

Feather River West Levee Financing Authority

Board of Directors Agenda – Regular Board Meeting, June 9, 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/97151781152?pwd=bUlzMjZpQzZwWjAvUzZUVzh2TitKQT09>

Meeting ID: 942 4577 8051

Phone number: 213-338-8477

Passcode: 336447

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 April 14, 2021 Board Meeting
2. Recommendation to Approve Task Order 2 with HDR for Benefit Assessment District Formation Services

3. SBFCA Services Update

ADJOURNMENT

The next regularly scheduled Board of Directors meeting will be held on July 14, 2021 at 3 p.m.

Feather River West Levee Financing Authority

Board of Directors Minutes Regular Meeting, April 14, 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 9:	Mike Morris
County of Sutter:	Mike Ziegenmeyer

MEMBERS ABSENT: Charlie Hoppin

STAFF PRESENT: Michael Bessette, SBFCA Executive Director; Scott Shapiro, 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 Mike Morris 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 February 10, 2020 Board Meeting

A motion to approve the Minutes of the February 10, 2020 Board Meeting was made by Director Mike Morris and seconded by Director Mike Ziegenmeyer. The motion passed with no objection. The motion was approved as follows:

- Mike Morris– yes
- Mike Ziegenmeyer - yes

[No public Comment](#)

2. Feather River West Levee Financing Authority – Amended Conflict of Interest Code

Agency Counsel, Scott Shapiro gave a presentation outlining the adopted conflict of interest code. He reported that 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.

Staff recommends that the Board of Directors approve the attached resolution amending the previously adopted conflict of interest code.

A motion to approve the Amended Conflict of Interest Code was made by Director Mike Morris and seconded by Director Mike Ziegenmeyer. The motion passed with no objection. The motion was approved as follows:

- Mike Morris– yes
- Mike Ziegenmeyer - yes

3. 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 Willdan (HDR’s Sub consultant) working through the assessment rate modeling / special benefit calculations. He reported that the Draft memorandum is prepared and the Final Technical Memo being prepared. It was also reported that the final budget is being complied by MHM and will be presented to the LD Boards. The Engineering report will be based off the final budgets. He went onto report that we will return in May with Task Order 2 options to receive feedback from the Board for consideration of the preferred option for a TO 2 in June.

No public Comment

4. SBFCA Services Update

SBFCA Executive Director gave an update on SBFCA’s tracking of expenses – administrative costs, legal, assessment district coordination and outreach. He reported that Task Order No. 1 has been exhausted and we are working with HDR and Willdan on Task Order No. 2.

No public Comment

ADJOURNMENT

With no further business coming before the Board, the meeting was adjourned at 3:35 p.m.

ATTEST BY: _____

Terra Yaney, Board Clerk

Board Chair

Feather River West Levee Financing Authority

June 9, 2021

TO: Board of Directors

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

SUBJECT: Recommendation to Approve Task Order 2 with HDR for Benefit Assessment District Formation Services

Recommendation

The Board of Directors review this report, authorize and direct the Sutter Butte Flood Control Agency (SBFCA) pursuant to the Services Agreement between the Feather River West Levee Financing Authority (FRWLFA) and SBFCA to execute Task Order 2 with HDR, Inc. to provide Benefit Assessment District Formation Services.

Background

At the FRWLFA Board meeting on August 19, 2020, FRWLFA directed SBFCA to enter into a Master Services Agreement and a Task Order 1 with HDR, Inc. to advance efforts associated with the formation of a new Benefit Assessment District to fund the locally maintained portions of the Feather River West Levee. Since that time, the FRWLFA Board has received multiple reports related to the preliminary feasibility and projected assessment rate analyses completed by the HDR and Willdan Financial Services Team. At its last Board meeting in April, the Board provided direction for staff to return in May and June with options for a Task Order 2 to advance the HDR/Willdan services contract toward completion and formation of a Benefit Assessment District. Due to coordination delays materials were unable to be presented at the Board's regularly scheduled May meeting.

