

Feather River West Levee Financing Authority

Board of Directors Agenda – Regular Board Meeting, April 14 , 2021, 3:00 p.m.

MODIFIED BROWN ACT REQUIREMENTS IN LIGHT OF COVID-19

In Compliance with CA Executive Orders N-25-20 and N-29-20 members of the Board of Directors and members of the public will participate in this meeting by teleconference. The call in information for the Board of Directors and the public is as follows:

Meeting URL: <https://downeybrand.zoom.us/j/94245778051?pwd=UnVxL2R5RThwQlIibWVnbTdRNGVMUT09>

Meeting ID: 942 4577 8051

Phone number: 213-338-8477

Passcode: 775170

Any member of the public on the telephone may speak during Public Comment or 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, 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.

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

REGULAR 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.

PRESENTATION, DISCUSSION & ACTION ITEMS

1. Approval of the minutes for the February 10, 2021 Board Meeting

2. Amended Conflict of Interest Code
3. FRWLFA Assessment District Engineering Update
4. SBFCA Services Update

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on May 12, 2021 at 3 p.m.

Feather River West Levee Financing Authority

Board of Directors Minutes Regular Meeting, February 10, 2020, 3 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 3 p.m. in Compliance with CA Executive Orders N-25-20 and N-29-20 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

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

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

MEETING/CALL TO ORDER

At 3:00 p.m., Director Charlie Hoppin opened the meeting and led the group in the pledge of allegiance.

PUBLIC COMMENT

No public Comment

PRESENTATION, DISCUSSION & ACTION ITEMS

1. Approval of the minutes for the December 9, 2020 Board Meeting

A motion to approve the Minutes of the December 9, 2020 Board Meeting 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

No public Comment

2. FRWLFA Assessment District Engineering Update

Budget Manager Seth Wurzel provided an update on the team's progress. He provided a status update on schedule of deliverables under Task Order No. 1. He reported that Assessment Feasibility Analysis Tech memo will be finalized in mid-March. He went on to report that the Levee District OMRR&R budgets are being completed by MHM and will be presented in the coming months. The tech memo will be based on the draft budgets.

No public Comment

3. SBFCA Services Update

SBFCA Executive Director reported that the FRWLFA insurance premium has been paid and we will be presenting the budget information at the next meeting.

No public Comment

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 3:13 p.m.

ATTEST BY: _____

Terra Yaney, Board Clerk

Board Chair

Feather River West Levee Financing Authority

April 14, 2021

TO: Board of Directors

FROM: Scott Shapiro, Agency Counsel

SUBJECT: Feather River West Levee Financing Authority – Amended Conflict of Interest Code

Recommendation

That the Board of Directors approve the attached resolution amending the previously adopted conflict of interest code.

Background

The Feather River West Levee Financing Authority (FRWLFA) was formed through a joint powers agreement among Levee District 1, Levee District 9 and Sutter County. Section 87300 of the Political Reform Act requires every public agency in California to promulgate a conflict of interest code. The purpose of a conflict of interest code is to identify agency positions and their associated level of reporting of financial interests. The agency positions included in FRWLFA's conflict of interest code are the members of the Board of Directors, Agency Counsel, and consultants. Individuals serving in these roles for FRWLFA can refer to the conflict of interest code for compliance with annual economic interest reporting obligations.

In August of 2020, this Board approved a conflict of interest code. Since that time we have become aware of an ambiguity as to whether staff and consultants for SBFCA, who act as staff for FRWLFA, should also be covered under the FRWLFA conflict of interest code. This amendment addresses that ambiguity.

Attachments:

1. Proposed Resolution Amending Conflict of Interest Code
2. Proposed Amended Conflict of Interest Code

RESOLUTION NO. 03

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE FEATHER RIVER WEST LEVEE FINANCING AGENCY
TO ADOPT AN AMENDED CONFLICT OF INTEREST CODE**

WHEREAS, the Feather River West Levee Financing Agency (“FRWLFA”) is a joint powers agency established under the Joint Exercise of Powers Act, Government Code section 6500 *et seq.*, and formed pursuant to a Joint Powers Agreement; and

WHEREAS, the local agency members of FRWLFA are Levee District 1, Levee District 9 and Sutter County; and

WHEREAS, section 87300 of the Political Reform Act requires every public agency to promulgate a conflict of interest code; and

WHEREAS, the Fair Political Practices Commission (“FPPC”) has adopted a regulation, 2 Cal. Code Regs., Section 18730, which contains the terms of a standard conflict of interest code that may be incorporated by reference; and

WHEREAS, in August of 2020 the FRWLFA Board of Directors reviewed a proposed conflict of interest code entitled “Feather River West Levee Financing Agency Conflict Of Interest Code,” including its appendices, and held a public hearing to consider the adoption of said code and ultimately adopted the code; and

WHEREAS, since the time of that adoption FRWLFA has become aware of an ambiguity, and now desires to amend the Conflict of Interest Code to address that ambiguity.

NOW, THEREFORE, BE IT RESOLVED, that the FRWLFA Board of Directors hereby approves and amends the Feather River West Levee Financing Agency Conflict Of Interest Code, effective immediately.

