

# LEVEE DISTRICT No.1 OF SUTTER COUNTY

243 Second Street · Yuba City, CA 95991

Office: (530) 673-2454 · E-Mail: [ld1@syix.com](mailto:ld1@syix.com)

## LEVEE DISTRICT AGENDA AND REGULAR MEETING NOTICE

DATE: July 11, 2022

TIME: 8:00 A.M.

In compliance with Government Code section 54953(e), members of the Board of Directors and members of the public will participate in this meeting by video conference/conference call. You may join the meeting using Zoom's webinar platform or by phone utilizing the information provided below:

**Zoom link:**

<https://us02web.zoom.us/j/86569151823?pwd=eUZBd1o3TCtzS2FMTU5abGISUWROZz09>

**Phone number: 888 475 4499**

**Meeting ID: 865 6915 1823**

**Passcode: 524596**

Any member of the public may speak during Public Comment or may e-mail public comments to [ld1@syix.com](mailto:ld1@syix.com) and comments will be read. Levee District No.1 will use its best efforts to swiftly resolve requests for reasonable modifications or accommodations from individuals with disabilities, consistent with the Americans with Disabilities Act, and resolve any doubt whatsoever in favor of accessibility.

### CALL TO ORDER

### ROLL CALL

\_\_\_\_\_ Gary Marler, Director  
\_\_\_\_\_ Al Montna, Chairman  
\_\_\_\_\_ Charles Hoppin, Director

**PUBLIC COMMENT:** Members of the public will be allowed to address the Levee District No. 1 of Sutter County's Board of Directors on items of interest to the public that are within the subject matter jurisdiction of the Board. Any member of the public 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 that are considered noncontroversial or for which prior policy direction has been given to staff and that require only routine action by the Board. The Chairman 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.

**Al Montna**  
Chairman  
(530) 674-2837

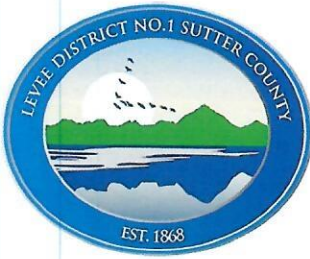
**Gary Marler**  
Director  
(530) 870-1413

**Charles Hoppin**  
Director  
(530) 673-5272

**Andrew Stresser**  
General Manager  
(530) 673-2454

**Sean Minard**  
Engineer  
(530) 742-6485

**Somach Simmons & Dunn**  
Attorneys  
(916) 446-7979



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1. Approval of the minutes for the June 13, 2022 Regular Board Meeting.
2. Review and approval of claims for payment submitted by the Levee District in the amount \$510.63.
3. Review and approval of claims for payment submitted by the R.V. Park in the amount of \$700.00.

### **PRESENTATION, DISCUSSION, AND ACTION ITEMS:**

1. Consider and discuss approval of Resolution 7-11-2022 Re-authorizing Remote Teleconferencing Meetings in Accordance with Government Code Section 54953(e).
2. Consider and discuss Approval of Draft Budgets for the District for Fiscal Year 22/23
3. Update and Discussion regarding Annexation of Maintenance Area 3 into District's Jurisdiction

**SUTTER BUTTE FLOOD CONTROL AGENCY (SBFCA):** The Board may discuss action taken by SBFCA. The next meeting for SBFCA is on July 13, 2022.

### **ENGINEER'S REPORT:**

1. Update from District Engineer.

**MANAGER'S REPORT:** The Board will hear any reports or correspondence from the Manager.

1. Update on Operation and Maintenance throughout District.

**CLOSED SESSION:** Any person desiring to comment on any matter scheduled for this closed session may address the Board at this time.

1. Public Employee Evaluation of Performance – General Manager pursuant to paragraph (2) of subdivision (b) of Cal. Govt. Code section 54957.

**BOARD MEMBERS' REPORTS:** This time is provided to allow Board members to report on activities or to raise issues for placement on future agendas.

### **ADJOURNMENT**

**Al Montna**  
Chairman  
(530) 674-2837

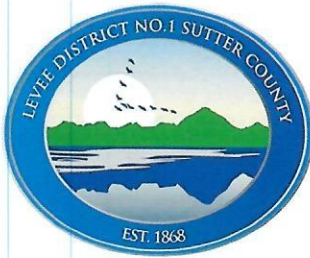
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## LEVEE DISTRICT NO. 1 OF SUTTER COUNTY

### Minutes of June 13, 2022, Regular Board of Directors Meeting

Pursuant to Government Code section 54953(e) this meeting was conducted exclusively by video conference/teleconference.