Staff has coordinated with the HDR / Willdan Team and attached is a detailed proposal for Task Order 2 work. The following summarizes the work included in the attached proposal and scope of services:

- Task 1 - Project Management
 - Includes work associated with managing the HDR engagement and ensuring timely deliverables.
- Task 2 – Assessment Engineering and Proposition 218 Administration
 - Includes work associated with finalizing the required rate analyses and preparation of a Final Engineer's Report, supporting the required Board actions associated with the Proposition Ballot Proceeding and Public Hearing processes, as well as the preparation of and Board approval of all recommended technical analyses, notices and associated ballot proceeding documents.
 - This task also supports the physical mailed ballot proceeding including the preparation and mailing of notices and ballots as well as the tabulation of all returned ballots.
- Task 3 – Public Outreach and Stakeholder Engagement
 - This task includes all of the efforts associated with educating the public and stakeholders. Multiple outreach tactics are planned to be employed under this task including:
 - Maintenance and update of an Assessment District Page on FRWLFA.org.
 - Development and production of all collateral materials including fact sheets, FAQ's and presentation materials for meetings.

- A public hotline for property owners to call and leave inquiries / messages. All inquiries will be returned within 24 hours of the next business day.
- Creation of an educational video for access via the FRWLFA website and for use at Public Meetings.
- Coordinated stakeholder outreach and engagement to ensure effective educational materials reach targeted audiences.
- Hosting of one open house / public meeting for broad public attendance.

The budget for the above scope of services is \$314,000. Staff has reviewed the scope of work presented within HDR Task Order 2 and recommends proceeding with the proposed scope of services.

The main driver of the costs of HDR's Task Order 2 is the Public Outreach effort. For the effort to be successful public outreach is critical. As noted above, the recommended outreach plan includes several tactics including use of multiple direct mailed items (to over 26,000 addresses). As a basis of comparison, SBFCA's assessment district formation and outreach efforts alone completed more than 10-years ago cost more than \$600,000. This amount excludes SBFCA's initial JPA formation costs.

An alternative course of action, if the Board is interested in reducing costs associated with this proposal, is to request that HDR remove specific scope items from its proposal. In this case, staff recommends that the Board provide direction regarding what scope items should be removed from the proposal.

To advance the work, SBFCA would directly contract with HDR on behalf of FRWLFA for the associated work pursuant to the Services Agreement. The proposed Task Order would exceed the budget authorized by the SBFCA Board at the time of the drafting of this staff report. The total approved budget for this effort by SBFCA is currently \$250,000. The SBFCA Board will have considered augmenting the budget associated with this work and, subject to the Board approval at its Board meeting on June 9, 2021, would be covering the cost of this work. With SBFCA's approval of augmentation of \$350,000, the proposal would be within the SBFCA Board's authorized budget for the effort. Staff will be prepared to inform the Board of the SBFCA action taken on June 9th.

Summary

In summary, staff recommends that the Board direct SBFCA to Authorize Task Order No. 2 with HDR, Inc. for Benefit Assessment District Formation Services (subject to SBFCA's authorization of its budget augmentation).

Attachment: HDR Scope and Fee Estimate for Task order 2 - Benefit Assessment District Administration Formation Services dated May 28, 2021 presented to Sutter Butte Flood Control Agency

**Scope and Fee Estimate for
Task Order 2
Benefit Assessment District Formation Services**

**Sutter Butte Flood Control Agency
Yuba City, California**



May 28th, 2021



2365 Iron Point Road, Suite 300
Folsom, CA 95630



Contents

Introduction.....	1
Scope of Work.....	1
1 Project Management	2
2 Assessment Engineering and Proposition 218 Administration	2
3 Public Outreach and Stakeholder Engagement.....	3
4 Fee Estimate	4
5 Schedule.....	5

Introduction

The HDR/Willdan team provides assessment district formation services (Services) for the Feather River West Levee Authority to provide funding for ongoing levee operations and maintenance of portions of the Feather River West Levee. The Services are contracted by Sutter Butte Flood Control Agency (SBFCA) on behalf of a Joint Powers Authority, the Feather River West Levee Financing Authority (FRWLFA) that was recently formed by the County of Sutter and Levee Districts 1 and 9 (LDs).

