PLACE: West Sacramento Chamber of Commerce Meeting Room
1420 Merkley Avenue, Suite 6
West Sacramento, CA

DATE: Thursday, January 13, 2011

TIME: 10:30 AM

Meeting Agenda

1. Agenda Approval

2. Public Comment

3. December 9, 2010 Minutes


5. Consideration of Approval of Contract Amendment No. 3 with HDR Engineering, Inc. for the Environmental Compliance and Risk Analysis Contract Supporting the West Sacramento Levee Improvement Program

6. Consideration of Approval of Contract Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. for the General Reevaluation Report In-Kind Services Contract

7. Consideration of Approval of Contract Amendment No. 1 with KSN, Inc. for the Right of Way Engineering Contract Supporting the West Sacramento Levee Improvement Program

8. Consideration of Resolution 11-01-01 Concerning the Acquisition of Real Property Interest from Certain Parcels Within the Rivers Early Implementation Project (EIP) Area, the Conditions on the Offers to Purchase, and Authorizing and Directing the General Manager to make such Contingent Offers

9. Southport Sac River EIP Task Order No. 1 Summary and Introduction of Task Order No. 2

10. WSAFCA Project Updates

11. Informational Items

12. Adjourn

** In accordance to the Brown Act, any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public at 1420 Merkley Ave., Suite 4, West Sacramento, CA 95691, 8:00 am to 4:00 pm, Monday through Friday.
OBJECTIVE
To approve Contract Amendment No. 3 with HDR Engineering, Inc. for the Environmental Compliance and Risk Analysis Contract supporting the West Sacramento Levee Improvement Program.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board:
1. Approve Contract Amendment No. 3 in the amount of $359,388 with HDR Engineering, Inc. for the Environmental Compliance and Risk Analysis Contract supporting the West Sacramento Levee Improvement Program; and
2. Authorize the General Manager or his designee to take any and all actions reasonably necessary to complete the work described in the Contract, including the approval of minor Contract amendments that, in the opinion of the General Manager, will not materially alter the purpose of the Contract nor increase the total compensation due under the Contract by more than 10% ($35,939).

BACKGROUND
The City of West Sacramento and HDR Engineering, Inc. entered into a contract on July 26, 2007 for environmental compliance and risk analysis services to support various Early Implementation Projects (EIP). This technical services contract was established to provide support in the development of environmental resource and risk analysis studies necessary for four levee improvement projects. Amendment No. 2 to this contract was executed on June 2, 2010.

Since the execution of Amendment No. 2, several substantial tasks outside of the originally proposed Scope of Work have been identified for implementation. These tasks were identified during development of the final environmental compliance documents and permits for the Sacramento Bypass and Rivers EIP Sites. As a result of these findings, an amendment to the existing contract is required in order to complete the required work.

ANALYSIS
During the development of environmental resource and risk analysis documentation for the Sacramento Bypass and Rivers EIP Sites, several supplemental technical tasks and requirements were identified by the agencies reviewing the documentation for approval including the U.S. Army Corps of Engineers (Corps), the Central Valley Flood Protection Board (CVFPB), or the State of California Department of Water Resources (DWR).

These supplemental technical tasks fall into three primary categories which are described in the following paragraphs to assist in communicating the nature and level of effort associated with this proposed contract amendment. In several cases, supporting documentation has been enclosed to further describe the required level of effort or change.
1.0 Levee Program Coordination w/ Federal and State Agencies:

HDR supports the City of West Sacramento (City), the West Sacramento Area Flood Control Agency (WSAFCA) and its program management consultant team in the communication and coordination of the West Sacramento Levee Improvement Program (WSLIP) to numerous stakeholders with a broad variety of interests. This coordination may be with the public, project stakeholders, or other agencies as specifically requested by the City and WSAFCA. Program coordination may include meeting attendance and facilitation, participation or presentations during public meetings and workshops, and communication with other agencies and project stakeholders. Support activities may include the development of meeting agendas and minutes, memorandums, issue papers, or presentations specific to an issue or topic being contemplated or addressed by the City and WSAFCA.