**DIRECTORS PRESENT:** Charlie Hoppin, Al Montna, Gary Marler

**DIRECTORS ABSENT:** None

**OTHERS PRESENT:** Andrew Stresser (General Manager), Alexis [Ali] Stevens (District Counsel), Sean Minard (District Engineer), Michael Bessette (Executive Director SBFCA).

The meeting was called to order by the Chairman at 8:00 a.m.

#### ROLL CALL:

Roll call was taken, all Directors were present.

**REMOTE MEETING RESOLUTION:** *Consider and discuss approval of Resolution 6-13-2022 Authorizing Remote Teleconferencing Meetings in Accordance with Government Code Section 54953(e).*

**Charlie Hoppin made a motion to approve Resolution 6-13-2022 Authorizing Remote Teleconference Meetings in Accordance with Government Code Section 54953(e). Gary Marler seconded the motion.**

**Director Charlie Hoppin: Yes**  
**Director Al Montna: Yes**  
**Director Gary Marler: Yes**

**The motion to approve Resolution 6-13-2022 Authorizing Remote Teleconference Meetings in Accordance with Government Code Section 54953(e) was carried.**

#### PUBLIC BUSINESS FROM THE FLOOR:

No public comment.



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### CONSENT CALENDAR:

Al Montna read the rules and the items for consent. Gary Marler moved to approve the minutes for the April 11, 2022 Regular Board Meeting and to approve Items 2 and 3 of the Consent Calendar (review and approval of claims for payment submitted by the Levee District and review and approval of claims for payment submitted by the R.V. Park). Charlie Hoppin seconded the motion. The matter was put to a vote and votes were cast as follows:

Director Charlie Hoppin: Yes  
Director Al Montna: Yes  
Director Gary Marler: Yes

The motion to approve the minutes for the April 11, 2022 Regular Board Meeting and to approve Items 2 and 3 of the Consent Calendar for the claims submitted by the Levee District in the amount of \$699.10 and the RV Park in the amount of \$700.00 was carried.

### PRESENTATION, DISCUSSION, AND ACTION ITEMS:

1. *Consider and discuss Draft Budgets for the District and RV Park for Fiscal Year 22/23.*

Item was tabled until the July Board Meeting to allow ample time for the Board to review.

2. *Consider and discuss approval of Smith & Newell's proposal to audit the Financial Statements of on behalf of the District for the fiscal years ending June 30, 2022, 2023 & 2024 in the amounts of \$3,915, \$4,110 & \$4,235, respectively.*

Charlie Hoppin made a motion to approve Smith & Newell's proposal to audit the Financial Statements of on behalf of the District for the fiscal years ending June 30, 2022, 2023 & 2024 in the amounts of \$3,915, \$4,110 & \$4,235, respectively. Gary Marler seconded the motion.

Director Charlie Hoppin: Yes  
Director Al Montna: Yes  
Director Gary Marler: Yes

The motion to approve Smith & Newell's proposal to audit the Financial Statements of on behalf of the District for the fiscal years ending June 30, 2022, 2023 & 2024 in the amounts of \$3,915, \$4,110 & \$4,235, respectively was carried.



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3. *Consider and discuss action to be taken on the District's Ballots for the Feather River West Levee Financing Authority Prop. 218 Benefit Election for property owned by the District and provide direction to the General Manager for completing and submitting same.*

**Charlie Hoppin made a motion to approve action to be taken on the District's Ballots for the Feather River West Levee Financing Authority Prop. 218 Benefit Election for property owned by the District and provided direction to the General Manager for completing and submitting "YES" votes. Gary Marler seconded the motion.**

**Director Charlie Hoppin: Yes  
Director Al Montna: Yes  
Director Gary Marler: Yes**

**The motion to approve *action to be taken on the District's Ballots for the Feather River West Levee Financing Authority Prop. 218 Benefit Election for property owned by the District and provide direction to the General Manager for completing and submitting "YES" votes* was carried.**

### **SUTTER BUTTE FLOOD CONTROL AGENCY (SBFCA):**

SBFCA Executive Director Michael Bessette gave an update on the following items:

- Discussion updating the Board on the progress of the Sutter Basin Flood Risk Management Project (SBFRMP) and other SBFCA Projects on the Feather River West Levee.

### **ENGINEER'S REPORT:**

District Engineer Sean Minard gave an update on the following items:

- Discussion updating the Board on progress related to the FMAP application processes and Engineering issues throughout the District.

