna Smith, provided public comment in support of the FRWLFA Assessment and highlighted the need for independent oversight of the project.

*SBFCA Executive Director, Michael Bessette, answered and confirmed that if the Assessment passes there will be an annual audit performed. That annual audit will be performed by an independent auditor and the results will be reported to the Board and made available to the public.*

Yuba City resident, Kenneth Mallory, provided public comment and spoke out in opposition of the Assessment and supported the State taking over this project.

*Mr. Bessette and Assessment Engineer, Jim McGuire, addressed this comment and clarified the difference between the Sutter Butte Flood Control Agency Assessment and the FRWLFA Operations & Maintenance Assessment and the term "special benefit" regarding the Assessment.*

Yuba City resident, Larry Hood, provided public comment and asked: If the Assessment fails to pass – where does the money come from? Mr. Hood also asked if the Assessment would accumulate \$1.3 or \$1.9 million for operations and maintenance of the levees?

*HDR Project Manager, Mike Inamine, addressed these questions by confirming that the State will take over the operations and maintenance of the levees if the Assessment does not pass. He also clarified that the Assessment would accumulate \$1.9 million.*

Yuba City resident, James Bursey, provided public comment via Zoom chat in support of the Assessment and echoed the request of the first speaker for independent oversight of the project. Mr. Bursey later asked if the Assessment passes and a new agency is formed – what percentage of the Assessment goes to administrative overhead?

*SBFCA Budget Manager, Seth Wurzel, addressed this question and clarified that a small percentage of the budget would go towards FRWLFA administrative overhead costs.*

Sutter County resident, Ron Dale, provided public comment and asked if management and director salaries are included under personnel salaries (in reference to the FRWLFA budget)?

*Assessment Engineer, Mr. McGuire, addressed this question and stated that Levee Districts 1 & 9 have one manager and two laborers that currently operate and maintain the levees. He also clarified that Agency Operation & Administrative costs includes General Manager salaries and that the bulk of the Assessment goes towards labor costs to operate and maintain the levees.*

Following the public comment session, Director Hoppin called for a meeting recess in order to allow all property owner's present to submit any remaining ballots.

Director Hoppin reconvened the meeting and made a last call for all ballots to be submitted. Seeing that all ballots had been submitted, Director Hoppin closed the public hearing and directed Jim McGuire, the Assessment Engineer, to begin the ballot tabulation process.

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 3:07 p.m.

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

**Terra Yaney, Board Clerk**

\_\_\_\_\_

**Charlie Hoppin, Board Chair**

**Feather River West Levee Financing Authority**

**RESOLUTION NO. 2022-07**

**AUTHORIZING REMOTE TELECONFERENCE MEETINGS OF FEATHER RIVER WEST LEVEE FINANCING AUTHORITY PURSUANT TO THE BROWN ACT**

WHEREAS, Feather River West Levee Financing Authority (“Authority”) is committed to preserving public access and participation in meetings of the Board of Directors; and

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

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

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

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

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

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

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

NOW, THEREFORE, THE BOARD OF DIRECTORS OF FEATHER RIVER WEST LEVEE FINANCING AUTHORITY DOES HEREBY RESOLVE AS FOLLOWS:

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

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

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

Section 4. Effective Date of Resolution. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of (i) June 22, 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 Authority may continue to teleconference without compliance with paragraph (3) of subdivision (b) of section 54953.

PASSED AND ADOPTED by the Board of Directors of Sutter Butte Flood Control Agency, this 13th day of July, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Board Chair

# Feather River West Levee Financing Authority

July 13, 2022

**TO:** Board of Directors

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

**SUBJECT:** Approval of two resolutions related to the formation of the Feather River West Levee Operations and Maintenance Assessment District Formation

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**RECOMMENDATION:**

Approve two resolutions related to the formation of the Feather River West Levee Operations and Maintenance Assessment District (FRWLFA O&M AD) Formation:

1. A resolution declaring the results of the property owner protest ballot proceeding conducted for the levy of assessments related to the FRWLFA O&M AD and approving certain related actions; and,
2. A resolution approving the formation of the FRWLFA O&M AD, confirming the Engineer's Report, the Assessment Diagram and Assessments related thereto, and overruling all protests concerning the assessments.

