



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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Response to Public Comment 5.12.09 – TRLIA Public Hearing Proposed Benefit Assessment District

Statement: Yuba County can be really proud of what they've done with levee improvements. However, when these improvements are done, TRLIA's job is done. Sounds like TRLIA will continue on. It's redundancy for TRLIA to continue. Levee maintenance is solely RD 784's job.

Response: When the TRLIA levee program is completed, TRLIA's role will diminish but not completely go away due to binding commitments that have been made to State agencies. Also, the TRLIA Board, RD784, or Board of Supervisors could determine that TRLIA needs to accomplish another project.

In addition, RD 784's service area does not cover all lands that receive a special benefit from operations and maintenance of levees (approximately 9,300 acres fall outside RD 784's current boundaries). RD 784 will maintain its role as the sole provider of levee maintenance. TRLIA will collect assessment revenues and pass those through to RD 784 for that specific purpose.

Statement: I don't fully understand why RD 784 needs more money. The implementation of levee maintenance is simple, not rocket science. RD 784 needs employees who can work the equipment.

Response: The levees must be maintained to strict urban standards of state and federal agencies. The additional cost for maintaining improved levees to urban, as opposed to rural, standards is \$800,000 per year. The improved levees have new features, like relief wells and electronic monitoring devices that require significantly more maintenance work. Urban levee maintenance also requires more manpower with higher technical skills, improved equipment, new methods of vegetation and rodent control, acquisition and maintenance of flood fighting and maintenance easements, and resources for immediate repairs.

Statement: I don't understand how they (RD 784) come up with the money they say they need. It states that everyone is assessed based on value (benefit), but my home is on a hill, above the floodplain. I don't want FEMA to map me just because I'm now in an assessment district. Why didn't my property get flooded in 1950? The day I see water run up my hill, I will apologize.

Response: This property referenced is in the East zone, which benefits from the south Yuba levee. The 1950 flood was smaller than the scenarios used for hydraulic modeling for the purposes of the benefit assessment district, and was also smaller than the floods of 1964, 1986, and 1997. TRLIA's engineering consultants conducted hydraulic modeling with multiple potential levee failure scenarios to determine which and to what extent properties within the proposed assessment district will benefit from operation and maintenance of the levees as improved by TRLIA.

TRLIA has a policy of working with property owners to resolve disputes about benefit. The Board has delegated authority to the Executive Director to make adjustments based upon new or different information, if appropriate. If the benefit determination is not resolved to the property owner's satisfaction, he/she could appeal the Executive Director's decision to the Board for final resolution.

Statement: It looks like we followed the East Linda specific plan to capture as many properties as we could.

Response: The boundaries of the proposed benefit assessment district were drawn to reflect engineering studies showing which lands will be benefited by the operation and maintenance of the surrounding levees as improved by TRLIA's approximately \$400 million levee improvement program.

Q: For the cost comparison between RD 784 levee maintenance and State Maintenance Area 9, did you adjust for economies of scale and for the fact that our levees are brand new and Sacramento levees are not?

A: It is assumed that because the state manages maintenance on MA9, it complies with strict state and federal standards for urban levees and reflects the state's actual cost for levee maintenance. Regardless of age, levees are designed to maintain against a certain level of flooding and must be properly maintained, regularly repaired, and occasionally upgraded to operate as designed. Moreover, the level of operation and maintenance necessary to upkeep the TRLIA levee improvements is, if anything, higher than that needed for the upkeep of the MA9 levees.

Q: Regarding the ballot counting, will there be any witnesses to that counting? What happens to the ballots?

A: Those who wish to observe ballot counting may request to do so by contacting TRLIA's Executive Director. Ballots will be counted by independent CPA Michael Hinz the week of May 18, 2009. The procedures for the conduct of the tabulation, and for observing the tabulation, will be posted on the TRLIA website and at the location of the tabulation.

Statement: I feel for seniors who can't afford this. What are you going to do for them when they can't afford their mortgage?

Response: The TRLIA Board has acknowledged the difficulty in its decision to move forward with the proposed assessment. TRLIA is attempting to complete and certify levee improvements prior to the adoption of updated FEMA Flood Insurance Rate Maps, which may occur as early as fall 2009. If successful, property owners within the proposed assessment district would maintain the option of purchasing federally-backed flood insurance at preferred premiums. If levee improvements are not completed in time, or if the assessment district doesn't pass, then property owners with federally-backed mortgages would be required to purchase flood insurance in amounts up to \$2,700 per year, which is 16 times the cost of the proposed assessment (\$148) for the South Zone.

Q: Who put West Linda in A, and Olivehurst in B? Who drew the map? What's the difference?

A: Per state law, the assessment is directly related to the benefit each property receives from better, stronger flood protection. The proposed assessment district has been divided into four zones so properties are grouped by similar benefit based upon risk of flooding and expected flood damage. Properties in West Linda were determined to have similar risk and expected damage as other parcels within that zone. Those risks and expected damages differ from those

determined for properties within Zone B. TRLIA consultants used hydraulic models and topographic information to establish the zones.