This support is often related to the investigation of and coordination with various strategic financial opportunities or partnerships. These opportunities include: 1) the pursuit of new cost-sharing partners; 2) the identification and potential participation in different Federal and State flood protection programs that complement the WSLIP’s flood protection goals; and 3) the identification of program or project strategies that reduce the local share of flood protection evaluation and improvement costs.

2.0 Sacramento Bypass and Rivers EIP Site – Environmental Clearances:

The Draft Environmental Impact Statement / Environmental Impact Report (EIS/EIR) developed in support of the Sacramento Bypass and Rivers EIP Sites received substantial public comment resulting in a reevaluation of the National Environmental Policy Act / California Environmental Quality Act (NEPA/CEQA) approach in order to avoid potential legal challenge, delays in project approvals, or conflicts with agency partners and stakeholders. Based on these circumstances, the scope of work necessary to successfully complete the NEPA/CEQA process and completion of the EIS/EIR has considerably expanded from the original contract. A memorandum titled, "WSAFCA: Request for Augmentation for Completion of Environmental Clearances for the CHP Academy and The Rivers EIPs" and dated November 15th, 2010 from ICF International has been attached to the supplemental scope of work (SSOW) to provide a detailed explanation of these changes. Further support is provided by “Table 1. Cost Estimate for Completion of Environmental Clearances for CHP Academy and The Rivers EIPs” which includes a detailed estimate of the cost associated with these changes.

3.0 River EIP Site – Mitigation Site Design:

The Rivers EIP consists of levee improvements to reduce flood risks as well as recreation and open space elements. Implementation of The Rivers EIP results in effects to tree resources. The City has agreed to an onsite tree resource mitigation program to compensate for these effects. Tree resources mitigation will be developed in coordination with the recreational elements being developed by the design team. Based on this strategy, a letter proposal titled, “Proposal to Prepare Construction Documents for The Rivers Riparian Mitigation Site” dated December 22nd, 2010 from ICF International has been attached to the SSOW to provide a explanation of these changes. The letter proposal is supported by “Table 1. Cost Estimate for Development of Riparian Mitigation Plans and Specifications for The Rivers,” which includes a detailed estimate of the cost associated with these changes.

Alternatives
Staff recommends that the JPA Board approve Contract Amendment No. 3 with HDR Engineering, Inc. for the Environmental Compliance and Risk Analysis Services contract. The Board may elect not to approve the contract modifications at this time and/or may elect to rescipe the proposed services. However, without the services defined in this proposed contract amendment the project schedule will be impacted.
Budget/Cost Impact
The contract amendment No. 3 with HDR Engineering, Inc. in the amount of $359,388 will be funded by a combination of property flood assessment revenue, bond proceeds, and the State of California. WSAFCA successfully entered into a Design Funding Agreement with the State in October, 2009. These proposed design cost modifications are eligible and will be included within the existing Design Funding Agreement. Initially the State will fund 50% of the design costs and will "true up" these costs once a cost share percentage has been established on a project by project basis. We anticipate at least a 70 (State) - 30 (WSAFCA) cost share split for all projects listed in the Funding Agreement.

ATTACHMENT
HDR Engineering Contract Amendment No. 3 Proposal
MEETING DATE: January 13, 2011

SUBJECT:
APPROVAL OF AMENDMENT NO. 1 TO TASK ORDER NO. 1 WITH HDR ENGINEERING, INC. FOR THE GENERAL REEVALUATION REPORT IN-KIND SERVICES CONTRACT

INITIATED OR REQUESTED BY: [ ] JPA Board [ X ] Staff

[ ] Other

REPORT COORDINATED OR PREPARED BY: Michael W. Bessette, Flood Protection Manager

ATTACHMENT [ X ] Yes [ ] No

[ ] INFORMATION [ ] DIRECTION [ X ] ACTION

OBJECTIVE
To approve Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. for the General Reevaluation Report In-Kind Services Contract.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board:
1. Approve Amendment No. 1 to Task Order No. 1 in the amount of $30,880 with HDR Engineering, Inc. for the General Reevaluation Report In-Kind Services Contract; and
2. Authorize the General Manager or his designee to take any and all actions reasonably necessary to complete the work described in the Contract, including the approval of minor Contract amendments that, in the opinion of the General Manager, will not materially alter the purpose of the Contract nor increase the total compensation due under the Contract by more than 10% ($3,088).

