

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda - Final

Tuesday, April 16, 2024

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor**

Flood Control and Water Conservation District

Scott Sedgley, City of Napa (Chairperson)
Joelle Gallagher, District 1, (Vice Chairperson)
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Leon Garcia, City of American Canyon
Ryan Gregory, District 2
Irais Lopez-Ortega, City of Calistoga
Marjorie Mohler, Town of Yountville
Beth Painter, City of Napa
Alfredo Pedroza, District 4
Belia Ramos, District 5

GENERAL INFORMATION

The Napa County Flood Control and Water Conservation District meets as specified in its adopted annual calendar in regular session at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580.

The agenda is divided into three sections:

CONSENT ITEMS - These matters may include routine financial or administrative actions, as well as the final adoption of two-reading ordinances and are approved by a single vote.

PUBLIC HEARINGS - These items are noticed public hearings pursuant to government code.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas.

All materials relating to an agenda item for an open session of a regular meeting of the Napa County Flood Control and Water Conservation District which are delivered to the Clerk and are provided to a majority or all of the Directors of the Board, staff or the public within 72 hours of but prior to the meeting will be available for public inspection, at the time of such distribution, in the office of the District Secretary, 1195 Third Street, Suite 305, Napa, California 94559, Monday through Friday, between the hours of 8:00 a.m. and 5:00 p.m., except for County holidays. Materials distributed to a majority or all of the members of the Board at the meeting will be available for public inspection at the public meeting if prepared by the members of the Board or County staff and after the public meeting if prepared by some other person. Availability of materials related to agenda items for public inspection does not include materials which are exempt from public disclosure under Government Code sections 6253.5, 6254, 6254.3, 6254.7, 6254.15, 6254.16, or 6254.22.

ANY MEMBER OF THE AUDIENCE DESIRING TO ADDRESS THE BOARD ON A MATTER ON THE AGENDA please proceed to the podium and, after receiving recognition from the Chairperson, give your name and your comments or questions. In order that all interested parties have an opportunity to speak, please be brief and limit your comments to the specific subject under discussion. Time limitations shall be at the discretion of the Chairperson or Board.

AGENDA AVAILABLE ONLINE AT www.countyofnapa.org or www.napaflooddistrict.org

How to Watch or Listen to the Napa County Flood Control and Water Conservation District Meetings

The Napa County Flood Control and Water Conservation District will continue to meet pursuant to the adopted 2024 calendar available at the following link:

<https://www.countyofnapa.org/1429/Board-of-Supervisors-Special-Districts-C>

The District realizes that not all County residents have the same ways to stay engaged, so several alternatives are offered. Please watch or listen to the Napa County Flood Control and Water Conservation District meeting in one of the following ways:

1. Attend in-person at the Board of Supervisors Chambers, 1195 Third Street, Napa, CA 94559.
2. Watch on Zoom via www.zoom.us/join and enter Meeting ID 827-699-932-82 or listen on Zoom by calling 1-669-444-9171 then enter Meeting ID 827-699-932-82.
3. Watch via the Internet – view the Live Stream via Granicus by going to the following link:
http://napa.granicus.com/ViewPublisher.php?view_id=5
4. You may submit public comment for any item that appears on the agenda, or general public comment for any item or issue that does not appear on the agenda, as follows:
Via email: send your comment to the following email address:
publiccomment@countyofnapa.org. EMAILS WILL NOT BE READ ALOUD.

If you have any questions, contact us via telephone at (707) 253-4580 or email clerkoftheboard@countyofnapa.org.

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

- A. Approve minutes from the March 19, 2024 meeting. [24-595](#)

Attachments: [March 19, 2024](#)

4. PRESENTATIONS AND COMMENDATIONS

5. CONSENT ITEMS

- A. Adopt a Resolution to amend the Conflict of Interest Code for the Napa Flood Control and Water Conservation District. (No Fiscal Impact) [24-544](#)

Attachments: [Resolution](#)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

7. PUBLIC COMMENT

At this time, anyone may address the Board of the Napa County Flood Control and Water Conservation District regarding any subject not on today's agenda over which the Board has jurisdiction. Individuals will be limited to a three-minute presentation. No action will be taken by the Board of the Napa County Flood Control and Water Conservation District as a result of any item presented at this time.

8. ADMINISTRATIVE ITEMS

9. PUBLIC HEARINGS

- A. PUBLIC HEARING 9:00 AM - INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR JOINT ZONE PROJECT 96-1 (MAINTENANCE AND WATERSHED MANAGEMENT) [24-374](#)

Conduct a public hearing to accept the Engineer's Report for Fiscal Year 2024-2025 and adopt a Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2024- 2025 for Joint Zone Project 96-1 (Maintenance and Watershed Management) and authorizing the notice of protest hearing. (No Fiscal Impact)

Attachments: [Engineer's Report](#)
[Resolution](#)
[PowerPoint Presentation \(added after meeting\)](#)

- B.** PUBLIC HEARING 9:00 AM - INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR RUTHERFORD REACH BENEFIT ZONE DISTRICT 2008-01 [24-375](#)

Conduct a public hearing to accept the Engineer's Report for the Rutherford Reach Benefit Zone Assessment District 2008-01 for Fiscal Year 2024-2025, adopt the Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2024-2025, and authorize the notice of protest hearing. (No Fiscal Impact)

Attachments: [Engineer's Report](#)
[Resolution](#)

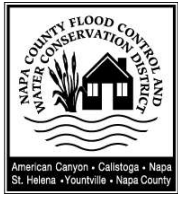
- 10. DISTRICT MANAGER'S/ENGINEER'S REPORTS AND ANNOUNCEMENTS**
- 11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS**
- 12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS**
- 13. CLOSED SESSION**
- 14. ADJOURNMENT**

ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, MAY 14, 2024 AT 9:00 AM.

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON FRIDAY, APRIL 12, 2024 BY 5:00 PM A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE DISTRICT SECRETARY AND AVAILABLE FOR PUBLIC INSPECTION.

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 4/16/2024

File ID #: 24-595

TO: Napa County Flood Control and Water Conservation District
FROM: Neha Hoskins - Clerk of the Board/Secretary of the District Board
REPORT BY: Paulette Cooper - Deputy Clerk of the Board II
SUBJECT: Approval of Minutes

RECOMMENDATION

Approve minutes from the March 19, 2024 meeting.

BACKGROUND

Clerk of the Board/Secretary of the District Board requests approval of minutes from the March 19, 2024 meeting.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.



Meeting Minutes

Napa County Flood Control and Water Conservation District

Scott Sedgley, City of Napa (Chairperson)
Joelle Gallagher, District 1, (Vice Chairperson)
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Leon Garcia, City of American Canyon
Ryan Gregory, District 2
Irais Lopez-Ortega, City of Calistoga
Marjorie Mohler, Town of Yountville
Beth Painter, City of Napa
Alfredo Pedroza, District 4
Belia Ramos, District 5

Tuesday, March 19, 2024

9:00 AM

**Board of Supervisors Chambers
1195 Third Street, Third Floor**

1. CALL TO ORDER; ROLL CALL

Present: Chairperson Scott Sedgley, Vice-Chairperson Joelle Gallagher, Directors Anne Cottrell, Paul Dohring, Leon Garcia, Ryan Gregory, Marjorie Mohler, Irais Lopez-Ortega, Beth Painter, Alfredo Pedroza, and Belia Ramos. Meeting was called to order by Chair Scott Sedgley.

