



FEATHER RIVER RECREATION & PARK DISTRICT
Special Board Meeting
August 3, 2021

ACTIVITY CENTER
1875 Feather River Blvd.
Oroville, CA 95965

AGENDA

Open Session 12:00PM

This meeting will be available in-person at the Activity Center, with a call-in option.

Dial: (530) 212-8376; Conference Code: 603692

Written comments must be sent to victoriaa@frrpd.com 1-hour prior to the meeting to be presented to the Board. If you need a special accommodation to participate in this meeting, please contact (530)533-2011.

CALL MEETING TO ORDER

ROLL CALL

Chairperson Steven Rocchi
Vice-Chairperson Shannon DeLong
Director Scott "Kent" Fowler
Director Devin Thomas
Director Clarence "Sonny" Brandt

PLEDGE OF ALLEGIANCE

PUBLIC COMMENT

The Board will invite anyone in the audience wishing to address the Board, on a matter not listed on the agenda, to state your name for the record and make your presentation. You are limited to three (3) minutes. *The Board cannot take any action except for brief response by the Board or staff to a statement or question relating to a non-agenda item.*

ACTION ITEM(S)

1. Policyholder's Release for Riverbend Park Water Feature Insurance Funds (Appendix A)

The Release Form is an acknowledgment of final payment and an end to the insurance claim for damages to Riverbend Park due to the floods from the Oroville Dam Spillway Incident in 2017. All repairs to the park are complete. The final payment noted in the Release Form was on hold until the water play area that was destroyed in the flood was replaced at another site. The replacement water feature will most likely take a few more years to complete as the District acquires the remainder of funding needed for the project from a flood damage claim with FEMA. Given this length of time and the ongoing 4-year-old claim, the insurance policy holders have offered to release this final payment and close out the claim.

Motion:

Vote:

ADJOURNMENT

POLICY HOLDER'S RELEASE

IN CONSIDERATION of the final payment of **Two Hundred Ninety Thousand, Two Hundred Fifty-Seven and 45/100 Dollars (\$290,257.45)**, to me/us paid, the receipt whereof is hereby acknowledged, **Feather River Recreation and Park District** (being of lawful age) do hereby release and forever discharge:

Lexington Insurance Company	Policy No.: 011660428/04	Claim No.: 3024861675US
Interested Underwriters, London	Policy No.: PJ163647	Claim No.: PJ163647AL
Aspen Insurance UK Limited	Policy No.: PRAGET716	Claim No.: PR1670023736
Interstate Fire & Casualty Company	Policy No.: AMW-150972	Claim No.: 911651

from any and all action, causes of action, claims and demands whatsoever for, upon, or by reason of any damage, loss or injury and all consequential damage, which heretofore have been or which hereafter may be sustained by **Feather River Recreation and Park District** in consequence of the **Riverbend Park, Oroville, California flooding of February 7, 2017.**

IT IS BEING FURTHER AGREED AND UNDERSTOOD, that the payment of said amount is not to be construed as an admission of liability, but is a compromise of a disputed claim and that this Release is executed in full settlement and satisfaction of rights of the undersigned under Policy Numbers: **011660728/04; PJ163647; PRAGET716 and AMW-150972** arising out of said loss occurrence above referred to.

- (a) In giving these releases, each Party waives all rights, protections and benefits conferred by Section 1542 of the Civil Code of the State of California, or any similar statute in any other jurisdiction. Section 1542 provides:

A general release does not extend to claims which the creditor or releasing party does not know or suspect to exist in his or her favor at the time of executing the release and that, if known by him or her, would have materially affected his or her settlement with the debtor or released party.

- (b) In waiving its rights under Civil Code § 1542, each Party acknowledges that it may hereafter discover facts in addition to or different from those which it now believes are true, with respect to the claims being released. Each Party acknowledges that it has taken this possibility into account in entering into this Agreement and that this Agreement shall remain in effect as a complete release notwithstanding the discovery or existence of such additional or different facts.

WITNESS my/our signature _____ and seal _____ this ___ day of _____, 20 __.

POLICY HOLDER'S RELEASE

CAUTION: READ BEFORE SIGNING

WITNESS _____(Seal)

WITNESS _____(Seal)
OFFICER

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California
County of _____

Subscribed and sworn to (or affirmed) before me on the _____ day of _____, 20____
by _____,
proved to me on the basis of satisfactory evidence to be the person(s) who appeared before me.

(seal) Signature _____