Scope of Work

The work outlined in this scope has been divided into tasks in accordance with the following work break down structure (WBS) and shown in Figure 1:

- Project Management
- Assessment Engineering
- Public Outreach
- Proposition 218 Administration

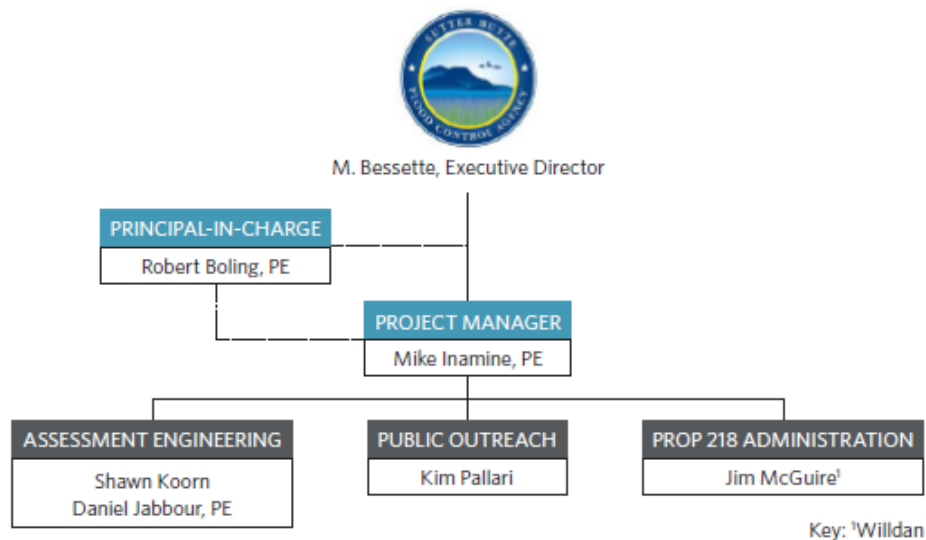


Figure 1. WBS

1 Project Management

HDR's project manager will manage the contract scope, schedule, and budget for project team activities. Progress will be reported to SBFCA monthly to ensure timely, cost-effective deliverables. Project management will also occur at the activity level as shown below on Table 1.

HDR's project manager will periodically update the workplan and project schedule prepared in TO1.

Assumptions:

- Activities to support Proposition 218 balloting will conclude by June 30th, 2022
- All work will conclude on December 31st, 2023

Deliverables:

- Monthly invoices for services and deliverables rendered
- Monthly progress reports

2 Assessment Engineering and Proposition 218 Administration

The project team will refine the rate study (Final Draft Technical Memorandum from TO1) for properties benefitting from OMRR&R of the flood protection system operated and maintained by LD1, LD9 and MA3, and conduct QA/QC on supporting materials. The QA/QC process will review the documents for content, accuracy, and reflect the overall project approach. The benefit assessment methodology, assessment apportionment approach and rate analysis will be documented in the draft and final versions of the Engineer's Report.

The project team will prepare draft staff reports and presentations for FRWLFA Board meetings regarding 1) Floodplain Mapping and Benefit Areas, 2) Notice of Intent and 3) Public Hearing and 4) Announcement of Ballot Results and Adoption of Engineer's Report, if applicable. Each of these documents will go through the prescribed QA/QC process. Specific tasks include:

- *Benefit Areas Technical Memorandum*--The project team will prepare a Technical Memorandum describing the floodplain maps (prepared by SBFCA) and benefitting areas supporting the rate study (Final Draft TM previously completed in TO1). This report will form the basis for a public FRWLFA Board meeting agenda item.
- *Preparation of the Notice and Ballot*--Prepare a draft of the required notice for the Public Hearing and the assessment ballot to be mailed to property owners. A draft copy of both the Notice and Ballot will be sent to SBFCA for review and comment prior to finalization of the documents. The notice and ballot will be tailored to specifically address the assessments per individual proposed parcel using mail merge data. The draft notice and ballot will be delivered to SBFCA staff for review and comment prior to finalizing for mailing.

- *Print and Mail the Notice and Ballot*-- Upon adoption of the resolutions during the Intent Meeting, print and assemble the notice and ballot for mailing. The notice and ballot will be double sided, to save on printing and postage costs. A return #9 envelope will be included for the property owner to mail back the assessment ballot to the Board Secretary. Return postage is not included in the proposed fee. The notice and ballot will be delivered via first class mail. The ballot will contain instructions to return directly to the Board Secretary and to not be opened until the close of the Public Hearing. Mailing of the notice and ballot will be done a minimum of 45 days prior to the Public Hearing.
- *Tabulate Ballots*—Upon closure of balloting, ballots will be counted and tabulated. Results will be delivered to SBFCA.

Upon successful balloting for the formation of the FRWLFA Assessment District in spring 2022, HDR/Willdan will administer the district for the year beginning January 1, 2023 and ending December 31, 2023.