BACKGROUND
The City of West Sacramento and HDR Engineering, Inc. entered into a contract on July 8, 2009 for the provision of in-kind services in support of the development of a General Reevaluation Report. This task order based contract was established in order to provide a broad range of professional services in support of the GRR being developed through a partnership between WSAFCA, the U.S. Army Corps of Engineers (Corps), and the State of California Department of Water Resources.

A Notice to Proceed for Task Order No. 1 for this In-Kind Services contract was issued on January 21, 2010 and resulted in the initiation of several studies including, most notably, and Interior Drainage Study (Study) of the entire City. During the course of the last 10 months, the development of this Study has been closely coordinated with the Corps to ensure it meets all current planning and engineering policies and guidance. As a result of this coordination, several substantial technical requirements outside of the originally proposed Scope of Work were identified by the Corps for incorporation into the Study.

ANALYSIS
During close coordination with the U.S. Corps of Engineers (Corps), the Corps identified and directed the WSAFCA team to include several technical requirements outside of the originally proposed scope of work to be included within the Interior Drainage Study. The following description of supplemental services and activities has been developed to assist in communicating the nature and level of effort associated with this proposed task order amendment.

1.0 Project Management:

The study duration was assumed to be three months and include six meetings. The project duration has been extended to six months (June through December 2010) and included 14 meetings and a kickoff meeting.
2.0 Hydrologic Models:

a) The original SOW assumed that there was an existing and applicable hydrologic model for the south basin but no corresponding model for the north basin. As a result, HDR would develop a new model in the north basin similar to the existing south basin model, using Sac-Calc software associated with the Sacramento Hydrology Standards and the USACE HEC-1 hydrology software.

Upon review of the existing hydrologic model for the south basin, it was determined that the hydrologic model would not be applicable to the hydraulic model for the south basin, in addition the hydrologic model was not developed for the multiple storm frequencies. Due to the short comings of the existing hydrologic model for the south basin, new hydrologic models were developed.

Upon the development of an equivalent north basin model, the Corps requested the conversion of both the newly developed north basin and south basin models into HEC-HMS in lieu of Sac-Calc.

b) The original SOW assumed the hydrologic analysis of both the north and south basins would be based on one existing condition baseline. The Corps required the hydrologic analysis to be based on the two following existing condition baselines:
   - Current Conditions
   - General Plan Built Out Conditions

c) In addition to the storm events assumed in the original SOW, the Corps requested inclusion of the 10-, 25-, 50-, and 500- year storm (peak flow and runoff volume) for all the required storm durations (24 hr and 10-day) for comparison.

d) The Corps also requested a coincidental peak flow analysis between internal and external waterways to determine if the peak flows of the surrounding waterways (Sacramento River, the Sacramento Deep Water Ship Channel, the Yolo Bypass, and the Sacramento Bypass) would coincide with the peak flows that would be developed within the basins. The Corps requested that a historical storm event be evaluated to estimate the probability of coincidental peaks.

3.0 Hydraulic Models:

a) The original SOW assumed development of a new hydraulic model for the north basin and the conversion of an existing UNET model for the south basin to HEC-RAS. In addition, the Corps required the incorporation of the American River Watershed Project, Common Features GRR hydraulic model, which included the Sacramento River, Yolo Bypass, Deep Water Ship Channel, and Sacramento Bypass as a reference and for boundary conditions. This task included identifying and extracting stream reaches applicable to study boundary conditions, a conversion of the model geometry vertical datum, and an evaluation to determine the equivalent flow to flow stages that represented the storm events.

b) The conversion of the UNET models to HEC-RAS utilized topographic data previous to the 2005 LiDAR provided by the City of West Sacramento, the model was not referenced on a coordinate system and was lacking the detail that was requested by the Corps for the analysis. The Corps requested HEC GEO-RAS to be used to develop new cross sections consistent with the 2005 LiDAR and adjustment of the channel inverts, as needed, to match the isolated 2010 field survey cross sections.
Alternatives
Staff recommends that the JPA Board approve Task Order Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. for the General Reevaluation Report In-kind Services Contract. The Board may elect not to approve the task order amendment at this time and/or may elect to rescopo the proposed services. However, without the services defined in this proposed task order amendment the project schedule will be impacted.