Q: Who gets to vote on the TRLIA Board?

A: Members of TRLIA's Board are appointed to represent its parent agencies, RD 784 and Yuba County, as well as the public-at-large. Of the five-member board, two positions are reserved for County Board of Supervisors, two from RD 784's Board of Trustees, and one member of the public selected by the previous four. RD 784 Board members are elected by property owners within its district, while County Supervisors are elected by voters within their specific districts.

Q: Is RD 784 going to elect officers from within the boundaries of the proposed assessment district, or will keep its elections within its current boundaries?

A: Until RD 784 annexes the entire TRLIA district, only property owners living within its current boundaries—or the designated agents of those landowners—are eligible for service on its board. Assuming LAFCO approves the expansion of RD 784's boundaries, all landowners within the expanded district—and their designated agents—would qualify.

Statement: I'm surprised to find the difference in the cost that's being assessed to the South Zone as compared to the other areas. I've been told it's based upon benefit to property, but it seems to me we should look at future benefit, not what it would have been four years ago. I'm being told I need to pay five to six times more than others, because without that levee, I'd be in more jeopardy. Very much in favor of maintenance, but I don't agree with the way we're assessing it.

Response: Those living in the South Zone receive benefit from the protection of 29 miles of levees, including those along the Yuba, Feather and Bear Rivers, and the Western Pacific Interceptor Canal. Levees, even those that are new and improved, must be constantly maintained in order to provide the designed level of flood protection. Without good maintenance, the risk of levee failure is significantly increased. Hydraulic modeling, like that used to determine benefit to properties within the proposed assessment district, helps to determine the risk of flooding and expected flood damages were a levee failure to occur. The analysis is focused on future benefit: the benefit of avoiding future levee breaks that could occur under suboptimal maintenance.

Q: We moved to Plumas Lake a year ago. I thought levees and maintenance were in place.

A: Prior to TRLIA's levee improvements, the existing levees provided significantly less than 200-year protection. To provide 200-year flood protection in South Yuba County, TRLIA is managing approximately \$400 million in improvements to 29 miles of levees. It is estimated that all levee improvements will be completed in 2010. In the meantime and thereafter, levees must be continually maintained in order to provide the designed level of flood protection.

Q: If this passes, are we assured our levees will be accredited by FEMA? Will we have to continue paying the assessment if we don't get accredited?

A: TRLIA is working hard to complete and certify levee improvements prior to FEMA's issuance of updated flood hazard maps, TRLIA, however, does not control FEMA and can't guarantee FEMA accreditation (note: FEMA has not made final determinations at this time). If levees aren't accredited before updated flood hazard maps are adopted, the assessment (if passed) will remain in place. Levees must be maintained in order to provide the designed level of flood protection and to ultimately achieve accreditation once levees are completed. If the South Zone is mapped in a high-hazard flood zone, it can be remapped to a low-hazard zone as soon as levees are accredited.

Q: Why is TRLIA a pass through?

A: TRLIA is pursuing the assessment because RD 784's boundaries do not encompass the entire benefited area, and hence lacks the authority to levy the necessary assessment. Were LAFCO to approve an expansion of RD 784's boundaries, then RD 784 could attempt to annex properties and take over TRLIA's assessment. It was crucial for TRLIA to act now, to best ensure that an appropriate levee maintenance program will be in place prior to FEMA's determination on accreditation.

Statement: TRLIA is hiding costs in the proposed assessments for the East and Central B Zones. Properties in the East Zone will not be flooded, but you're charging them for flood protection.

Response: The derivation and calculation of rates is spelled out in the Engineer's Report. The original engineering analysis indicated that parcels within the East and Central B Zones receive flood protection benefit from the levees to be maintained by the proposed assessment. Members of the project team have met with individual property owners who had questions about how their property benefited from the levees. During the discussions with property owners TRLIA engineers determined that certain parcels would still be flooded by local creeks even with the levee improvements being completed. Thus, in some cases, after additional engineering review of the benefit provided to a parcel it was determined that the benefit did not exist and the parcel was removed from the proposed assessment district.

Statement: There is no contract yet between TRLIA and RD784 for levee maintenance, only the intention to create one.

Response: If the benefit assessment district is approved by property owners, TRLIA and RD 784 will enter into an agreement for levee maintenance based on the revenues supplied through TRLIA's assessment district.

Statement: The five percent "general benefit" allocation of \$52,365 is arbitrary.

Response: The Engineer's Report assigns 100 percent special benefit to the properties in the proposed assessment district. The report also recognizes that the determination of general benefit is not well defined and establishes a 5 percent minimum requirement to "cover any possible general benefits that may subsequently be determined to exist." Based on the consultant's professional experience, it was determined that 5 percent should be more than adequate, should general benefit be found to exist in the future.