**BACKGROUND:**

FRWLFA has been advancing the formation of the Feather River West Levee Operations and Maintenance Assessment District (the "FRWLFA O&M AD") pursuant to the provisions of the Benefit Assessment Act of 1982 (Govt. Code section 54703 et seq.), (the "1982 Act") and the substantive and procedural requirements of the California State Constitution Article XIII D ("California Constitution") and the Proposition 281 Omnibus Implementation Act (Govt. Code section 53750 et seq.) FRWLFA has prepared, filed and preliminarily approved an Engineer's Report that outlines the parcels that will receive special benefit from the operations, maintenance, repair, replacement and rehabilitation of the west Feather River levees to be funded by the assessment. The Engineer's Report details the basis of the proposed proportional special benefit assessments to be levied and collected. The FRWLFA Board also declared its intention to form the District and to levy and collect assessments; made the Engineer's Report available for public inspection; and mailed a Notice of the Hearing to each of the property owners of record within the proposed District at least 45 days before a public hearing, which was held on June 22, 2022 at City Hall in Yuba City, California. Public testimony and written protests were heard / received, and following conclusion of the hearing, all submitted ballots were tabulated by FRWLFA's Assessment Engineer. Ballots of landowners within the proposed District were weighted by the proportional financial obligation of each ballot. Ballot tabulation was conducted at the Sutter Butte Control Flood Control Agency Office in Yuba City, California and was open for public viewing. FRWLFA's Assessment Engineer has reported the results of the canvass of the submitted ballots received prior to the close of the public hearing.

The results of the Assessment Engineer's tabulation are as follows:



Total Valid Submitted Ballots Cast	Total - Yes	Total - No
\$ 703,969.63	\$ 369,249.03	\$ 334,720.60

As a result of the tabulation, it has been determined that a majority protest of the formation of the proposed assessment district does not exist. Given this fact, the Board may consider formation of the FRWLFA O&M AD and in the future consider the levy of an annual assessment.

The first resolution submitted to the Board for consideration is a resolution formally declaring the results of the ballot tabulation as reported above.

The second resolution submitted for the Board’s consideration takes the necessary steps pursuant to the 1982 Act to form the Assessment District. This includes confirming the previously submitted and preliminary approved Engineer’s Report, determining that the properties to be assessed receive a special benefit from the facilities and services to be funded by the assessment, approving a diagram (map) that includes all of the land receiving the special benefit, and confirming that the Engineer’s Reports appropriately apportions the assessments to be levied on each parcel in proportion to the special benefit received. The resolution also directs the Executive Director to take all necessary actions to file the required documents in the future with the County/Auditor Controller and/or Assessor to ensure the enrollment of the assessment on property tax bills in the future.

It is expected that the assessment will commence being levied in Fiscal Year 2023/24 after the annexation of Maintenance Area 3 into Levee District 1 is complete and the State has ceased to levy Maintenance Area 3 assessments.

**FISCAL IMPACT**

There is no fiscal impact from the recommended Board action. All costs associated with the formation of the proposed assessment district are being funded by SBFCA through the previously approved services agreement.

**Attachments:**

1. RESOLUTION NO. 2022-08: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER WEST LEVEE FINANCING AUTHORITY, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING CONDUCTED FOR THE LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF THE FRWLFA OPERATIONS AND MAINTENANCE ASSESSMENT DISTRICT, FISCAL YEAR 2022/2023, AND APPROVING CERTAIN RELATED ACTIONS
2. RESOLUTION NO. 2022-09: A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER WEST LEVEE FINANCING AUTHORITY, CALIFORNIA APPROVING THE FORMATION OF THE FRWLFA OPERATIONS AND MAINTENANCE ASSESSMENT DISTRICT, CONFIRMING THE ENGINEER’S REPORT, THE ASSESSMENT DIAGRAM AND ASSESSMENTS RELATED THERETO, AND OVERRULING ALL PROTESTS CONCERNING THE ASSESSMENTS

**Feather River West Levee Financing Authority**

**RESOLUTION NO. 2022-08**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER WEST LEVEE FINANCING AUTHORITY, DECLARING THE RESULTS OF THE PROPERTY OWNER PROTEST BALLOT PROCEEDING CONDUCTED FOR THE LEVY OF ASSESSMENTS RELATED TO THE FORMATION OF THE FRWLFA OPERATIONS AND MAINTENANCE ASSESSMENT DISTRICT, FISCAL YEAR 2022/2023, AND APPROVING CERTAIN RELATED ACTIONS**