Budget/Cost Impact
The Task Order Amendment No. 1 to Task Order No. 1 with HDR Engineering, Inc. in the amount of $30,880 will be funded by a combination of bond proceeds and the State of California. WSAFCA has budgeted $1,425,000 in bond proceeds for the GRR.

ATTACHMENT
HDR Engineering Task Order Amendment No. 1 Proposal
MEETING DATE: January 13, 2011

ITEM # 7

SUBJECT:
APPROVAL OF CONTRACT AMENDMENT NO. 1 WITH KSN, INC. FOR THE RIGHT OF WAY ENGINEERING CONTRACT SUPPORTING THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM

INITIATED OR REQUESTED BY:
[ ] JPA Board  [ ] Staff
[ ] Other

REPORT COORDINATED OR PREPARED BY:
Michael W. Bessette, Flood Protection Manager

ATTACHMENT [X] Yes [ ] No

OBJECTIVE
To approve Contract Amendment No. 1 with KSN, Inc. for the Right of Way Engineering Contract supporting the West Sacramento Levee Improvement Program.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board:
1. Approve Contract Amendment No. 3 in the amount of $11,200 with KSN, Inc. for the Right of Way Engineering Contract supporting the West Sacramento Levee Improvement Program; and
2. Authorize the General Manager or his designee to take any and all actions reasonably necessary to complete the work described in the Contract, including the approval of minor Contract amendments that, in the opinion of the General Manager, will not materially alter the purpose of the Contract nor increase the total compensation due under the Contract by more than 10% ($1,120).

BACKGROUND
The City of West Sacramento and KSN, Inc. entered into a contract on May 13, 2010 for Right of Way Engineering Services to support two Early Implementation Projects (EIP), the CHP Academy/Sacramento Bypass and Rivers projects. This professional services contract was established to provide the required right of way engineering work such as mapping of property lines, parcel descriptions for permanent and temporary easements, and right of way staking.

ANALYSIS
During the course of executing the scope of the contract several additional surveying and mapping services were identified as needing to be completed in order to fulfill the required documents necessary for the projects. These items of work were outside of the original scope of the contract and included; 1) the preparation of additional parcel geometry descriptions at the Rivers Site, 2) coordination with the California Department of Water Resources to resolve the location of the south boundary of the Yolo Bypass/north boundary of the CHP Site, and 3) preparation of a Record of Survey map to comply with the requirements of Section 8762 of the California Business and Professions Code (Land Surveyors Act).

Alternatives
Staff recommends that the JPA Board approve Contract Amendment No. 1 with KSN, Inc. for the Right of Way Engineering contract. The Board may elect not to approve the contract modifications at this time and/or may elect to rescipe the proposed services. However, without the services defined in this proposed contract amendment the project schedule will be impacted.
Consideration of Approval of a Contract Amendment with KSN, Inc.
January 13, 2011
Page 2

Budget/Cost Impact
The contract amendment No. 1 with KSN, Inc. in the amount of $11,200 will be funded by a combination of property flood assessment revenue, bond proceeds, and the State of California. WSAFCA will be entering into a Construction Funding Agreement with the State in 2011. These proposed right of way engineering cost modifications are eligible and will be included within the Construction Funding Agreement.