2. PLEDGE OF ALLEGIANCE

Chair Scott Sedgley led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

A. Approve minutes from the February 20, 2024 meeting.

[24-456](#)

Motion Text:

Approve the Minutes

Voting Yes

**Garcia, Lopez-Ortega, Cottrell, Dohring, Gallagher,
Gregory, Mohler, Painter, Pedroza, Ramos, and Sedgley**

Excused:

None

Recusals:

None

Result:

Passed

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

Motion Text: Approve the Consent Calendar.
Voting Yes: Gallagher, Painter, Cottrell, Dohring, Garcia, Gregory, Lopez-Ortega, Mohler, Pedroza, Ramos, and Sedgley
Excused: None
Recusals: None
Result: Passed

A. Acceptance of the Financial Audit Report for Fiscal Year 2022-2023 performed by Brown Armstrong, CPAs. (No Fiscal Impact) [24-402](#)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

A. Monthly update on the progress of the Napa River/Napa Creek Flood Protection Project. This month’s update will include a presentation on the 65% design submittal for the Floodwalls North of the Bypass Project including current designs for the recreation trail, through-wall access points, and aesthetic features. (No Fiscal Impact) [24-411](#)

District Manager Richard Thomasser and District Engineer Andrew Butler made presentation.

Discussion held.

B. Presentation on the annual water supply outlook for Napa County and its communities. (No Fiscal Impact) [24-416](#)

District Manager Richard Thomasser and District Engineering Manager Christopher Silke made presentation.

Discussion held.

9. PUBLIC HEARINGS

None

10. DISTRICT MANAGER'S/ENGINEER'S REPORTS AND ANNOUNCEMENTS

District Manager Richard Thomasser announced a March 28 public meeting on the Flood Project. Invitations to follow.

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS

None

12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

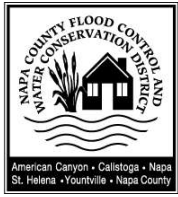
None

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, APRIL 16, 2024 AT
9:00 A.M.**

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 4/16/2024

File ID #: 24-544

TO: Napa County Flood Control and Water Conservation District
FROM: Shana A. Bagley, Deputy District Counsel
REPORT BY: Richard Thomasser, District Manager
SUBJECT: Adopt a Resolution to Amend District Conflict of Interest Code

RECOMMENDATION

Adopt a Resolution to amend the Conflict of Interest Code for the Napa Flood Control and Water Conservation District. (No Fiscal Impact)

BACKGROUND

In 1974, the voters of California approved the Political Reform Act of 1974 (“the Act,” Government Code section 81000 et seq.). Among other things, the Act requires every agency to adopt and promulgate a conflict of interest code. (Section 87300.) For this purpose, an “agency” includes any local government agency. An agency may adopt its code by incorporating by reference the model conflict of interest code set forth in California Code of Regulations, title 2, section 18730.

The Political Reform Act allows codes to be amended as needed. After review, it is now necessary to further amend the Code to modify the location where the original Conflict of Interest Statements will be retained upon filing to allow for electronic filing and to amend the citation to the Public Records Act to reflect the recodification in 2021.

REQUESTED ACTION:

Adopt a Resolution to amend the Conflict of Interest Code to allow for electronic filing for the Napa Flood Control and Water Conservation District and to update the citation reference to the Public Records Act.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

RESOLUTION NO. 2024- (FC)

RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AMENDING THE DISTRICT CONFLICT OF INTEREST CODE

WHEREAS, on June 24, 1980, the Napa County Board of Supervisors, acting as the governing board of the Napa County Flood Control and Water Conservation District (“District”), approved Resolution No. 80-55 to adopt a Conflict of Interest Code for the District as required by the Political Reform Act of 1974 (Government Code sections 81000 et seq., hereinafter referred to as “Act”); and

WHEREAS, by District Resolution No. 98-4 (FC) adopted on April 4, 1998, by the expanded District Board of Directors, the District Conflict of Interest Code (“Code”) was amended to update the Code to reflect changes in the applicable regulations and to expand the list of Designated Employees to conform to changes in the governing statute for the District; and

WHEREAS, by District Resolution No. 99-7 (FC) adopted on June 15, 1999, District Resolution No. 02-09 (FC) adopted on December 3, 2002, District Resolution No. 04-07 (FC) adopted on December 7, 2004, District Resolution No. 06-07 (FC) adopted on November 7, 2006, District Resolution No. 08-12 (FC) adopted on November 18, 2008, District Resolution No. 2010-07 (FC) adopted on November 9, 2010, District Resolution No. 2012-08 (FC) adopted on November 13, 2012, District Resolution No. 2014-12 (FC) adopted on September 23, 2014, District Resolution No. 2016-09 (FC), and District Resolution No.2022-11 (FC) adopted on October 4, 2022, the District Board of Directors further amended the Code to include in the Appendix A list of Designated Employees certain new District positions that may involve exercising or directly influencing the exercise of any of the powers conferred on the District, to delete certain District positions under Resolution Nos. 02-09 (FC), 04-07 (FC), 06-07 (FC), 08-12 (FC), 2012-08 (FC), 2014-12 (FC), 2016-09(FC), and 2022-11 (FC) and to make minor technical changes in the main text of the Code; and

WHEREAS, by District Resolution No. 08-12 (FC), and by District Resolution No. 2010-07 (FC), the District Board of Directors further amended the Code to modify the location where the original Conflict of Interest Statements will be retained upon filing; and

WHEREAS, it is now necessary to further amend the Code to modify the location of the filing of the original Conflict of Interest Statements to allow for electronic filing and to amend the citation to the Public Records Act to reflect its renumbering in the Government Code; and

WHEREAS, at a regular meeting of the Napa County Flood Control and Water Conservation District held on April 16, 2024, all written comments on the proposed amendment to the Code submitted within the comment period were received and considered by the District Board;

NOW, THEREFORE, BE IT RESOLVED by the District Board of Directors that the District Conflict of Interest Code shall be amended to read in full as follows effective on and after confirmation of the amended Code by the Napa County Board of Supervisors acting as code reviewing body:

1. Incorporation of Standard Terms. The terms of the model code (“Model Code”) set forth in California Code of Regulations, title 2, section 18730, as such may be amended from time to time by the Fair Political Practices Commission (“FPPC”), are hereby adopted and incorporated by reference as if set forth fully herein.

2. List of Designated Employees. For purposes of the requirements of the Act and the provisions of the Model Code, the Designated Employees of the District shall be the persons holding those offices and performing the functions of those positions set forth in Appendix A (amended 2016), attached hereto and incorporated by reference herein.

3. List of Disclosure Categories. For purposes of the requirements of the Act and the provisions of the Model Code, the disclosure categories for the Designated Employees of the District shall be those categories set forth in Appendix B (amended 2016), attached hereto and incorporated by reference herein.

4. Documents Comprising Conflict of Interest Code; Effective Date. For purposes of the Act, the provisions of this Resolution, the Model Code, Appendix A (amended 2022), and Appendix B (amended 2010) shall together constitute the Conflict of Interest Code of the District effective on and after the date of confirmation by the Napa County Board of Supervisors.

5. Documents to be filed with the Board of Supervisors. The District Secretary is hereby directed to file three certified copies of the Conflict of Interest Code as amended by this Resolution with the Napa County Board of Supervisors, the code reviewing body for the District. The District Executive Officer shall prepare, and the District Secretary shall send to the Elections Division of the Office of the Napa County Assessor-Clerk-Recorder-Registrar of Voters an updated list of all consultants working for the District who have been determined by the District Executive Officer to be exempt from the Designated Employee “contract consultant” category and the reasons for such exemption whenever such exempt consultant positions are added, dropped, or a change in the nature of the contracted duties makes them subject to broad or limited disclosure as Designated Employees.