WHEREAS, the Board of Directors called and duly held a property owner protest ballot proceeding for the formation of the Feather River West Levee Financing Authority (FRWLFA) Operations and Maintenance Assessment District (“District”) pursuant to the provisions of the Benefit Assessment Act of 1982 being Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with Section 54703 (the "Act"), and the California Constitution Article XIID (the “Constitution”), for the purpose of presenting to the qualified property owners within the proposed District, the annual levy of assessments for the operation, maintenance, repair, rehabilitation, and replacement program of the west Feather River levees connected therewith. The annual levy of assessments, as presented to the affected property owners of record in this ballot proceeding, included and identified the initial maximum assessment rate for Fiscal Year 2022/2023, the proportional assessment amount balloted for each benefiting property as well as the annual inflationary adjustment applicable to future assessments and the total amount balloted for the District. These assessments as presented are intended to fund the special benefit costs and expenses related to the ongoing operation, maintenance, repair, rehabilitation, and replacement of the west Feather River levees, and appurtenant facilities related thereto within the boundaries of the District; and,

WHEREAS, the landowner(s) of record within the proposed District as of the close of the Public Hearing held on June 22, 2022 did cast their ballots, weighted by the proportional financial obligation of each ballot, the results of which are illustrated below:

Total Ballots Cast	Yes Total	No Total
\$ 703,969.63	\$ 369,249.03	\$ 334,720.60

NOW, THEREFORE, BE IT RESOLVED, this Board finds the above recitals are true and correct; and,

BE IT FURTHER RESOLVED, that the protest proceeding for the proposed District was conducted pursuant to the provisions of the California Constitution with ballots presented to the affected property owner(s) for receipt by the Board Clerk prior to the conclusion of the Public Hearing on June 22, 2022, with each ballot weighted according to the proportional financial obligation of the affected property; and,

BE IT FURTHER RESOLVED, that the tabulation and canvass of the property owner protest ballots was conducted by the Assessment Engineer, who has been determined by the FRWLFA Board to be a person that does not have a vested interest in the outcome of the proposed assessment, with all valid protest ballots returned by the affected property owners being counted, the results of which as shown herein, have been presented to the Board of Directors and are hereby confirmed; and,

BE IT FURTHER RESOLVED, that the Board Clerk is hereby directed to enter this Resolution into the minutes of the Board of Directors meeting, which shall constitute the official declaration of the result of such property owner protest proceeding; and,

BE IT FURTHER RESOLVED, that this Resolution shall become effective immediately upon its adoption and the Board Clerk shall certify the adoption of this Resolution.

\* \* \* \* \*

PASSED AND ADOPTED \_\_\_\_\_, by the following vote of the FRWLFA Board, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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

**Feather River West Levee Financing Authority**

**RESOLUTION NO. 2022-09**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE FEATHER RIVER WEST  
LEVEE FINANCING AUTHORITY, CALIFORNIA APPROVING THE FORMATION OF  
THE FRWLFA OPERATIONS AND MAINTENANCE ASSESSMENT DISTRICT,  
CONFIRMING THE ENGINEER’S REPORT, THE ASSESSMENT DIAGRAM AND  
ASSESSMENTS RELATED THERETO, AND OVERRULING ALL PROTESTS  
CONCERNING THE ASSESSMENTS**

WHEREAS, in May 2020, the Feather River West Levee Financing Authority (“FRWLFA”) was established by and between Levee District 1 (“LD1”), Levee District 9 (“LD9”), and Sutter County pursuant to the provisions of the Joint Exercise of Powers Act, Govt. Code Section 6500 et seq., for the purpose of financing the ongoing Operation, Maintenance, Repair, Rehabilitation, and Replacement (“OMRR&R”) of the west Feather River levees, related facilities, and administration expenses within the jurisdictions of LD1, LD9, and Maintenance Area 3 (“MA3”) within Sutter County; and

WHEREAS, FRWLFA, through a services agreement with the Sutter Butte Flood Control Agency, retained Willdan Financial Services (“Willdan”) and HDR as the Assessment Engineer of Work for the purpose of initiating proceedings and preparing an Engineer’s Report pursuant to the provisions of the Benefit Assessment Act of 1982 being Chapter 6.4, Division 2, Title 5 of the Government Code of the State of California commencing with Section 54703 (the "Act"), in connection with the formation of the FRWLFA Operations and Maintenance Assessment District (the “District”) which would incorporate all lots and parcels of land within the jurisdiction of FRWLFA and within Sutter County, to fund the special benefit costs and expenses for the ongoing operation, maintenance, repair rehabilitation, and replacement program of the west Feather River levee and appurtenant facilities related thereto; and,