### **MANAGER'S REPORT:**

District General Manager Andrew Stresser gave an update on the following items:

- Discussion updating the Board on Operations and Maintenance throughout District.

### **CLOSED SESSION:**



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The Board did not hold a closed session.

**BOARD MEMBERS' REPORTS:**

There were no Board Member reports.

**ADJOURN MEETING:**

There being no further business, the Chairman adjourned the meeting at 8:30 a.m.

DRAFT

**RESOLUTION NO. 7-11-2022**

**A RESOLUTION OF THE BOARD OF DIRECTORS OF LEVEE DISTRICT No.1 OF SUTTER COUNTY RE-AUTHORIZING REMOTE TELECONFERENCE MEETINGS IN ACCORDANCE WITH GOVERNMENT CODE SECTION 54953(e)**

**WHEREAS**, Levee District No.1 of Sutter County (District) recognizes the importance of transparency and clear communication in government, and is committed to full compliance with the letter and spirit of the Ralph M. Brown Act (Gov. Code, §§ 54950 – 54963) (hereinafter “Brown Act”); and

**WHEREAS**, all meetings of the District’s Board of Directors are open and public, as required by the Brown Act, so that any member of the public may attend and participate; and

**WHEREAS**, the Brown Act, (Gov. Code, § 54953, subd. (e)), allows members of a legislative body to participate in meetings remotely, without compliance with the requirements of Government Code section 54953, subdivision (b)(3), if a state of emergency is proclaimed pursuant to Government Code section 8625 and state or local officials have imposed or recommended measures to promote social distancing, or meeting in person would present imminent risks to the health and safety of attendees; and

**WHEREAS**, the District’s Board of Directors previously adopted Resolution 06-13-2022 on June 13, 2022 finding that the requisite conditions exist for the District to conduct remote teleconference meetings pursuant to Government Code section 54953(e); and

**WHEREAS**, pursuant to Government Code section 54953(e)(3), the District is required to reconsider the circumstances of the state of emergency every thirty days.

**NOW, THEREFORE, BE IT RESOLVED** by the Levee District No.1 Board of Directors as follows:

1. The Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The Board of Directors has reconsidered the circumstances of the state of emergency.
3. The Board of Directors does hereby find that the State of Emergency proclaimed by Governor Gavin Newsom pursuant to Government Code section 8625 on March 4, 2020 remains in effect and emergency conditions continue to persist in the District.
4. The Board of Directors does hereby find that the COVID-19 continues to pose an imminent risk to the health and safety those attending meetings of the District’s Board of Director directly impacting the ability to meet safely in person.
5. The General Manager and staff are hereby authorized and directed to continue 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, subdivision (e), and other applicable provisions of the Brown Act.

6. This Resolution shall take effect immediately upon its adoption and shall be effective until the earlier of: (i) August 10, 2022 or (ii) such time as the Board of Directors adopts a subsequent resolution in accordance with Government Code section 54953, subdivision (e)(3), to extend the time during which the Levee District No.1 of Sutter County Board of Directors may continue to meet remotely without compliance with the requirements of Government Code section 54953, subdivision (b)(3).

**PASSED, APPROVED, AND ADOPTED** at a regular meeting of the Board of Directors of Levee District No.1 of Sutter County on July 11, 2022 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

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Al Montna  
Chairman, Board of Directors  
Levee District One of Sutter County

ATTEST:

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Andrew Stresser  
Secretary, Board of Directors  
Levee District One of Sutter County



LEVEE DISTRICT # 1  
OF SUTTER COUNTY  
CLAIMS BATCH

DATE SUBMITTED 7-11-2021

<u>VENDOR NAME</u>	<u>AMOUNT</u>
<u>ALLEN, GEORGE (cell)</u>	<u>\$60.00</u>
<u>DANIEL, ALLEN (cell)</u>	<u>\$60.00</u>
<u>HUST BROTHERS (spray truck)</u>	<u>\$12.98</u>
<u>MASON, GARY (rv park)</u>	<u>\$700.00</u>
<u>STRESSER, ANDREW (cell, ld1&amp;ld9 mileage)</u>	<u>\$377.65</u>

WE, THE DIRECTORS OF LEVEE DISTRICT ONE, SUBMIT TO THE SUTTER  
COUNTY AUDITOR'S OFFICE FOR PAYMENT, THE ABOVE LISTED CLAIMS IN  
THE AMOUNT OF

**Total: \$1,210.63**

\_\_\_\_\_  
DIRECTOR

\_\_\_\_\_  
DIRECTOR