6. Time of Filing Statements of Economic Interests. Each person required by this Conflict of Interest Code to file a Statement of Economic Interests (“Statement”), also known at the time of approval of this Resolution as Form 700, shall file their initial Statement with the District Secretary for filing with the code reviewing body within ten days after the original effective date of the listing of their position in the District’s Conflict of Interest Code. When taking office after the time of such listing, such person shall file an assuming office Statement within 30 days after taking office, except if they are re-elected or re-appointed without a break in service, such person need not file an assuming office Statement at the time of such re-election or re-appointment. Each such person shall thereafter file an annual Statement by April 1 of each year, covering reportable interests for the twelve-month period ending on the preceding December 31. Each such person who leaves office shall file, within 30 days of leaving office, a Statement disclosing reportable interests held or received at any time during the period between the closing date of the last Statement required to be filed and the date of leaving office.

7. Place of Filing. Designated Employees and other public officials of the District who are required to file Statement of Economic Interests in consequence of Government Code section 87200 shall file the required Statements with the Filing Officer. The Filing Officer may

implement, consistent with all approvals required and regulations of the Fair Political Practices Commission, an electronic system through which designated employees and public officials shall file statements of economic interests.

8. Public Inspection of Conflict of Interest Code and Statements. Commencing on the effective date of the Conflict of Interest Code or any amendment thereof, a copy of the Conflict of Interest Code and such amendments shall be maintained in the office of the District Secretary. The copies of all filed Statements are available at the Fair Political Practices Commission's website at <https://www.fppc.ca.gov/>. No conditions whatsoever shall be imposed upon persons desiring to inspect the copy of the Conflict of Interest Code and amendments thereof, nor shall any information or identification be required from such persons. Copies shall be provided in accordance with and subject to charges imposed generally by the Public Records Act (Government Code sections 7290, et seq.) and District resolutions pertaining to copying of public records of the District.

9. Annual Review Statement.

(a) No later than October 1 of each even-numbered year, the District shall submit to the Napa County Board of Supervisors, as code reviewing body for the District, a written statement signed by the District Executive Officer, either that:

(1) The District has reviewed the Conflict of Interest Code, the Conflict of Interest Code designates accurately all positions which make or participate in the making of governmental decisions for the District, the disclosure assigned those positions accurately requires the disclosure of all investments, business positions, interests in real property, and sources of income which may foreseeably be affected materially by the decisions made by those designated positions, and the Conflict of Interest Code contains the provisions required by Government Code section 87302; or

(2) The District has reviewed the Conflict of Interest Code and has determined that amendment is necessary to designate all positions which make or participate in the making of governmental decisions for the District, or to update the disclosure categories assigned to require the disclosure of all investments, business positions, interests in real property and sources of income which may be affected materially by the designated positions, or to include other provisions required by Government Code section 87302. If the statement contains this report, the District shall submit the amendment to the Napa County Board of Supervisors within 90 days of the report.

(b) Changed circumstances which require amendment of the Conflict of Interest Code shall include, but not be limited to:

(1) The creation of positions which involve the making or participation in the making of decisions which may foreseeably have a material effect on any financial interest;

(2) The reclassification, renaming, or deletion of previously-designated positions;

(3) The addition, deletion, or modification of statutorily-required provisions of this Conflict of Interest Code; or

(4) The addition, deletion, or modification of the specific types of investments, business positions, interests in real property, and sources of income which are reportable unless such changes have been automatically incorporated into this Conflict of Interest Code as the result of inclusion of the changes into the model code by the Fair Political Practices Commission.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
 by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting of the Board held on April 16, 2024, by the following vote, with the number following the name of each voting Director indicating the number of votes cast by that Director:

AYES: DIRECTORS

NOES: DIRECTORS

ABSTAIN: DIRECTORS

ABSENT: DIRECTORS

SCOTT SEDGLEY
 Chairperson of the Board of Directors

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <i>Shana A. Bagley</i> Deputy District Counsel</p> <p>Date: April 4, 2024 <u>PL No. 112080.2</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: Processed By:</p> <hr/> Deputy Secretary of the District Board	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
--	---	---

CERTIFICATIONS

I hereby certify that I am the Secretary of the Napa County Flood Control and Water Conservation District (or Deputy Secretary acting under authorization of the Secretary) and the custodian of the records for the District and that the attached Resolution is a true and correct copy of the original approved by the Board of Directors of the District and on file in the District office.

NEHA HOSKINS,
Secretary of the District Board

By: _____

I hereby certify that the attached Conflict of Interest Code for the Napa County Flood Control and Water Conservation District as amended by the District Board on or about _____, 2024, was approved and confirmed by the Napa County Board of Supervisors, as code reviewing body for the District, by action of the Board of Supervisors on _____, 2024, and recorded in the certified minutes of the Board of Supervisors for that date.

NEHA HOSKINS,
Clerk of the Napa County Board of Supervisors

By: _____

APPENDIX A
(Amended 2022)

LIST OF DESIGNATED EMPLOYEES

Because of the nature of the powers and duties conferred on the District by the Napa County Flood Control and Water Conservation District Act, the policies adopted by the Board of Directors of the District, and the terms of support services and consultant agreements approved by the Board of Directors, the following positions within the District may involve the making or participation in the making of decisions of the District which may foreseeably have a material effect on financial interests of the holders of the positions. Most of the positions listed are of long-term duration, although some are limited-term positions, but all are listed because their scope of authority or work involves either making final decisions for the District which have financial consequences or developing and/or exercising such a level of expertise and ongoing relationship with those who make such decisions that the decision-makers can reasonably be expected to routinely trust and rely upon their advice.

For purposes of filing Statements of Economic Interests as required by this Conflict of Interest Code, the “Designated Employees” of the District shall be those persons who actually occupy or carry out the functions of the following positions, whether as elected or appointed officers, compensated employees, or contracted consultants or their employees or subcontractors:

DESIGNATED EMPLOYEE POSITIONS

Members of the Board of Directors (including persons serving as Directors in the absence of a regular Director as the result of holding the office of Mayor Pro Tem for an incorporated city or town within the District)

District Executive Officer (Napa County Executive Officer, serving ex-officio), including any Deputy District Executive Officer

District Manager (Napa County Deputy Director of Public Works, serving ex-officio, including any Deputy Director of Public Works/Deputy Flood Control Engineer when appointed to perform in this capacity for the District)

District Engineer (Napa County Deputy Director of Public Works/Flood Control Engineer, serving ex-officio, including any Deputy Director of Public Works/Deputy Flood Control Engineer when appointed to perform in this capacity for the District)

District Surveyor (Napa County Director of Public Works/County Land Surveyor, serving ex-officio, including any Deputy Director of Public Works/Deputy County Land Surveyor, when assigned to perform in this capacity for the District)

Engineering Manager

Engineering Technician I. II. III, IV

Senior Flood Project Analyst

Staff Services Analyst I, II

District Legal Counsel (Napa County Counsel, serving ex-officio, including any Deputy County Counsel when assigned to advise and/or represent the District)

District Assessor (Napa County Assessor-Clerk-Recorder-Registrar of Voters, serving ex-officio)

District Auditor-Controller (Napa County Auditor-Controller, serving ex-officio)

Watershed & Flood Control Operations Manager

Watershed Resources & Flood Control Specialist

Stormwater Program Manager

Contract Consultants for the District: All contract consultants of the District not named above shall be deemed included in the list of Designated Employees and shall disclose their material financial interests in regard to all of the adopted disclosure categories, except when exempted as follows, on a case-by-case basis:

The District Executive Officer may determine in writing that a particular contract consultant, although a “designated position,” is hired to perform a range of duties that is limited in scope and thus is not required to comply or fully comply with all of the disclosure requirements described in Appendix “B.” This written determination shall include a description of the contract consultant’s duties and, based upon that description, a statement of the extent of disclosure requirements. This determination is a public record and shall be retained for public inspection and be available for inspection and copying in the same location and manner as the District’s copy of the Conflict of Interest Code. This determination and the extent, if any, of the required disclosure categories may be made and noted on and as a part of the services agreement between the District and the Contract consultant as long as the agreement fully describes the duties of the consultant for the District.

