



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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Response to Public Comment 3.10.09 – TRLIA Board Meeting Proposed Benefit Assessment District

Q: Why did TRLIA not use the FEMA 100-year and 200-year flood maps (overlaid on RD 784's district) to demonstrate the areas that will be benefited from the assessment, instead of using its own hydrologic models?

A: FEMA does not provide 200-year floodplain maps. FEMA's program is based upon 100-year floodplain maps necessary for the administration of the National Flood Insurance Program. Additionally, the currently published versions of the FEMA flood maps do not accurately show properties at risk of flooding due to levee failure.

The hydrologic analysis that TRLIA used in establishing the assessment district boundaries was previously completed for other floodplain management purposes and was readily available for Assessment District purposes.

Statement: RD 784 should be doing the maintenance and the assessment. The County and TRLIA should have no role in this.

Response: TRLIA does not propose to do the maintenance. TRLIA will implement the assessment district (if approved by property owners) because the County and RD 784 do not have sufficient funds to properly maintain the levees. TRLIA is a joint powers authority formed by the County and RD 784 with a goal to achieve 200-year flood protection and FEMA accreditation. The formation of an assessment district to fund maintenance on improved levees supports that goal.

Statement: The elevation of Griffith Road is above the height of the levee. It will never flood there. I don't understand the map, especially for the Central A Zone.

Response: While Griffith Road may be higher than much of the Feather River Levee, it's only higher than the Yuba River in one location – where the road crosses the levee. The lands shown as benefited in Central A, Central B and the East Zones are benefitted by the existence of the Yuba South Levee. The hydraulic analysis shows that if this levee were absent, these lands would be flooded from flows on the Yuba River.

Statement: An assessment district for Reclamation District 10 passed with 78 percent of the vote. Everyone was assessed the same amount in that district, but everyone is charged something different in this one.

Response: In RD 10, the assessment engineer determined that all parcels within RD 10 receive similar benefit from flood protection, so a single rate is appropriate for that assessment. For the proposed TRLIA assessment, certain portions of the proposed district are at greater risk of flooding than others (more miles of levee protecting them and more levee failure scenarios that would affect them) and would be subject to greater damages than others (based on greater anticipated flood depths). In this case, different rates reflecting the different benefits are appropriate. Note that the proposed South Zone has dimensions that are quite similar to the entire RD 10 district.

Q: Does RD 784 maintain all levees in Yuba County?

A: No. RD 784 maintains the levees in South Yuba County. Other levee maintaining entities in Yuba County include RD 817, RD 2103, and RD 10.

Q: Will the money collected from the proposed assessment district go toward all levees in Yuba County?

A: No. The money collected from the proposed assessment district will be used by RD 784 to maintain levees improved by TRLIA. Money collected from property owners may only be used to maintain the facilities (levees) which benefit those property owners.

Q: Can Yuba County pay for the increased operations and maintenance funding needs?

A: Unfortunately, Yuba County has very limited funding as well. It does not have the necessary funds to commit to the operation and maintenance needed for these levees.

Q: Why is levee maintenance funded separately from road maintenance and other special districts?

A: California law allocates responsibility to different entities for maintaining different infrastructure. Roads are maintained by the County and the State. In contrast, levees are generally maintained by local districts (in South Yuba County, RD 784).

Statement: Development benefits from the new levees, so development should pay for the operations and maintenance.

Answer: Development has benefited from the new levees. Yuba County has created an impact fee collected from new development that will pay off the bonds sold by Yuba County and Yuba County Water Agency to finance the local share of the levee improvements. But operations and maintenance of the levees benefits all property owners behind the levee – both new and old. That is why the assessment would be collected from all property owners.

Statement: Because Development has benefited from the levees, and the County has benefited from new development, the County should pay to maintain the levees.

Response: As discussed above, Yuba County has very limited funding to support services countywide. It does not have the necessary funds to commit to the operations and maintenance needed for these levees. Instead, the assessment proposes to collect funds from those property owners that benefit from properly maintained levees.

Statement: I would vote to support this assessment for a two-year period. However, I don't want to pay for insurance and the assessment, so if my property is remapped into the floodplain, and insurance is required, I would not want to pay the assessment anymore.

Response: TRLIA believes that its levee improvement program coupled with this assessment will allow the levees to be accredited by FEMA, and that south Yuba County will not be mapped into a floodplain. However, even if something outside of TRLIA's control resulted in some portion of the area being mapped into the floodplain, the assessment is still necessary to properly maintain the levees. Properly maintained levees not only help avoid the legal requirement to pay flood insurance, they also provide actual and necessary flood protection. Finally, FEMA strongly recommends that property owners carry basic flood insurance to protect against catastrophic damages in the event of a flood which overwhelms the flood protection system here in the Central Valley.

Statement: TRLIA should have required RD 784 to ensure that RD 784 fulfilled LAFCO's municipal service review recommendation of RD 784 expanding its boundaries.

Response: TRLIA has worked cooperatively with RD 784 to develop this assessment district and is supportive of RD 784 expanding its service area to match that of the properties that are benefited from its activities.

Statement: \$350,000 will be used from the assessment each year to fund TRLIA and RD 784 overhead.