ATTACHMENT
KSN, Inc. Contract Amendment No. 1 Proposal
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY

MEETING DATE: January 13, 2011

ITEM # 8

SUBJECT: CONSIDERATION OF RESOLUTION 11-01-01 CONCERNING THE ACQUISITION OF REAL PROPERTY INTERST FROM CERTAIN PARCELS WITHIN THE RIVERS EARLY IMPLEMENTATION PROJECT (EIP) AREA, THE CONDITIONS ON THE OFFERS TO PURCHASE, AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO MAKE SUCH CONTINGENT OFFERS

INITIATED OR REQUESTED BY: [ ] JPA Board [ ] Other [ X] Staff

REPORT COORDINATED OR PREPARED BY: Katie Yancey, Administrative Analyst

Michael W. Bessette, Flood Protection Manager

ATTACHMENT [ X] Yes [ ] No [ ] Information [ ] Direction [ X] Action

OBJECTIVE

The objective of the report is to obtain the West Sacramento Area Flood Control Agency's (WSAFCA) approval to make offers to purchase certain property rights from private owners within the boundary of the Rivers EIP area, based on appraised value, prior to the board's approval of the project's environmental documents and to make the offers contingent on the board's ultimate certification of these documents.

RECOMMENDED ACTION

It is respectfully recommended that the JPA Board:

1) Adopt Resolution 11-01-01

BACKGROUND

In late 2005, the City of West Sacramento (City) and WSAFCA initiated a comprehensive flood control strategy for the purposes of improving the City's flood protection system, thereby meeting new Federal standards for evaluating levee integrity. By the fall of 2007, the City and WSAFCA had begun funding the initial stages of a levee study. In August of 2007, upon completion of the study, the City Council hired HDR Engineering, Inc. to facilitate the environmental, design, and permitting for the first phase of improvements. The result of this process identified the first round of construction sites.

In the levee improvement program, outlined in WSAFCA's Draft Alternatives Analysis report dated November 13, 2009, three reaches of the City's levees system were identified as priorities for immediate improvement. One of those reaches was the Sacramento River North levee. In October of 2010, HDR completed 100% construction drawings for the Rivers EIP, a portion of the Sacramento River North levee.

WSAFCA has prepared an environmental impact report (EIR) under CEQA, and an environmental impact statement (EIS) under NEPA for the Rivers EIP which includes evaluation of the project specific impacts of the Rivers EIP Project. To date, WSAFCA has not certified these documents.

ANALYSIS

Construction of the Rivers EIP improvements is scheduled to begin in July of this year. In order to complete the improvements during the dry season, all real property interests needed for construction must be acquired by June. Although the environmental documents have not been certified, based on CEQA guidelines, section 15004, Save Tara and cases cited in that decision, and NEPA, WSAFCA can make offers to acquire the necessary property without a final EIS/EIR provided certain conditions are placed on the offer. Resolution 11-01-01 provides direction to the General Manager on how to proceed with making offers to the property owners, prior to certification and contingent on WSAFCA's approval of the environmental documents. By making offers prior to certification of the final EIS/EIR staff can provide the property owner with additional time to review the offers, and as required by Civil Code § 1263.025(a), allow the owner his/her right to obtain an independent appraisal at WSAFCA's expense. WSAFCA's obligation is to pay up to $5,000 toward a qualified independent appraisal.

Rivers Community Association, Inc. is the fee title owner of parcels, APNs 014-690-091, 014-720-002, and 014-720-057. Williams Portfolio 2 is the fee title owner of parcels, APNs 014-580-009 and 014-580-010. The
appraised fair market value for necessary permanent easement that supports flood protection uses for the Rivers Community Association, Inc. parcels is $16,800. The appraised fair market value for fee simple needed for the Williams Portfolio 2 parcels is $173,805. Fee simple for the Williams parcels, instead of an easement, is necessary for the flood protection, recreation, open space and environmental enhancement uses envisioned on the site. It may also be needed as a site for potential perpetual on-site mitigation, in the form of riparian planting, as shown on Attachment A.

Strategic Plan Integration
Strategic flood control planning supports the city strategic planning principles of providing a place where people feel safe and secure, provides for a financially sound city government, and is a top priority of the 2008, 2009 and 2010 Policy Agenda.

Alternatives
1. WSAFCA adopts Resolution 11-01-01. The General Manager is granted the authority to make conditional offers consistent with the summary appraisal reports.