PUBLIC OFFICIALS OF THE DISTRICT WHO MANAGE PUBLIC INVESTMENTS

The District Treasurer is not listed as a Designated Employee because the District Board has determined that the District Treasurer (the Napa County Treasurer-Tax Collector serving ex-officio) is a public official who manages public investments and is therefore is required by statute to file a Statement of Economic Interests pursuant to Government Code section 87200 rather than pursuant to this Conflict of Interest Code.

APPENDIX B
(Amended 2016)

DISCLOSURE CATEGORIES

Rationale. The decisions which the Designated Employees may make or participate in making for the District may involve exercising or directly influencing the exercise of any of the powers conferred on the District by the Napa County Flood Control and Water Conservation District Act pertaining to flood control and the conservation and procurement of water.

Except where otherwise determined for specified contract consultants pursuant to Appendix “A,” the decisions by the Designated Employees in the routine course of their work for the District may have the potential to impact at a level commonly recognized as “material” by the Political Reform Act of 1974, as amended, and the regulations adopted by the Fair Political Practices Commission (“FPPC”) to implement that Act, any or all of those types of financial interests listed in all of the Disclosure Schedules of the Statement of Economic Interests Form approved by the FPPC.

Disclosure Categories. For the foregoing reasons, all of the Designated Employees under this Conflict of Interest Code, other than specified contract consultants whose disclosure responsibilities or exemption therefrom shall be determined in writing by the District Executive Officer on a case-by-case basis as described in Exhibit “A,” shall comply with the broadest possible Disclosure Category applicable under the then-current Statement Form and Schedules, disclosing all sources of income, interests in real property, and investments and business positions in business entities as required by the FPPC in its instructions to the Statement of Economic Interests Form approved by the FPPC, as it may be amended from time to time.



Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 4/16/2024

File ID #: 24-374

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Staff Services Analyst II
SUBJECT: Resolution of Intent to Levy Assessments - Project 96-1

RECOMMENDATION

PUBLIC HEARING 9:00 AM - INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR JOINT ZONE PROJECT 96-1 (MAINTENANCE AND WATERSHED MANAGEMENT)

Conduct a public hearing to accept the Engineer's Report for Fiscal Year 2024-2025 and adopt a Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2024- 2025 for Joint Zone Project 96-1 (Maintenance and Watershed Management) and authorizing the notice of protest hearing. (No Fiscal Impact)

BACKGROUND

On August 30, 1996, the District Board adopted a Resolution which levied assessments for the three zones created within the District to fund various aspects of a maintenance and watershed management program for the District. The intention of the assessment process was to establish a mechanism to provide continued annual funding for certain categories of ongoing projects benefiting landowners within the District. The three zones of benefit for Project 96-1 are:

1. The Napa River Watershed outside the City of Napa
2. The City of Napa
3. District Wide, which includes the entirety of Napa County, excluding Lovall Valley and the City of American Canyon

The programs funded by assessment collected in each of the zones are described in the attached Engineer's Report for Fiscal Year 2024-2025. The work to be performed consists of clearing and maintaining District owned channels and easements within the Flood Control District; clearing and providing assistance to property owners with other problem areas within the Napa River and its tributaries; supporting the Corps of Engineers with dredging the Napa River; repairing and stabilizing the River and streambanks; installing and operating a Countywide early warning system for flooding; replacing and installing major storm drain trunk lines; participating in Federal and State flood protection grant programs; managing and monitoring groundwater; overseeing adjudicated watersheds; maintaining the benefit assessment program; preparing special studies for flood protection and water management; developing standardized and integrated floodplain management regulations; and assisting the local community in complying with National Pollutant Discharge Elimination

System (NPDES) requirements.

The District’s governing statute is a special legislation that sets forth the procedures the District must follow. In order to levy the assessments to continue funding the District’s programs, the Board must hold annual protest hearings to hear any protest against the assessment. Therefore, this public hearing begins the process by reviewing the assessments.

After the District Board accepts the Project Report and adopts this Resolution, another Notice of Public Hearing (together with a copy of this Resolution in its entirety) will be published in the newspaper, noticing the date, time and place of the protest hearing. Additionally, a copy of the Notice and the Resolution has been delivered to the Chief Administrative/Executive Officers of each City and Town within the affected zones. The protest hearing will be held May 14, 2024 at 9:00 AM and is the final step in the process to approve the assessments.

FISCAL & STRATEGIC PLAN IMPACT

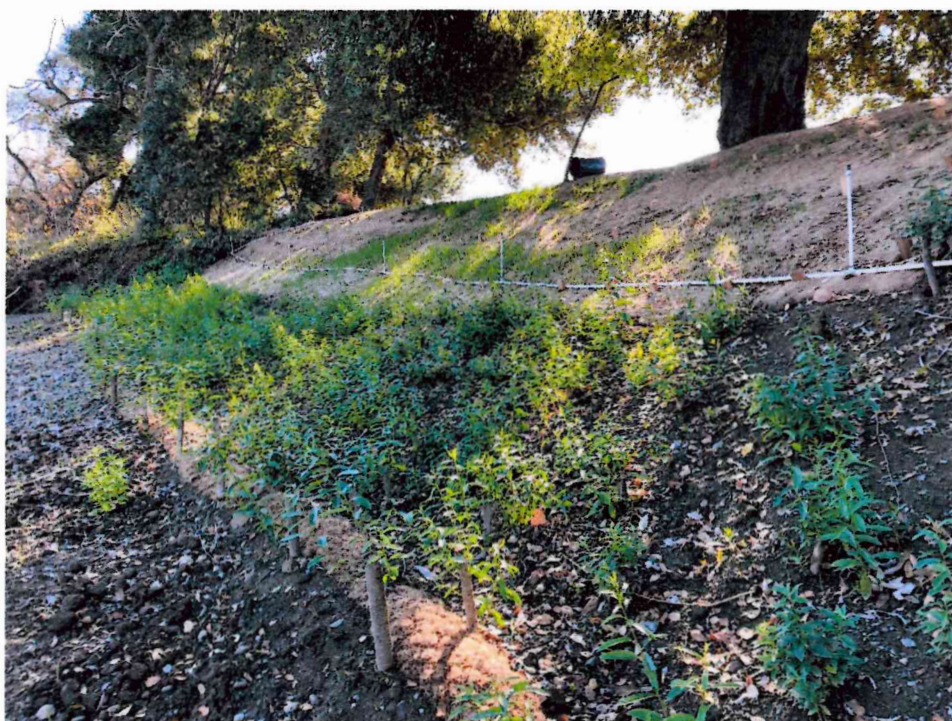
Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The assessment process began in 1996 with the intent to establish a mechanism to provide continued annual funding for certain categories of ongoing projects benefiting property owners within the District. These actions are the prerequisites for the renewal of annual assessments needed to fund the Joint Zone Project 96-1.
Is the general fund affected?	No
Future fiscal impact:	The assessments fund the Watershed Program in Fiscal Year 2024-2025.
Consequences if not approved:	This assessment is the main revenue source for Subdivision 8000500 Watershed Management. If not approved, no funding will be available for the various maintenance and watershed management programs included in the Fiscal Year 2024-2025 budget.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This action is statutorily exempt from the California Environmental Quality Act (CEQA) under Title 14, California Code of Regulations, Section 15273 (Rates, Tolls, Fares and Charges), in that the amounts to be levied and collected shall be used for purposes detailed in the District Engineer’s Report, which fall within subsections (1), (2) and (4) of Section 15273.