Assumption:

- All activities to support Proposition 218 balloting will conclude by June 30th, 2022
- All deliverables will go through the QA/QC review process
- All work will conclude on December 31st, 2023

Deliverables:

- Benefit Area TM
- Draft and Final Engineer's Report
- Draft and final notice and ball
- Printing and mailing of final notice and ballot
- Tabulated balloting results
- Administration of first year (CY 2023) of Assessment District

3 Public Outreach and Stakeholder Engagement

The project team will conduct the following as part of Task Order 2 to fulfill Public Outreach and Stakeholder Engagement:

- Develop and Maintain the contact database with property owners and other interested parties (e.g., government, NGOs, local businesses).
- Update the Public Involvement Plan to reflect any changes from previous submittal and execute the Plan in collaboration with SBFCA and identified stakeholders.
- Manage and Maintain the FRWLFA website (FRWLFA.org) with project specific information
- Develop and Produce collateral materials to support the Benefit Assessment District Formation. This includes a fact sheet, FAQ, and PowerPoint presentations.
- Set up and manage a public hotline to enable voters to leave messages. Questions shall be responded to within 24 hours of the next business day.

- Conduct Stakeholder Coordination and Engagement to provide effective educational and awareness materials to targeted audiences.
- Create an educational video to increase understanding of the local levee system and the purpose and need for Assessment District formation. The video can be syndicated to all interested parties via social media, the FRWLFA website and can be used during speaking engagements.
- Develop and host an open house (public meeting), in coordination with SBFCA after completion of the Engineer's Report and projected assessments. This meeting will be open for all the public to comment as well as to present necessary information associated with the formation process.
- Develop and host a public hearing in coordination with SBFCA.

Assumptions:

- Access to existing communication media and resources as utilized by SBFCA, LD1, LD9, and Sutter County
- Up to 10 updates to FRWLFA website
- No interactive map creation for FRWLFA website

Deliverables:

- Contact Database (update)
- Public Involvement Plan (update)
- Website updates
- 1 educational video
- 1 fact sheet, 1 FAQ, 2 PowerPoint presentations
- Set up and conduct 1 Open House (public meeting)
- Open House Summary and record of comments and questions
- Recording of Public Hearing
- Public hotline

4 Fee Estimate

Table 1. summarizes HDR's fee estimate for the scope of work described herein for Task Order 2. Escalation rates for CY 2021, 2022 and 2023 were weighted for Willdan assuming 45 percent of work would occur in 2021, 45 percent of work would occur in 2022 and 10 percent in 2023. Escalation for HDR rates were weighted 50 percent for 2021 and 2022 and no escalation was assumed for 2023 when HDR will perform negligible work to administer Willdan. 3 percent escalation was assumed for 2021 through 2023.

No.	Task Description	HDR	Wildan	Total Costs
Benefit Assessment District Formation Services				
1	Project Management			
1.1	Workplan and scheduling	\$ 2,625	\$ -	\$ 2,625
1.2	Internal status meetings	\$ 5,907	\$ 3,991	\$ 9,898
1.3	Client status meetings	\$ 7,876	\$ 1,985	\$ 9,861
	Subtotal Project Management	\$ 16,409	\$ 5,976	\$ 22,385
2	Assessment Engineering Services			
2.1	Floodplain mapping TM	\$ 1,313	\$ -	\$ 1,313
2.2	Cost development	\$ 1,313	\$ -	\$ 1,313
2.3	Engineering Report Draft	\$ 9,589	\$ 11,542	\$ 21,131
2.4	Engineering Report Final	\$ 6,221	\$ 5,146	\$ 11,367
2.5	Rate Study Technical Review	\$ 10,674	\$ -	\$ 10,674
2.6	Hearing and ballot process support, mailing, tabulation	\$ 17,065	\$ 68,233	\$ 85,298
2.7	Administration-first year collection	\$ -	\$ 5,155	\$ 5,155
	Subtotal Assessment Engineering Services	\$ 46,175	\$ 90,076	\$ 136,250
3	Public Outreach and Stakeholder Engagement			
3.1	Contact Database development/maintenance	\$ 4,413	\$ -	\$ 4,413
3.2	Project website management and maintenance	\$ 6,615	\$ -	\$ 6,615
3.3	Print and digital collateral materials, mailing	\$ 67,971	\$ -	\$ 67,971
3.4	Stakeholder coordination and engagement, hotline	\$ 19,288	\$ -	\$ 19,288
3.5	Informational video	\$ 20,019	\$ -	\$ 20,019
3.6	Public meeting and public hearing	\$ 22,917	\$ -	\$ 22,917
3.7	PIP Update and Coordination	\$ 11,581	\$ -	\$ 11,581
	Subtotal Public Outreach and Stakeholder Engagement	\$ 152,803	\$ -	\$ 152,803
TOTAL EFFORT		\$215,387	\$96,051	\$311,438
Subconsultant Markup (2.5%)		\$2,401		\$2,401
TOTAL EFFORT with mark up		\$217,788	\$96,051	\$313,839

Table 1. Fee breakdown by activity.

