Feather River West Levee Financing Authority

Board of Directors Special Meeting Agenda – May 11, 2022, 2:00 p.m.
(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 by teleconference. For those attending by teleconference, the call-in information for the Board of Directors and the public is as follows:

Zoom Meeting URL: https://us06web.zoom.us/j/85476384964?pwd=dzZ0STZuWXMxS0RkcFcxemtWRDhNUT09
Meeting ID: 854 7638 4964
Phone number: 213.338.8477
Passcode: 997100

Any member of the public participating by teleconference may email public comments to 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	Levee District 9	Sutter County
Charlie Hoppin	Mike Morris	Mike Ziegenmeyer
Alt: Al Montna	Alt: Chris Schmidl	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 April 20, 2022 Special Board Meeting

PRESENTATION, DISCUSSION & ACTION ITEMS

3. FRWLFA Assessment District Update

4. SBFCA Services Update

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on June 22, 2022 at 2 p.m.

Feather River West Levee Financing Authority

Board of Directors Special Meeting Minutes, April 20, 2022, 2 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 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 FRWLFA's website: http://frwlfa.org/governance/meetings

MEMBERS PRESENT

Levee District 1:	Charlie Hoppin
Levee District 9:	Mike Morris
County of Sutter:	Mat Conant

MEMBERS ABSENT: Mike Ziegenmeyer

STAFF PRESENT: Michael Bessette, SBFCA Executive Director; Andrea Clark, Authority Counsel; Seth Wurzel, SBFCA Budget Manager, Drew Stresser, General Manager; Terra Yaney; SBFCA 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 March 9, 2022 Board Meeting**
2. **Continuing Brown Act Resolution No. 2022-02**

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

- **Charlie Hoppin - yes**
- **Mike Morris– yes**
- **Mat Conant - yes**

No public Comment

PRESENTATION, DISCUSSION & ACTION ITEMS

3. **FRWLFA Assessment District – Adoption of Resolutions regarding the formation of the FRWLFA Operations and Maintenance Assessment District including;**

- **<u>A resolution initiating the proceedings, providing intention to levy assessments, preliminarily approving the Engineer's Report, setting a public hearing date of June 22, 2022, and providing notice of a hearing for the formation of a special benefit assessment district of the District; and,</u>**
- **<u>A resolution adopting Proposition 218 procedures for the 2022 FRWLFA Operations and Maintenance Assessment District assessment ballot proceeding</u>**

Budget Manger Seth Wurzel gave a presentation outlining the purpose of the resolutions and the next steps in the formation process, which includes initiating proceedings, filing the Engineer's Reports, declaring the boards intention to form the special assessment district and to levy and collect assessments. He detailed the process and explained that once preliminarily approving the Engineer's Report the documents will remain open for public inspection; setting the time and place for the public hearing and Prop 218 ballot proceeding – June 22, 2022.

He went on to report that after the Board consideration of the above, the final steps of the formation process would be to mail a notice of public hearing and ballot to the property owners. The notice would be sent at least 45-days prior to the public hearing and special board meeting.

He went on to explain the process of the public hearing and ballot tabulation. It was explained that at the hearing, property owners in the proposed District will have an opportunity to present oral or written comments and to submit new or changed assessment ballots. After the close of the public hearing, the Board will direct the tabulation of the ballots and at a Board meeting on June 29, 2022, the results of the assessment ballot proceeding will be announced, and, if there is no majority protest within the ballots received, the Board may consider final action regarding the formation of the District and levying of the special benefit assessment.

He went on to report on the public outreach efforts to date and showed the public outreach video that is being presented at public meetings and distributed via social media. https://hdr.wistia.com/medias/13usaqpkna

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

4. <u>SBFCA Services Update</u>
SBFCA Executive Director gave an update on SBFCA's tracking of expenses – administrative costs, legal, assessment district coordination and outreach.

No public Comment

ADJOURNMENT
With no further business coming before the Board, the meeting was adjourned at 2:32 p.m.

ATTEST BY: ___________________________________ ___________________________________

Board Chair

Terra Yaney, Board Clerk

Feather River West Levee Financing Authority

RESOLUTION NO. 2022-03

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) March 9, 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 11th day of May, 2022, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Board Chair