MAINTENANCE AND WATERSHED PROGRAMS PROJECT NO. 96-1

Project Report for
Fiscal Year 2024-2025



March 15, 2024

Prepared by:
*Napa County Flood Control and
Water Conservation District
Napa County, California*



TABLE OF CONTENTS



Introduction	1
Certifications	3
PROJECT REPORT	
EXHIBIT A: Project Descriptions	4
EXHIBIT B: Project Map	10
EXHIBIT C: Estimate of Cost.....	11
EXHIBIT D: Assessment Roll	12
EXHIBIT E: Method of Apportionment.....	13
EXHIBIT F: Assessment Adjustment.....	17

INTRODUCTION

Background:

In August 1996 the Napa County Flood Control and Water Conservation District (District) Board of Directors approved the Maintenance and Watershed Management Programs Project No. 96-1 Project Report that requires the District Board to annually approve a budget for the maintenance and management of the Napa River watershed. In order to finance the budget, the District must annually levy assessments on the properties that directly benefit from the maintenance and management programs. Along with the Project Report, the District Board approved three separate Amendments to the Report:

1. Amendment to Project Report for Maintenance and Watershed Management Programs – Project No. 96-1 to delete Lovall Valley area from Districtwide and Napa River Watershed benefit zones;
2. Amendment to Project Report for Maintenance and Watershed Management Programs – Project No. 96-1 to adjust the assessment on vacant rural lands; and
3. Amendment to Project Report for Maintenance and Watershed Management Programs – Project No. 96-1 to delete the City of American Canyon from Districtwide and Napa River Watershed benefit zones.

In order to levy assessments for Fiscal Year (FY) 2024-2025, District staff has prepared this annual Project Report as required by Section 13.5 of the Napa County Flood Control and Water Conservation District Act (California Water Code Appendix Chapter 61).

Authority

The District was formed by the California legislature in 1951 for the general purposes of providing for the control of flood and storm water, including protection of life and property in the District from storm and flood water and protection of the watercourses and watersheds in the District, as well as conservation of water to prevent waste or diminution and thereby increase water supply in the District.

Since the District's formation, it has actively pursued and implemented a number of programs and projects, which have resulted in the supply of approximately half of the municipal water used within the County. This water supply comes from the State Water Project and represents a capital investment totaling over \$50 million raised from bonded indebtedness. From 1968 to 1987 the water source for this supply came from the Solano Project (Lake Berryessa), and from 1988 to the present comes from the Sacramento-San Joaquin River Delta approximately seven miles due east of Travis Air Force Base in Solano County.

The District also purchases water from the U.S. Bureau of Reclamation from Lake Berryessa and wholesales it to the water districts and individual users in the vicinity of the Lake. The District has historically and will continue to monitor groundwater elevations in wells throughout the County and is participating with the County in groundwater resource management evaluations for Napa County. In addition, the District, working in cooperation with other governmental agencies, has improved and assumed responsibility for ongoing maintenance for approximately 13 miles of drainage channels. The District has also coordinated and directed numerous studies relating to specific water supply and flood control projects throughout the County.

The District's operations were originally funded from the County's real property tax base. The District then had authority to levy a tax not to exceed 25 cents per \$100 of the assessed valuation on real property within the County. In the mid 1970's, the District, as local sponsor for the 1965 congressionally-authorized Napa flood protection project, collected and set aside approximately \$3 million for the local cost share for the project. For various reasons, the

project was not implemented at that time, and a decision was made to reduce the District's tax rate to zero and fund the future years' programs using prior years' carryover monies. In 1978 Proposition 13 was adopted, which froze the District's then tax rate of zero. After 1978 the District's policy had been to reduce its programs to the point where they were funded only by the interest earnings on the District's funds, which earnings were approximately \$100,000 per year.

In 1991 the District took a renewed interest in implementing a flood control project in the City of Napa. This interest culminated in developing a Community Coalition for the Napa River Flood Management Plan (Coalition). The Coalition solicited community-wide input to design a flood control project for the Napa River to provide the measures economically feasible to protect against the 100-year flood event. The Coalition included members of the various interested public agencies, the Napa Valley Economic Development Corporation, Napa Chamber of Commerce, Napa Downtown Merchants, Friends of the Napa River, Sierra Club, Napa County Farm Bureau, California Conservation Corps, Napa Valley Conference and Visitors Bureau, and numerous other groups and volunteers. This effort, however, exhausted the District's funds. With no source of additional revenue, the District was forced to request legislation to consider other options, which included either to cease to exist, levy assessments, or implement a restructuring whereby it only retained its water supply responsibilities.

Consequently, the Napa County Flood Control and Water Conservation District Act ("Act") was amended in 1995, principally to provide the authority for the District to levy assessments for flood protection projects financed by the District and for the District to cooperate with the United States government (e.g., the U.S. Army Corps of Engineers (ACOE)) in the initial construction, completion or maintenance of any project to control flood waters or to protect life or property within the District. The District's assessment authority allows it to finance projects by levying an assessment on real property, which receives a special benefit from the construction of the project within the entirety of the District's jurisdictional area or within any specific project area determined to receive a special benefit from a District project. In the case of Project No. 96-1, the financing district is a single assessment district divided into three zones encompassing all lands within the District, except for the City of American Canyon and the Lovall Valley area. Assessments are proportioned to properties in relation to the relative benefit each particular parcel receives.

Pursuant to Sections 61-10 of the Act, the District Engineer has created and filed this report containing the matters specified by said Section 61-10. Included are the items specified by Subsection 61-10(5) in conjunction with the levying of annual assessments under Section 61-13.5.

Maintenance and Watershed Management Programs,
Project No. 96-1
Project Report for Fiscal Year 2024-2025

March 2024

Page 3 of 17

CERTIFICATIONS

The undersigned respectfully submits the enclosed Project Report as directed by the Board of Directors.

Dated: March 15, 2024

ANDREW BUTLER, PE
District Engineer



I HEREBY CERTIFY that the enclosed Project Report, together with the Assessment, was filed with me on the 12th day of March, 2024.

NEHA HOSKINS, Secretary of the District Board
Napa County, California

By 

I HEREBY CERTIFY that the Assessment was approved and confirmed by the Board of Directors of the Napa County Flood Control and Water Conservation District, on the _____ day of _____, 2024.

NEHA HOSKINS, Secretary of the District Board
Napa County, California

By _____

EXHIBIT A: PROJECT DESCRIPTIONS

Project No. 96-1 is briefly described as follows:

The work to be performed consists of clearing and maintaining District-owned channels and easements within the Flood Control District; clearing and providing assistance to property owners with other problem areas within the Napa River and its tributaries; supporting the Corps of Engineers with dredging the Napa River; repairing and stabilizing the River and streambanks; installing and operating a Countywide early warning system for flooding; replacing and installing major storm drain trunk lines; participating in Federal and State flood protection grant programs; managing and monitoring groundwater; overseeing adjudicated watersheds; maintaining the benefit assessment program; preparing special studies for flood protection and water management; developing standardized and integrated floodplain management regulations; and assisting the local community in complying with National Pollutant Discharge Elimination System (NPDES) requirements.

The projects and programs to be performed are explained in more detail below.