WHEREAS, after fully considering the Engineer's Report presented, the Board adopted Resolution No. 2022-03 preliminarily approving said Engineer’s Report, declaring its intention to form the District, calling for a property owner protest ballot proceeding for the proposed new assessments related thereto in accordance with the provisions of Article XIID of the California Constitution (the “Constitution”) and Government Code §§ 53750 et seq., and setting the Public Hearing to be noticed pursuant to applicable law for June 22, 2022 at 2:00 p.m.; and,

WHEREAS, notices and ballots were mailed to the property owners of record regarding the formation of the District and the proposed new assessments as described in the Engineer’s Report pursuant to the applicable laws and regulations governing majority protest proceedings for return receipt prior to the close of the public hearing on June 22, 2022; and

WHEREAS, on June 22, 2022, the Board held the duly noticed Public Hearing not less than 45 days after the mailing of the notices and ballots, to consider all oral statements and written protests, objections, and communication made or filed by any interested person regarding the formation of the District and the proposed new assessments; and to receive and accept all protest ballots from the property owners of record within the proposed District; and,

WHEREAS, at the conclusion of the Public Hearing, a tabulation and canvass of the property owner protest ballots was conducted by Assessment Engineer, who has been determined by the FRWLFA Board to be a person that does not have a vested interest in the outcome of the proposed assessment, with all valid protest ballots returned by the affected property owners being counted; and,

WHEREAS, by resolution, the Board has confirmed and declared the results of the ballot tabulation and property owner protest proceeding conducted in accordance with the provisions of the Constitution, the results of which indicated that majority protest did not exist for the assessments as presented and to be levied annually on properties within the District commencing in fiscal year 2023/2024.

NOW, THEREFORE, BE IT RESOLVED, this Board finds the above recitals are true and correct; and,

BE IT FURTHER RESOLVED, that following notice duly given, the Board has held a full and fair public hearing regarding the formation of the District, the levy and collection of assessments, and has considered all public testimony and written statements, protests and communications made or filed by interested persons; and,

BE IT FURTHER RESOLVED, that in accordance with the provisions of the Constitution, the Board has evaluated the results of the property owner protest ballot proceedings and has determined that majority protest of the proposed new assessments did not exist, and hereby overrules all oral or written protests that may have been presented concerning the annual assessments for the District; and,

BE IT FURTHER RESOLVED, that based upon its review of the facts presented, and the Engineer's Report that has been prepared and filed with the Board Clerk, the Board hereby confirms the preliminarily approved Engineer's Report and finds and determines that:

The land within the District will receive special benefit from the ongoing operation, maintenance, repair rehabilitation, and replacement program of the west Feather River levee improvements and appurtenant facilities to be provided by the District as described in the Engineer's Report; and,

The District as defined by the Assessment Diagram contained in the Engineer's Report, includes all of the lands receiving such special benefit; and,

The net amount to be assessed upon the lands within the District has been apportioned by a formula and method which fairly distributes the net amount among all eligible parcels in proportion to the special benefit to be received by each parcel from the improvements and services to be provided. and,

BE IT FURTHER RESOLVED, that the adoption of this Resolution constitutes the formation of the District, the boundaries of the District and the flood level zones therein as contained in the Assessment Diagram presented in the Engineer's Report; the establishment of the maximum assessment rates and assessment range formula connected therewith, and the method of apportionment for calculation of the proportional special benefit assessments as described in the Engineer's Report and adopted by the Board; and,

BE IT FURTHER RESOLVED, that pursuant to applicable law, the Executive Director or their designee is hereby authorized and directed to file, as may be required in the future, the annual levy of assessments for the District as approved herein with the Sutter County Auditor/Controller along with a certified copy of this Resolution; and/or other Resolutions and documents as may be required by the County Auditor/Controller or County Assessor, including copies of this Engineer's Report or Assessment Diagram confirmed by this Resolution; and,

BE IT FURTHER RESOLVED, that the Board Clerk shall certify to the passage and adoption of this Resolution, and the minutes of this meeting shall so reflect the Board's approval and confirmation of the formation of the District; the Engineer's Report and Assessment Diagram prepared in connection with the District formation; and the establishment of the initial maximum assessment rate as of fiscal year 2022/2023, and the assessment range formula for the maximum assessment rate so authorized and outlined in the Engineer's Report.

\* \* \* \* \*

PASSED AND ADOPTED \_\_\_\_\_, by the following vote of the FRWLFA Board, to wit:

AYES:

NOES:

ABSENT:

ABSTAIN:

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

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