



THREE RIVERS LEVEE IMPROVEMENT AUTHORITY

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Response to Public Comment 3.17.09 – TRLIA Board Meeting Proposed Benefit Assessment District

Q: Who is the point of contact for TRLIA's Proposition 218 election?

A: Paul Brunner, TRLIA Executive Director

Statement: I am concerned that TRLIA not exceed its role as the agency providing information regarding the election, and that it not start to advocate.

Response: TRLIA has a responsibility to provide factual and timely information to those it proposes to assess. It may not use public funds to advocate for the assessment. TRLIA understands its role.

Q: What will happen to the assessment if a majority of property owners in three of the benefit zones vote against the assessment?

A: The results within the different zones are not relevant to the assessment passing or failing. The various zones exist for the purpose of distinguishing between the benefits received from the project. The test of whether the assessment passes is if a majority of voting ballots (weighed according to assessments to be paid) support the assessment.

Q: How can TRLIA and RD 784 execute a contract to provide for RD 784 to perform maintenance in an area not within RD 784?

A: There is no legal restriction to RD 784 maintaining all of the levees that TRLIA improves under contract with TRLIA.

Q: Who will determine the content of the voter pamphlet? What oversight will there be for this? Does TRLIA have an obligation to provide an opposing view?

A: TRLIA will prepare the assessment ballot package based on all legal requirements and considering other assessment ballot packages used for other assessment formations. TRLIA has retained counsel and consultants with expertise in this area. Unlike statewide special and general elections, there is no advocacy and no obligation to provide an opposing view in the materials distributed.

Q: What is the cost of the assessment election and what is the source of funds for the election?

A: As part of TRLIA's capital program, TRLIA made provisions for funding this effort as soon as the need was identified. Developer advance funds have been used to fund the work by the consultant team involved. Based upon the September 2006 agreement between TRLIA and SCI Consulting Group, the cost of the balloting is \$20,500.

Q: What County department will oversee the election?

A: No County department will oversee the assessment ballot proceeding. Under State law, TRLIA administers the process.

Q: What is the process for verifying ballots and that ballots are properly voted and counted? Where and how will ballots be stored as they are received?

A: Ballots will be returned to the Yuba County Clerk. The County Clerk will secure the ballots until they are counted. CPA Michael Hinz has been retained as a third-party, independent person to accomplish the vote counting and ballot verification.

Q: Where a developer has developed a property into paper lots, but the lot does not yet have a home on it, how are votes for that property considered? Does it vote as many single family residences, or as vacant land, or in some other way?

A: Once a parcel is subdivided into separate parcels for single family homes, those parcels will be assessed at the rate for “vacant” land use.

Q: What is the date of the assessment data used by TRLIA that was acquired from the company that provided it?

A: SCI receives updated Yuba County Assessor’s data every six months from CD Data, Inc. Yuba County Assessor’s data from February 28, 2009, will be used to prepare the assessment ballots.

Q: I would like to review the raw data used by TRLIA in regard to the assessment data. I would like to see the actual data, not a copy.

A: This data is received electronically. We have provided a PDF of the most recent Yuba County Assessor’s data obtained from CD Data, Inc. This data is also available directly from the Yuba County Assessor.

Q: What was the procedure used to process the assessment data?

A: The process of calculating assessment rates and the role of assessor’s data in that calculation is explained in the draft Engineer’s Report. It was also summarized at the TRLIA Board Workshop on February 17 and the TRLIA Board meetings on March 3 and March 10. Further specific questions can be submitted to TRLIA.

Statement: Proposition 218 requires that the agency proposing the assessment use property values in the area as of the date of the proposed assessment, and not values from elsewhere in the State.

Response: Proposition 218 requires that the assessment be based on the benefit to the property. Data from the Yuba County Assessor’s Office was used to determine relative benefit between different property types. As has been previously clarified, when sufficient data from Yuba County was not available, regional data was used to augment it.

Statement: The materials that TRLIA has generated ignores RD 784’s excellent record of O&M and the fact that neither the 1986 or 1997 levee failure was due to an O&M failure.

Response: TRLIA’s information materials focus on the purpose of the assessment, which is providing RD 784 with the resources needed to maintain improved levees to more stringent guidelines into the future. RD 784’s current budget is not adequate to support the increased maintenance requirements.

Q: Why is there a special benefit for range land over and above the benefit that RD 784 is already providing under its current assessment?

A: RD 784 has done an excellent job providing a high level of maintenance using limited resources. However, state and federal standards have changed for levee maintenance, and RD 784 needs additional resources. The assessment, designed to provide those resources, is based on the special benefit provided to the property from a new and higher level of flood protection (both the design of the levees and the operation and maintenance of those levees).

Statement: Much of RD 784 is not urban land.

Response: The improved levees protect urban areas, which from FEMA's standpoint is any community with more than 10,000 residents.

Q: What is an itemization of the funds that TRLIA will spend from the assessment if it passes?

A: TRLIA estimates that approximately 1 to 2 percent of the annual assessment will be used for TRLIA expenses. The expenses include: TRLIA Board and staff review of proposed RD784 budget for increased levee maintenance; TRLIA Treasurer's time; yearly Audit; and yearly review and update of Engineer Report. The rest of the funds (98 to 99%) will be used by RD 784 to perform O&M; an approximate breakout of the O&M costs is included in the joint RD784/TRLIA O&M needs for Assessment District memo dated September 23, 2008.

Statement: Some lands have not historically flooded and will not flood, so they will receive no benefit.

Response: The fact that a property has not historically flooded does not mean that it would not flood if the levees were absent, or that it will not receive a benefit from improved flood protection. These levees have been in existence for almost 80 years. The hydrologic modeling prepared by TRLIA considers a number of different levee failure and levee removal scenarios under different river conditions to identify those properties that receive protection from the levees. Under the modeling done by TRLIA, all properties within the proposed assessment district boundaries receive a special benefit. In the event that a property owner can show errors in the modeling, he/she may appeal the assessment to TRLIA.

Statement: TRLIA should not assume the failure of the south Yuba levee for determining benefit.

Response: The purpose of performing hydraulic modeling with the scenario of levee failure and removal is to determine the extent of properties that receive protection from that levee. Without making these hydraulic analysis assuming levee failures and removal, TRLIA would not be able to determine which lands receive benefit from levee protection.