Napa River and Tributary Maintenance Program

1. Install and Operate a Countywide Early Warning System for Flooding

The District previously participated in a cooperative program with the U.S. Geological Survey to continuously monitor five stream gauges and a number of rain gauges. Of these original gauges, all but two (Napa River at St. Helena and Napa River at Napa) were abandoned. The responsibility for these two was taken over by the State Department of Water Resources Flood Forecast Center. During FY 1996-1997 the District joint ventured with the City of Napa and the National Weather Service Flood Forecast Center to install 15 precipitation and stream monitoring stations, which are monitored by computers located in the District offices and in the City of Napa offices. In 2001 the District, the City of Napa and the City of St. Helena installed a new computer system, "STORMWATCH", now referred to as the ALERT system, which provides real-time data with graphic display of rainfall, stream flow, wind direction, rainfall intensity and other useful storm data, with pre-set alarms and paging for designated emergency responders/observers. In 2004 a joint plan was completed among the District, St. Helena, the USGS and the Department of Water Resources River Forecast Center to relocate and re-calibrate the St. Helena Napa River gauge previously located at Zinfandel Lane to Pope Street, to improve the accuracy of river flood forecasting up-valley. In 2006 the system was upgraded to include additional satellite data transmission capabilities, and a new public website: <http://napa.onerain.com> was launched to provide improved data accessibility and storage functions.

Using FY 2024-2025 assessment funds, the system will continue to be maintained including upgrading solar panels, replacing pressure transducers and verifying the calibration of flow gauges to provide reliable data for hydraulic models, as well as improving emergency planning and response.

2. Clear and Maintain District-Owned Channels and District Easements

This program maintains those channels for which the District has specific responsibility. These channels differ from the majority of streams and the Napa River in that the District has fee ownership or easement rights to enter the affected property. In many cases the channel was improved by another governmental agency, and the District has entered into agreements which commit the District to maintain the facility. The actual maintenance includes controlling vegetation, bank stabilization and, in some cases, structural facilities, i.e., rip-rap, flap-gates and appropriate riparian enhancement. In FY 2017-2018 and FY 2018-2019, the District updated the Steam Maintenance Manual to expand the area of operation and added additional

maintenance activities to the program. In FY 2019-2020 the District renewed existing program permits and applied for additional programmatic permits for routine maintenance within the US Army Corps of Engineers jurisdiction.

FY 2022-2023 funds were utilized to conduct routine monitoring and maintenance of the District channels and easements and comply with permit required activities and reporting. Maintenance activities included targeted sediment removal, erosion control, downed tree management, invasive plant management, trash and debris removal, and installation of native plantings for riparian enhancement. The District also partnered with a private property owner to remove an abandoned bridge on Salvador Creek (Zerba Bridge) to improve channel conditions and reduce flooding risk. The District also performed sediment removal on American Canyon Creek at two locations as part of a co-operative agreement with the City of American Canyon in order to maintain hydraulic capacity, reduce potentially localized flooding and enhance ecological functions.

In FY 2023-2024, the District removed sediment from the Yountville Collector and Beard Ditch as well as American Canyon Creek based on results from channels surveys conducted in the spring . In addition, the District completed vegetation management activities to maintain hydraulic capacity and enhance ecological integrity along priority reaches of District owned channels and easements. The District continued to remove trash and debris from District owned channels and easements to maintain the integrity of the stream ecosystems and reduce negative impacts to water quality. As in previous years, trash associated with homeless encampments continues to increase. In FY 2022-2023, the District engaged a professional contractor to clean up the trash associated with encampments as well as to patrol priority locations where recurrent camping has led to degradation of stream resources; the District will again work with contractors to perform these services in FY 2023-2024 and will again management sediment, vegetation and maintain channel for the purposes of flow conveyance and habitat enhancement.

3. Clear Problem Areas within the River and its Tributaries

This program is similar to the above except that it deals with stream channels for which the District's involvement is discretionary. The benefits derived can be substantial for alleviating localized flooding and reducing streambank erosion. Included in this program is the evaluation and removal of downed trees, which may pose a hazard to downstream property, such as bridges, and can contribute to the formation of significant debris jams. The Stream Maintenance Manual specifically addresses the issue of large woody debris (LWD) preservation in local streams, which meets an important implementation goal of the Regional Water Quality Control Board (RWQCB)-adopted Sediment Total Maximum Daily Load (TMDL) for the Napa River. District staff conducts spring surveys of flood-prone urban creeks to look for potential problems with debris, vegetation and erosion. The District also assists the Cities of Napa, St. Helena, Calistoga, and the Town of Yountville in the maintenance of tributaries and channels within city limits (e.g., Town of Yountville's maintenance of Hopper Creek). The District responds to downed tree issues within urbanized stream reaches that are prone to erosion.

In FY 2023-2024, the District managed vegetation for the purposes of restoring hydraulic capacity and improving ecological integrity of channels within the Napa River watershed. Key activities included Arundo management along the Napa River, vegetation maintenance at channel constriction points near infrastructure and urban areas, and coordination with property owners regarding downed trees and streambank stabilization.

For FY 2024-2025 the District is proposing to provide approximately the same budget allocation for this activity to allow District staff to provide assistance to municipal partners and private landowners during the dry season, particularly within urban stream channels.

4. Napa River Navigation Dredging

The District serves as the local sponsor for the periodic dredging of the Napa River from the Third Street Bridge downstream to the County boundary. While the ACOE funds the actual dredging, the District is responsible for providing the spoil disposal sites. Two sites are currently maintained for this purpose. One site is at the Napa Sanitation District's (NSD) Imola property under a lease agreement that extends until 2030. The second and larger site is located at Edgerly Island on property owned by the District. The sites store material temporarily and need to be emptied periodically and made ready for the next dredging cycle (historically, this has been approximately every six to eight years). The Edgerly Island Disposal Site reconstruction was completed in 2004, and the Imola NSD site was reconfigured as a part of the Napa River/Napa Creek Flood Protection Project in 2006 and used during the last dredging event in 2016. The winter storms in February 2017 resulted in additional sedimentation in the river in the downtown Napa Reach and the District has been working with the Corps to return to conduct additional dredging. The Corps received funding to conduct dredging of the upper reach of the Napa River in the fall of 2022; in partnership with the Corps approximately 35,000 CY of material was dredged from the Project reach on the river utilizing the funds. Due to the coarse nature of the material a clam shell rig was utilized and dredged material was disposed of at two alternative sites located within the City and County of Napa. Maintenance an inspection of these sites were performed in FY 2023-2024 and funds for the FY 2024-2025 budget will be allocated again to maintain the two dredge disposal sites.

5. Bank Stabilization and Repair (Cost-Share Program)

This cost-share funding program is used to assist public and private property owners to restore streambanks on their property following damage due to failure from high flows, downed trees, and other causes. The benefits to the District are realized with the reduced transfer of associated sediment and protection and enhancement of the stream riparian corridor. In 1999 "bio-engineered" lower cost techniques were allowed in this program where natural materials, such as trees, grasses and shrubs, may work in place of steel and concrete structures. Bio-engineered solutions reduce costs to landowners for streambank repairs and help to preserve the natural character of local streams. In 2010 the District Board modified the program participation guidelines to incentivize the use of bio-engineered designs by increasing the District's cost-share toward construction of these types of projects. In recent years, participation in the cost share program has diminished due to high engineering costs and complex permitting requirements that landowners typically experience. No cost share projects were completed in FY 2022-2023. However District staff will continue to support the community's utilization of the cost-share program as project are brought to the District for consideration for FY 2024-2025.