5 Schedule

Figure 2 below presents the draft schedule for major activities planned under Task Order 2.

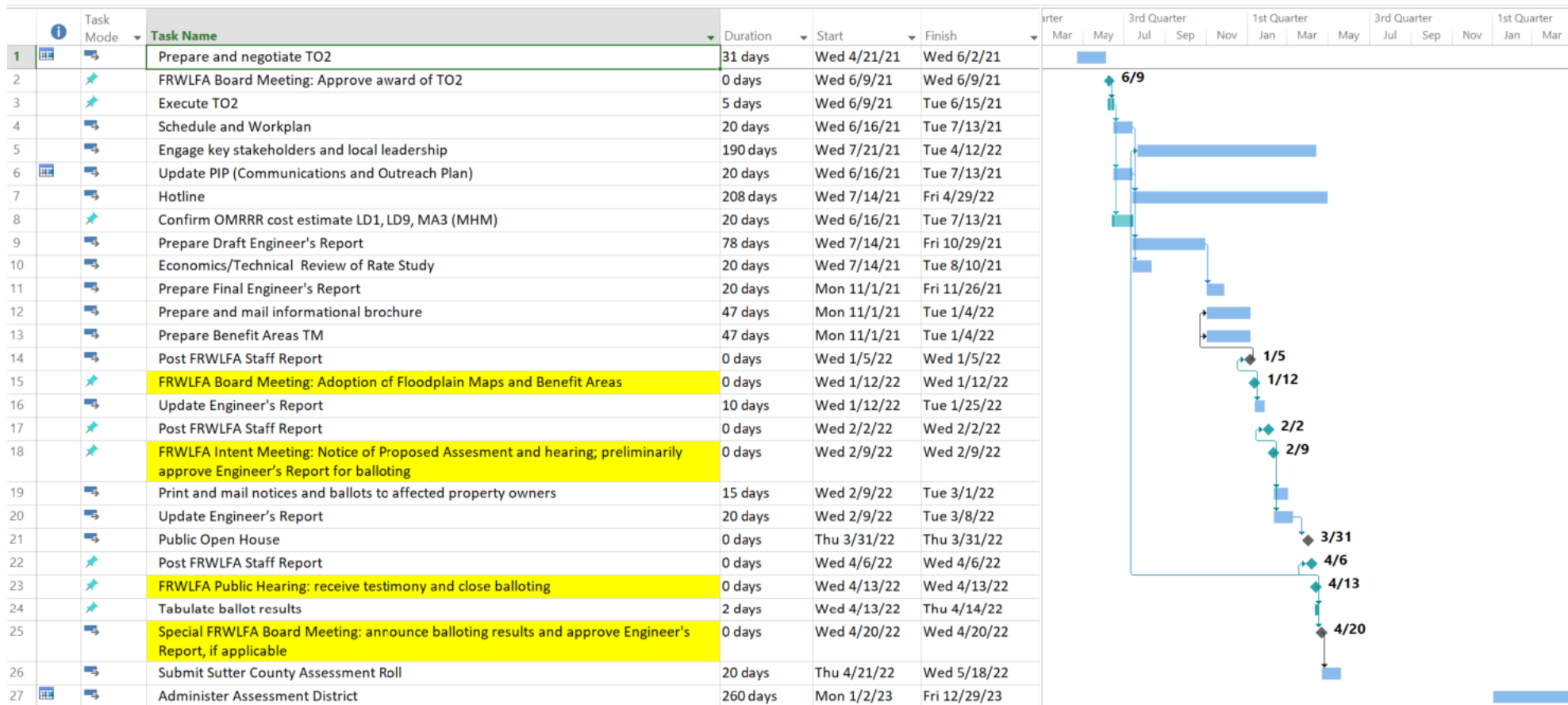


Figure 2. Draft schedule.

Feather River West Levee Financing Authority

June 9, 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.