Response: This is not true. The \$800,000 to be raised by the proposed assessment does not fund TRLIA overhead. The assessment is budgeted for levee operations and maintenance activities of RD 784, including management, engineering, legal, equipment, and emergency repairs, among other things.

Q: Why was TRLIA seeking to purchase Ms. Hofman's property in fee, instead of just purchasing a 50-foot easement?

A: TRLIA did not propose to use funds from the proposed assessment district to purchase any property from Ms. Hofman. TRLIA proposed to purchase Ms. Hofman's property in fee from other funds because most of the relevant property is under the levee or between the levee and Highway 70 under the powerlines. This purchase would resolve conflicts over Ms. Hofman's use of the levee for grazing during the winter, a time during which TRLIA believes that cattle may cause harm to the levee.

Q: Where did the \$500,000 which TRLIA budgeted for operations and maintenance this fiscal year come from?

A: The \$500,000 is part of the local share (not state funded) which originated from developer funds.

Q: What is the elevation of the land where the water will flood?

A: TRLIA is making additional documents available to Ms. Hofman in response to this question. This documentation will be provided to any interested member of the public.

Q: TRLIA does not have the necessary property values to be able to determine the benefit and thus the applicable assessment. For example, within a zone, the assessment is the same on all single family residences, whether the residence has a \$60,000 value or a \$200,000 value. How can this be?

A: Since passage of Proposition 13, County property records are not updated to reflect current market value, and extreme valuation disparities can exist in the County records. As a result, case law holds that such post-Proposition 13 valuation disparities cannot be tolerated in a special assessment. There is no practical alternative source of such information, and it would be logistically and financially impossible for TRLIA to develop its own substitute record. Therefore, consistent with Proposition 218, the Engineer's Report establishes a methodology that accounts for variation in special benefits provided to all properties within the proposed assessment district, with the assessment varying based on inundation zone and land use type. The assessment for residential property is also adjusted to account for a practical variation in value, with large-lot parcels (i.e., larger than one acre) being assessed at a higher rate than smaller-lot parcels. TRLIA's approach to calculating the assessment for residential lots is standard practice for special benefit districts.

Statement: TRLIA does not have an adequate sample from the survey to proceed with the formation of the assessment district.

Response: Although not required, TRLIA elected to seek community input through mail-back surveys twice prior to moving forward with the assessment district process. Return rates were typical for this type of survey.

Statement: FEMA has not sent a letter to TRLIA which substantiates the timeline which TRLIA has laid out; namely, that remapping is imminent.

Response: The primary contact for FEMA remapping is Yuba County. FEMA has published its timeline for remapping, and has posted that date (fall 2009) on its Region IX Map Modernization Web site: <http://rnc.mapmodteam.com/rnc9/Status.htm>.

Statement: This election is a bailout for RD 784.

Response: The proposed benefit assessment district would provide the additional resources RD 784 needs to provide maintenance on levees improved by TRLIA.

Statement: TRLIA should not approve this assessment because the voters have no recourse against TRLIA. Its Board members are appointed, not elected.

Response: State law provides for a Joint Powers Agency such as TRLIA to adopt an assessment. It is also incorrect that voters have no recourse against TRLIA. Of its five board positions, two each are held by members of the County Board of Supervisors and RD 784 Board of Trustees. These individuals must seek reelection to their respective boards every four years. The remaining TRLIA Board seat is an “at large” position, with the appointee selected by the other four members of the Board.

Statement: The amended language of the Joint Powers Agreement is ambiguous in that it seems to introduce the ability of TRLIA to perform maintenance into subclause (c) of Section 2.01.

Response: This amendment was adopted by the County and RD 784. The attorneys for the County, RD 784 and TRLIA all universally agree that this phrase does not introduce ambiguity. Rather, the phrase makes clear that TRLIA is permitted to finance operations and maintenance.

Statement: RD 784 is fully capable of performing all needed maintenance with its current budget; it has been doing so and will be able to continue to do so.

Response: RD 784’s current budget is inadequate to provide the resources needed for maintenance on improved levees.

Statement: The Engineer’s Report should have made it clear that funds from the proposed assessment will not be used for interior drainage and bond repayment.

Response: The Engineer’s Report has been revised to specifically exclude interior drainage following comments made at the February 17 workshop. The following paragraph was added and appears in the Engineer’s Report that was presented at the March 3 Board Meeting: “RD 784 has maintenance responsibilities for an internal drainage system that consists of drainage canals, ditches, and pumping stations to pass the internal runoff over the levees. These are important features to prevent interior flooding. Funding for the internal drainage features is not part of the Services described in this Engineer’s Report and is not part of the baseline services described above.” Regarding bond repayment, TRLIA has been clear that the only assessment funds which might be used for bond repayment would be those future assessment funds collected from future development.

Statement: FEMA won’t eliminate flood insurance. FEMA will always recommend flood insurance.

Response: FEMA strongly recommends flood insurance for any property owner living near levees or other waterways. FEMA can only require flood insurance for properties that are located in special flood hazard areas (high-risk flood zones). Properties in low- to-moderate-risk flood zones are not required to carry flood insurance, and property owners have the ability to purchase flood insurance at significantly lower costs than those in special flood hazard areas.