

## **Who Will Operate and Maintain Sutter County's Rehabilitated Feather River Levees?**

Since the high water flood scare in 1986, the Sutter County Taxpayers Association (SCTA) has been at the forefront in pushing to fix our levees to protect citizens and property.

The Sutter Butte Flood Control Agency (SBFCA) was finally formed in 2007 as a joint powers authority. SBFCA is comprised of Sutter and Butte Counties, the cities of Biggs, Gridley, Live Oak and Yuba City, and Levee Districts 1 and 9. In 2010 SBFCA asked property owners in Sutter and Butte Counties to pass an assessment on their properties to fund the local share of a major, at the time, \$250 million (now \$300 million) project to fix the west bank of the Feather River levee from Star Bend south of Yuba City north to the Thermalito After Bay in Butte County.

Recognizing the importance of increasing flood protection for citizen safety and property, SCTA supported the assessment in return for assurance that a citizens oversight committee be formed to monitor SBFCA's financial actions and to provide citizens information on the project. The Citizens Assessment District Advisory Committee (CADAC) was formed in September 2010. Each member of the 13-member SBFCA board is allowed to appoint one member to CADAC. Since formation in late 2010, the committee has had an active role in monitoring SBFCA's activities.

Recently, however, it has become apparent that the SBFCA staff would like to reduce CADAC's ability to obtain information concerning SBFCA actions. SBFCA staff has falsified information on CADAC's activities in order to have SBFCA Board members remove and replace two active CADAC members. An illegal vote was held on April 11 to elect a new chairman who had not attended a CADAC meeting in eight months -- in violation of the CADAC bylaws. Further, this was done at a meeting that was not properly noticed under the Brown Act.

These recent actions and others have raised concerns that SBFCA staff are working behind the scenes to give Levee District 1 the Operation and Maintenance (O&M) responsibility for the entire Sutter County stretch of rehabilitated levee once the work is complete. An O&M plan is required by the state. When questions are asked about the O&M plan, there is silence on what is being discussed.

SCTA believe the decision as to who should be in charge of O&M should be thoroughly discussed and decided by all of the representatives of the SBFCA agencies and with the community. And that is not happening.

Now let's look at the players. The Levee District 1 Board is comprised of three people: Al Montna, Francis Silva and Charlie Hoppin. While LD 1 board members must be elected, past history and current activities would indicate they are generally hand-picked by Al Montna. Jon Munger works for Al Montna and Jon is the person who was illegally elected chair of CADAC at its April 11 meeting.

Another indicator that LD 1 is in line for the O&M is the plan for LD 1 to enroll in a 457 plan where employees can put extra money for their retirement. This was presented at the March 14 and April 11 LD 1 Board meetings. The district currently has two full-time and one part-time workers, so why the need for a 457 plan unless they are going to be hiring more employees? And, unless salaries are above average, what workers can actually enroll in a 457 plan?

SCTA has concerns about giving the O&M to LD 1 because of past actions by LD 1. Levee District 1 violated CalPERS rules by not requiring its former general manager, Bill Hampton, after retiring from Sutter County, to stop his CalPERS pension and be reinstated to CalPERS while employed by LD 1 from December 1996 to July 2015.

Additionally, LD 1 was very slow to take action concerning an extremely dangerous situation near Boyd's Pump south of Yuba City. It was discovered in December 2005 during high water that there was water gushing through a badly rusted 24-inch steel Oswald Water District irrigation pipeline passing through the levee below ground-level and flowing into an irrigation ditch on the landside of the levee. Against all advice, this dangerous situation was allowed to exist through the 2006-2007 rainy season. Work to plug the pipe was not done until the summer of 2007, more than a year and a half after LD 1 was made aware of the problem.

Also of concern are the high assessment costs charged by LD 1. As an example, for a house in LD 1, residents pay more than \$11 a year, yet maintenance areas managed by State Water Resources, mostly charge pennies for maintenance.

The liability issue is of extreme importance. If the O&M is given to LD 1, do we Sutter County property owners have to accept liability if a flood, heaven forbid, occurs?

The public deserves an open and thorough discussion on this issue, addressing the options, the costs and the liability of the Operation and Maintenance plan.

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