Watershed Management Programs

1. Local Compliance with NPDES Requirements

State and Federal regulations required the County and municipal agencies within the County to obtain stormwater discharge permits (Phase II Municipal Stormwater NPDES permits). The County and the Phase II municipal agencies determined that a Countywide Stormwater Management Program (SWMP) would be the most efficient means to reach compliance with these regulations. The resulting SWMP was submitted to the RWQCB and approved on May 21, 2004. The SWMP includes Countywide programs administered by the District under a Joint Powers Agreement (JPA) and local programs administered by each of the permittees. The Countywide Program activities include public education and participation, as well as coordinating and assisting the co-permittees with the development of their local programs. The District contributes funding annually to the Countywide Program JPA with the remaining costs paid by the co-permittees based upon population and Benefit Assessment Unit (BAU) in each municipality. In FY 2014-

2015 the Countywide Program began operating under a newly issued Phase II permit, which has increased required programs and, therefore, resulted in budgetary increases for all the JPA participants. The 5-year permit is currently in the process of being re-issued by the State Water Resources Control Board with adoption anticipated in 2024. In FY 2024-2025 the District is proposing to contribute approximately \$115,000 to the Countywide Program JPA.

The District is also continuing its efforts to increase education outreach to creekside and riverside property owners on stormwater and maintenance issues and increasing volunteer efforts related to cleanup activities in the watershed. In the past this has included workshops for creekside property owners regarding appropriate maintenance practices. In FY 2014-2015 the Napa Countywide Stormwater Pollution Prevention Program developed design guidelines for implementation of bioretention, a method of stormwater treatment, which will be implemented on all new and re-development projects that create or replace 5,000 sf or more of impervious surface. Implementation of bioretention is still ongoing on new and redevelopment projects in all Napa County municipalities. In FY 2023-2024 funding supported ongoing implementation of the Phase II Municipal NPDES Permit, as well as early implementation planning for the Statewide Trash Amendments adopted by the State Water Board. This Districtwide program is also being used to fund water quality improvement activities for Lake Berryessa, such as supporting Solano County RCD with the annual lake cleanup and boater education regarding pollution prevention in the lake. The District will continue to support these activities in FY 2024-2025.

2. Federal and State Flood Protection Grant Program Participation/Matching Fund

This Districtwide program enables the District to apply for and potentially secure additional funding that will assist the community in mitigating the impacts of floods, i.e., raising houses, flood proofing, invasive vegetation removals, etc. As part of this program, the District cooperates with the cities and other agencies in preparing grant applications and serving as the sponsor when appropriate. This program can also provide matching funds, which is a requirement of most grant programs.

In addition to seeking funds under new grant programs, the District will continue its participation with other local governmental agencies to pursue new grant opportunities for watershed projects under voter-approved Proposition 84. This has included funding support for development of a process to identify and coordinate local watershed projects and an internet-based database to identify and elevate Napa County projects into Integrated Regional Water Management Plans (IRWMPs). Napa County is participating in two State-funding Regions: the Bay Area – North Bay Subregion (portions of Marin, Sonoma, Napa and Solano counties, which drain to the Bay) and the Sacramento Valley – Westside Subregion (portions of Lake, Yolo, Solano and Napa counties, which drain to the Sacramento River). This process helped the District cooperate on Proposition 84 Grant proposals in these larger State planning regions in recent fiscal years. During FY 2021-2023 the District will continue its participation in regional IRWMPs as opportunities arise.

In FY 2015-2016 the District collaborated with the NCRCD on a proposal to the RWQCB 319 h program to fund a study on Bale Slough/Bear Creek. In FY 2021-2022, the District applied for grants funds from CDFW and the SWRCB to support implementation of the Bale Slough/Bear Creek restoration project following completion of project design and permitting. In FY 2023-2024 implementation of Group A of the Bale Slough/Bear Creek restoration project was completed utilizing grants awarded from the WCB and the SWRCB. In FY 2018-2019 the District was awarded a grant from the California Coastal Conservancy to support stream enhancements along urban streams. The grant funds have supported installation of two biotechnical streambank stabilization projects, one on Tulocay Creek and one on Napa Creek, as well as invasive plant management and revegetation in adjacent areas. Final grant related activities were completed in late FY 2021-2022 prior to closing out the grant. The District anticipates being awarded additional grants from the WCB and EPA for implementation of Group C of Bale Slough/Bear Creek restoration project.

The District will continue to pursue watershed project grants as a grant recipient or partnering agency for projects that eradicate or manage non-native invasive species within or along waterways and restore native vegetation to enhance water quality and riparian habitat, reduce or prevent flooding problems, and protect watershed resources within the District.

3. Groundwater Management and Monitoring

The District has been monitoring static groundwater levels within the County since the late 1950's. This program is essential to understand the groundwater resources within the County and support future groundwater sustainability programs. It allows the District to document and establish long-term trends in the major groundwater basins and to approximate annual safe extraction rates. Development of more formalized groundwater monitoring programs is a State requirement of local government entities due to recent legislation. During FY 2012-2013 a more formalized Groundwater Monitoring Plan was developed in collaboration with Napa County. The District will continue to support the County by providing staff for well monitoring activities.

4. Development of Standardized and Integrated Floodplain Management Regulations

The four cities, the town and the County administer existing floodplain regulations and standards within their local jurisdictions. Each agency must comply with Federal guidelines to take advantage of the federally subsidized National Flood Insurance Program. The District supports local jurisdictions to improve ongoing communication and coordination of floodplain management as a continuation of that element of the community coalition process. The funds budgeted for this program allow District staff to work with local agencies, property owners and State and Federal floodplain officials on particular issues related to development in the floodplain.

5. Watershed Adjudication, i.e., Putah Creek

The State Water Resources Control Board has jurisdiction over the use of surface waters and issues water rights permits to those property owners and diverters who use surface water. The Putah Creek basin has gone through a process which adjudicated the use of all surface waters within its boundaries. The District has historically participated in an advisory committee which assists the court-appointed Watermaster.

6. Benefit Assessment Program Maintenance

This line item provides funding for the District to maintain and prepare the annual assessment roll for incorporation onto property owners' tax bills. The District staff has assumed the ongoing responsibility for this work, formerly performed by an outside consulting engineer. However, periodic maintenance and improvements are performed by a consultant to maintain the assessment software and to streamline the process of calculating annual assessments.

7. Major Trunkline Replacement/Installation

This cost-share funding program was developed to assist Yountville, St. Helena, Calistoga and unincorporated areas in upgrading major storm drain systems. In the past, many of the older sections of the developed areas were developed with small drainage systems. This program will provide assistance and incentive to remedy these problem areas. The District works with local entities to identify projects that would benefit from Trunkline Replacement.

8. Special Studies for Flood Protection/Water Management

Historically, the District has provided initial planning studies for requested flood control/water management projects. Studies relating to water supplies for municipal users would not be funded from this source; they would be funded through the water supply contracts.

In FY 2014-2015 the District contributed funds for a hydraulic study of the Napa River in the City of Calistoga to support the removal of a low flow bridge that has been identified as a fish barrier. In FY 2016-2017 funds supported an assessment of invasive plants along Pope Creek. In FY 2017-2018 funds supported a flood hazard study within the Edgerly Island community. The District has annually budgeted funds to contract with the NCRCD to assess stream flow capacity in District maintained channels. To date, assessments have been completed in Salvador Creek, Tulocay Creek, Fagan Creek, Sheehy Creek and Conn Creek. These studies are ongoing and will continue into future fiscal years. In FY 2020-2021, NCRCD assessed the reach of Brown's Valley Creek which is surveyed annually by the District. In FY 2023-2024 a study of potential flooding on Hagen Creek at Olive Hill Lane was completed. The proposed budget for FY 2024-2025 includes funds for conducting new flood studies that may be warranted and potential studies to inform beneficial reuse of sediment from District projects and USACE dredging operations on the Napa River as well as an assessment of the District's sediment rehandling facility at Edgerly Island.