2. WSAFCA may choose to make modifications to the body of the Resolution or its attachments. WSAFCA may direct staff to make those changes in conjunction with legal counsel. This is not recommended as it reduces the amount of time for the property owner to review the offer by at minimum 30 days.

3. WSAFCA may choose not to adopt this resolution and direct staff to wait to make offers until the final programmatic EIS/EIR has been certified by the board. This is not recommended as it reduces the amount of time for the property owner to review the offer by at minimum 30 days.

Alternative 1 is the staff recommendation. Staff does not recommend the alternative approaches because they could potentially delay or even prevent construction from occurring this year.

Coordination and Review
This report was coordinated with the WSAFCA, the City's Finance Department, and legal counsel for WSAFCA and the City.

Budget/Cost Impact
The total value of the conditional offers for the proposed permanent rights is $190,605. Appropriations for these acquisitions were included in the current Capital Improvements Project Budget, funded by a combination of property flood assessment revenue, bond proceeds, and the City of West Sacramento. 95% of the costs are eligible for reimbursement through the State-Federal Flood Control Systems Modification Program's Land Acquisition Process.

ATTACHMENTS
1. Potential On-site Mitigation
2. Resolution 11-01-01
RESOLUTION 11-01-01

A RESOLUTION OF BOARD OF DIRECTORS OF THE WEST SACRAMENTO AREA FLOOD CONTROL AGENCY ("WSAFCA") CONCERNING THE ACQUISITION OF REAL PROPERTY INTEREST FROM CERTAIN PARCELS WITHIN THE RIVERS EARLY IMPLEMENTATION PROJECT ("EIP") AREA, THE CONDITIONS ON THE OFFERS TO PURCHASE, AND AUTHORIZING AND DIRECTING THE GENERAL MANAGER TO MAKE SUCH CONTINGENT OFFERS

WHEREAS, WSAFCA is a Joint Powers Authority comprised of representatives of the City of West Sacramento, Reclamation District (RD) 900 and RD 537 for the purposes of constructing the improvements necessary to enhance the West Sacramento Levee System, including the levees along the Sacramento River, and

WHEREAS, WSAFCA commissioned a levee study to evaluate the entire West Sacramento Levee System,

WHEREAS, the study determined that substantial improvements to the system must be made to meet the new Federal criteria and protect the lives and livelihoods of those living and working in West Sacramento, and

WHEREAS, in August of 2007, the City Council of the City of West Sacramento approved a contract with HDR Engineering, Inc. for environmental, design and permitting to prepare an EIP to guide the first phase of improvements, selecting the sites based primarily on those improvements providing the greatest public safety, with the least negative effects, and

WHEREAS, based on that criterion HDR identified a series of necessary improvements along Reach 2, as generally shown in map attached Exhibit "A," and

WHEREAS, in October 2010, HDR completed its 100% construction drawings for the levee improvements for a portion of Reach 2, known as the Rivers EIP, which included the geometry for the extent of the real property interest to be acquired in support of the levee improvements, and

WHEREAS, the Rivers Community Association, Inc. is the fee title owner of certain parcels, APNs 014-690-091, 014-720-002, and 014-720-057 (the "RCA Properties"), within the Rivers EIP, as generally shown on the plat maps attached hereto as Exhibit "B"; and

WHEREAS, the Williams Portfolio 2 is the fee title owner of certain parcels, APNs 014-580-009 and 014-580-010 (the "Williams Properties"), within the Rivers EIP, as generally shown on the plat maps attached hereto as Exhibit "C"; and

WHEREAS, WSAFCA has had an environmental impact report ("EIR") under CEQA, and an environmental impact statement ("EIS") under NEPA, prepared for the Rivers EIP which includes evaluation of the project specific impacts of the Rivers EIP Project, and

WHEREAS, the initial public and agency comment period was completed on August 2, 2010, but due to the nature of the comments received WSFCA is modifying the report before it certifies the document, and