Approved this ___ day of ____, 2021.

Ayes: _____
Noes: _____
Absent: _____

FEATHER RIVER WEST LEVEE FINANCING AGENCY

CONFLICT OF INTEREST CODE

The Political Reform Act (Cal. Gov. Code, Sections 81000, *et seq.*) requires state and local government agencies to adopt and promulgate conflict-of-interest codes. The Fair Political Practices Commission has adopted a regulation (2 Cal. Code of Regs., Section 18730) that contains the terms of a standard conflict-of-interest code, which can be incorporated by reference in an agency's code. After public notice and hearing, the standard code may be amended by the Fair Political Practices Commission to conform to amendments in the Political Reform Act. Therefore, the terms of 2 California Code of Regulations section 18730 and any amendments to it duly adopted by the Fair Political Practices Commission are hereby incorporated by reference. This regulation and the attached Appendices designating positions and establishing disclosure categories shall constitute the Conflict of Interest Code of the Feather River West Levee Financing Agency ("FRWLFA").

Those holding designated positions are designated employees or officials of FRWLFA and shall file their statements of economic interest with FRWLFA, which shall make the statements available for public inspection and reproduction. (Cal. Gov. Code, Section 81008). All statements will be retained by FRWLFA.

**FEATHER RIVER WEST LEVEE FINANCING AGENCY
CONFLICT OF INTEREST CODE**

**APPENDIX A
Designated Positions**

DESIGNATED POSITIONS

DISCLOSURE CATEGORIES

Members of the Board of Directors	1, 2, 3
Legal Counsel.....	1, 2, 3
Consultants* **.....	1, 2, 3

*Consultants shall be included in the list of designated employees and shall disclose pursuant to the broadest disclosure category in the Code subject to the following limitation: The Board of Directors may determine in writing that a particular consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to fully comply with the disclosure requirements in this section. Such written determination shall include a description of the consultant's duties and, based upon that description, a statement of the extent of disclosure requirements. The Board of Directors’ determination is a public record and shall be retained for public inspection in the same manner and location as this conflict of interest code.

** Consultants shall also include any staff or consultants of the Sutter Butte Flood Control Agency that are acting as staff or consultants for FRWLFA and who are required to provide disclosures to the Sutter Butte Flood Control Agency.

**FEATHER RIVER WEST LEVEE FINANCING AGENCY
CONFLICT OF INTEREST CODE**

**APPENDIX B
Disclosure Categories**

Individuals holding designated positions shall disclose interests pursuant to their assignment to the corresponding disclosure categories:

Category 1

Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that provide services, supplies, materials, machinery, or equipment of the type utilized by FRWLFA. The types of sources include, but are not limited to the following:

- Engineering services
- Construction contractors
- Safety equipment and facilities
- Hardware tools and supplies
- Freight and hauling
- Motor vehicles
- Petroleum products
- Photographic services, supplies and equipment
- Water quality testing
- Communications equipment and services
- Travel agencies
- Well drilling
- Electrical equipment
- Computer hardware and software
- Water treatment equipment, supplies and services
- Appraisal services
- Printing, reproduction, record keeping, etc.
- Office equipment
- Accounting services
- Real estate agent/brokers and investment firms
- Title companies
- Public utilities
- Banks and savings and loan institutions
- Financial audit services
- Consulting services, such as legal, energy and power, engineering, data processing, computers, labor relations, public relations, planning, economics, environmental, and appraisal
- Agricultural production

Category 2

Interests in real property located within FRWLFA's jurisdiction or within two miles of the boundaries of the jurisdiction of FRWLFA, or within two miles of any land owned or used by the FRWLFA. For purposes of this code, FRWLFA's jurisdiction is the County of Sutter.

Category 3

Investments and business positions in business entities, and income, including receipt of loans, gifts, and travel payments, from sources that have a claim pending or have filed a claim against FRWLFA or its member agencies within the last two years.

Feather River West Levee Financing Authority

April 14, 2021

TO: Board of Directors

FROM: Michael Bessette – SBFCA Executive Director
Seth Wurzel – SBFCA Budget Manager

SUBJECT: FRWLFA Assessment District Engineering Update

Recommendation

That the Board of Directors receive an oral update from staff on assessment district engineering and public outreach for the Feather River West Levee Financing Authority (FRWLFA).

Background

On August 19, 2020 the FRWLFA Board selected the HDR Engineering/Willdan team to assist with advancing the formation of a new Assessment District to fund OMRR&R of the SBFCA improved levee system. Staff will update the Board on the HDR team's progress and receive comments and direction as necessary.

Feather River West Levee Financing Authority

April 14, 2021

TO: Board of Directors

FROM: Michael Bessette, SBFCA Executive Director

SUBJECT: SBFCA Services Update

Recommendation

That the Board of Directors receive an oral presentation on services provided by SBFCA staff to the Feather River West Levee Financing Authority (FRWLFA).

Background

On June 10, 2020 the FRWLFA Board elected to enter into a Funding and Services Agreement with SBFCA to provide short-term management (up to one year) of FRWLFA including legal and staff support, establishment of budget/financial functions, conducting board meetings, establishment of operational policies and procedures, and consultant contracting.