WHEREAS, in December of 2010, Bender Rosenthal, Inc. ("BRI") finalized its opinion of value of the rights, identified by HDR and the City as necessary for flood protection, recreation, open space and environmental enhancement, for the RCA Properties and the Williams Properties (together, the "Properties"), in two summary appraisal reports, and

WHEREAS, WSAFCA is committed to ensuring the completion of the levee improvement projects at the Rivers EIP at the earliest possible time, and WSAFCA presently intends to commence construction of the Rivers EIP improvements by July 2011, such that WSAFCA must immediately commence the process for potential acquisition of the Properties by making offers to purchase the same in order to assure that flood protection is enhanced at the earliest possible date.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West Sacramento Area Flood Control Agency that:

Section 1: WSAFCA hereby finds that the recitals set forth above are true and correct, and incorporate these recitals herein by reference.

Section 2: WSAFCA’s General Manager or his/her designee is hereby authorized to execute and deliver any and all documents, do any and all things, and take any and all actions that may be necessary or advisable, in their discretion, in order to make contingent offers to purchase the necessary real property rights shown on Exhibits "B" and "C" to the above listed private property owners. The offers shall not exceed the appraised fair market value as determined by the summary appraisal reports prepared by BRI. For APNs 014-580-009 and 014-580-010, the General Manager is authorized to make an offer for fee title, or any lesser interest as necessary for the project purposes.

Section 3: The offers authorized herein shall explicitly state that they are contingent upon WSAFCA’s compliance with the requirements of CEQA and NEPA, and shall explicitly state that such offers do not constitute a determination that WSAFCA will in fact utilize the subject properties as part of the levee improvements, and that such offers may be rescinded by WSAFCA to the extent WSAFCA’s consideration of project alternatives and/or mitigation measures as part of the CEQA or NEPA process require such rescission. These contingent offers will be substantially in the form set forth in Exhibit "D," hereto, and will include appropriate attachments pertaining to each of the Properties.

Section 4: WSAFCA hereby finds that the offers authorized herein are not, and are not intended to be, actions that significantly further the levee improvement project in a manner that forecloses alternatives or mitigation measures that would ordinarily be part of CEQA review of the project.

Section 5: Nothing contained herein authorizes the General Manager to execute a right of way contract, close escrow or accept any property interest of the Properties, or any portion thereof, unless and until WSAFCA complies with CEQA and NEPA.

Section 6: Nothing contained herein authorizes the General Manager, his/her designee, or WSAFCA to utilize the Properties, or any portion thereof, for levee improvements or any other purposes unless and until WSAFCA complies with CEQA and NEPA.
PASSED AND ADOPTED by the Board of Directors of the West Sacramento Area Flood Control Agency on this 13th day of January, 2011.

President

ATTEST:

Secretary

APPROVED AS TO FORM:

WSAFCA Attorney
James Day, Jr.
Exhibit A
Exhibit B
PLAT MAP(S): PROPOSED ACQUISITION AREA

Bearings and distances are based on the California coordinate system, zone 2, North American datum of 1983. Multiply grid distances by 1.00003113 to obtain ground distances. All distances are in US survey feet.

MATCH LINE
SEE PAGE 1

N87°50'38"E
85.63'

FEE PARCEL
DN 2004-0054549-00
RIVERS COMMUNITY ASSOCIATION
APN 014-720-05-70

N83°26'07"E
93.68'

FEE PARCEL
OR 1056-107
WILLIAMS G W COMPANY
APN 014-580-10-00

N83°15'03"E
93.71'

PERMANENT LEVEE
RIGHT-OF-WAY
0.36 OF AN ACRE

FEE PARCEL
DN 2004-0054549-00
RIVERS COMMUNITY ASSOCIATION
APN 014-720-00-20

BEING A PORTION OF
SECTION 27, TOWNSHIP 9
NORTH, RANGE 4 EAST,
MOUNT DIABLO BASE AND
MERIDIAN, IN THE CITY OF
WEST SACRAMENTO, YOLO
COUNTY, STATE OF
CALIFORNIA.

N83°48'44"E
106.17'

N11°32'26"W
7.48'

THE RIVERS SITE
APN-014-720-05-70

DRAFT
Exhibit C
Exhibit D
STATE-FEDERAL FLOOD CONTROL SYSTEMS MODIFICATION PROGRAM
EARLY IMPLEMENTATION PROJECT
LAND ACQUISITION PROCESS

Written Offer Package
Sample Cover Letter

January __, 2011

Property Owner
Address
City, State Zip

Dear Mr./Mrs./etc. __________:

Our records indicate that you are the owner of certain property situated in Yolo County, identified as Assessor’s Parcel No. ***-***-***. The West Sacramento Area Flood Control Agency (“WSAFCA”), proposes to purchase property rights over this property to accomplish the goals of the West Sacramento Levee Improvement Project (“Project”) for levee improvements in your area.

Section 7267.2 of the California Government Code and the California Relocation Assistance and Real Property Acquisition Guidelines require that each property owner from whom WSAFCA purchases real property, or an interest therein, be provided with a summary of the appraisal of the real property, or interest therein, as well as the following information:

1. You are entitled to receive full payment prior to vacating the real property rights being purchased, unless you have heretofore waived such entitlement. You are not required to pay recording fees, transfer taxes, or the pro rata portion of the real property taxes which are allocable to any period subsequent to the passage of title or possession.

2. WSAFCA will offer to purchase any remnant or remnants considered by WSAFCA to be an uneconomical unit or units that is/are owned by you and that is/are contiguous to the land being conveyed.

3. All building, structures, and other improvements affixed to the land described in the referenced documents covering this transaction and owned by the Grantor herein are being conveyed unless other disposition of these improvements has been made. The right to be acquired is a ***.
4. The market value of the property rights being purchased is based upon a market value appraisal, which is summarized in the enclosed Appraisal Summary Statement. As full just compensation for the property rights to be acquired, WSAFCA offers you $***.00, as shown on the enclosed Right of Way Contract. This offer: (a) represents the full amount of the appraisal of just compensation for the property rights to be purchased; (b) is not less than the approved appraisal of the fair market value of the property as improved; (c) does not reflect any consideration of, or allowance for, any relocation assistance payments or any other benefits to which you may be entitled; and (4) disregards any decrease or increase in the fair market value of the real property rights to be acquired prior to the date of valuation caused by the public improvement for which the property is to be acquired, or by the likelihood that the property would be acquired for such public improvement, other than that due to physical deterioration within the reasonable control of the owner or occupant.

5. The offer set forth herein is expressly contingent upon WSAFCA’s prior compliance with the requirements of the California Environmental Quality Act (“CEQA”) and the National Environmental Policy Act (“NEPA”).

6. The owner of a business conducted on a property to be acquired, or conducted on the remaining property, which will be affected by the purchase of the required property, may be entitled to compensation for the loss of goodwill. Entitlement is contingent upon the Grantor’s ability to prove such loss in accordance with the provisions of Sections 1263.510 and 1263.520 of the Code of Civil Procedure.

7. If you ultimately elect to reject WSAFCA’s offer for your property, you are entitled to have the amount of compensation determined by a court of law in accordance with the laws of the State of California.

8. You have a right to obtain an independent appraisal for your property. WSAFCA will reimburse you up to $5,000.00 toward the cost of a qualified appraisal, consistent with the provisions of Code of Civil Procedure section 1263.025.

Included as part of this package, you will find the following information relating to this proposed acquisition:

- Appraisal Summary Statement
- Comparable Sales Map
- Comparable Sales Data Sheets
- Right of Way Contract
- Map of the Proposed Acquisition Area
- Easement Deed
- Informational Packet Regarding the Eminent Domain Process
If you wish to accept WSAFCA's contingent offer, please date and sign the Deed exactly as shown in the designated location and have your signature notarized. Also, date and sign two copies of the Right of Way Contract and return them with the Deed in the envelope provided. The third copy is for your records. A fully executed copy of the Contract will be forwarded to you at a later date.

If you have any questions or need additional information, you may contact me at (916) ***-**** or via email at ***@********.

Sincerely,

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Enclosures