EXHIBIT B: PROJECT MAP

The Project Map below shows the three zones: Napa River Watershed, City of Napa, and Districtwide

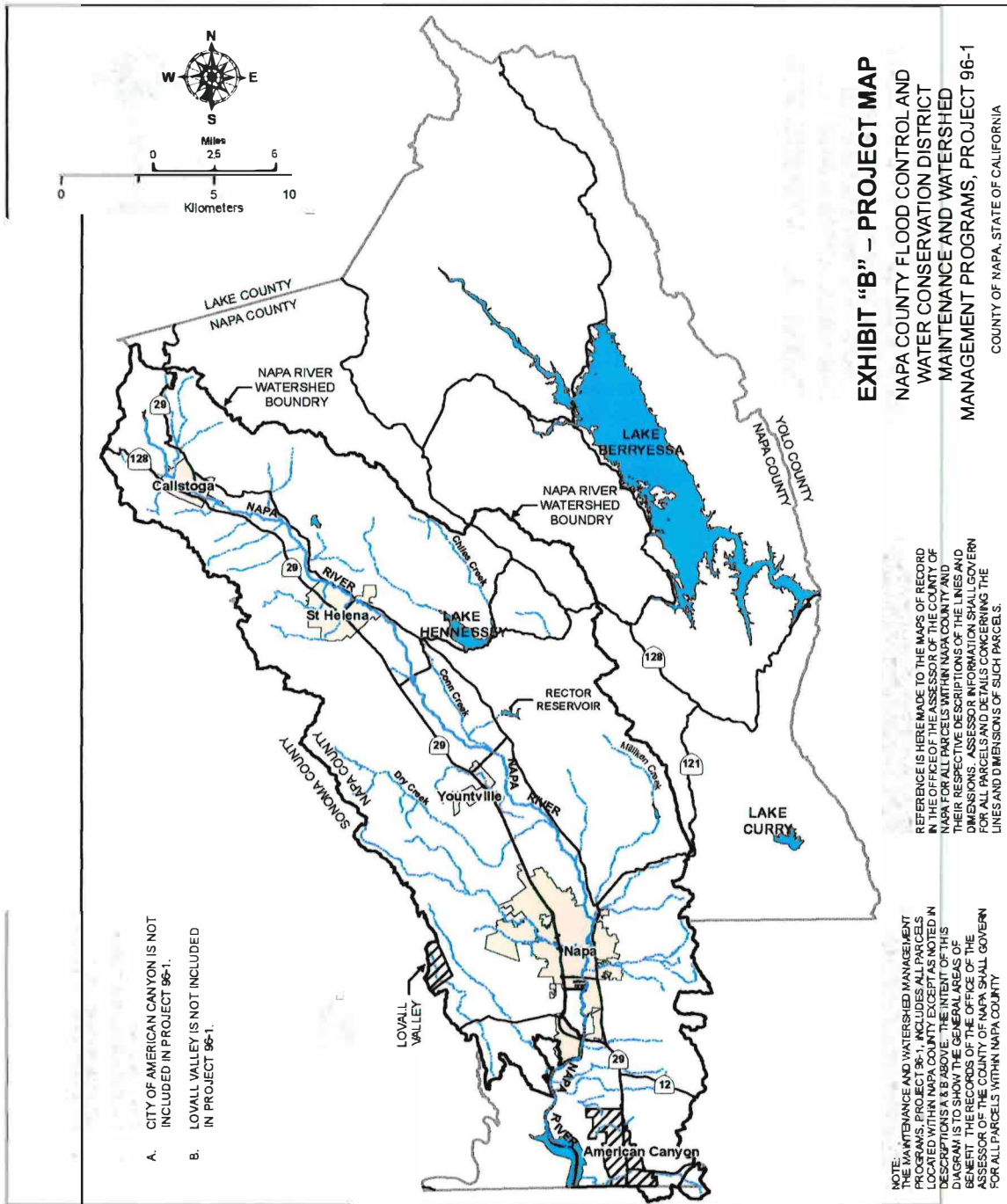


EXHIBIT C: ESTIMATE OF COST

The following is the proposed District expenditure plan for the estimated assessment revenues to be collected during FY 2024-2025. These funds, in addition to unspent funds in reserve from prior fiscal years that will be re-budgeted, and other funding such as grants and interest earnings, provide the total budget for the proposed flood and storm water programs, projects, and services as set forth in this Report. The District intends to leverage its funds through long-term relationships with the California Conservation Corps and similar organizations for many of its maintenance programs. It will also work in close cooperation with various resource agencies to develop cost effective and environmentally sensitive maintenance practices.

NAPA RIVER AND TRIBUTARY MAINTENANCE	FY 2024-2025 Assessment Revenue	Reserve	Grants/Other Funding	Total Budget FY2024-2025
1. Install and operate Countywide early warning system for flooding	\$115,000			\$115,000
2. Clear and maintain channels within District easements (13 miles)	\$378,100			\$378,100
3. Clear problem areas within the River and its tributaries	\$490,600		\$100,000	\$590,600
4. Napa River navigation dredge site maintenance	\$40,000			\$40,000
5. Bank stabilization and repair	\$100,000			\$100,000
	Subtotal			\$1,223,700
	\$1,123,700			\$1,223,700
WATERSHED MANAGEMENT PROGRAMS				
1. Local compliance with NPDES requirements	\$115,057			\$115,057
2. Federal and State flood protection grant program participation/matching fund	\$25,000			\$25,000
3. Groundwater management and monitoring	\$5,000			\$5,000
4. Development of standardized/integrated floodplain management regulations	\$5,000			\$5,000
5. Watershed adjudication, i.e., Putah creek	\$5,000			\$5,000
6. Benefit Assessment Program Maintenance	\$36,000			\$36,000
7. Major trunkline replacement/installation	\$20,000			\$20,000
8. Special Studies for flood protection/water management	\$48,000			\$48,000
9. Administration	\$86,000		\$13,000	\$99,000
	Subtotal		\$13,000	\$358,057
	\$345,057		\$13,000	\$358,057
	TOTAL		\$113,000	\$1,581,757
	\$1,468,757		\$113,000	\$1,581,757

Every year the Board of Directors will review the proposed expenditure plan as part of the process of levying assessments.

EXHIBIT D: ASSESSMENT ROLL

The proposed assessments, BAUs of assessment and the amount of the assessment for FY 2024-2025 apportioned to each lot or parcel, as shown on the latest roll at the Assessor's Office, is on file with the Secretary of the District Board.

The description of each lot or parcel is part of the records of the Assessor of the County of Napa; and these records are, by reference, made part of this Report.

The estimated total assessment amount to be collected for FY 2024-2025 is \$1,589,653.

EXHIBIT E: METHOD OF APPORTIONMENT

Background

Proactive flood control measures by the District will benefit all properties within the District by reducing problems created by stormwater runoff, which is generated by each parcel of real property within the District. Stormwater runoff contributes to and causes flooding and decreases the water quality of waterways by increasing sedimentation and chemical contamination. In addition, stormwater runoff that does not flow into a water supply reservoir reduces the amount of water available for domestic water supply and groundwater recharge.

Project No. 96-1 benefits all property in the County by incrementally taking steps to reduce the risk of flooding in the District and thereby reducing the various and numerous direct and indirect costs to property owners associated therewith and allowing the District to continue its efforts to increase the amount of stormwater available for domestic use. Additionally, flood control measures, such as bank or levee stabilization, will increase water quality throughout the District by reducing the amount of erosion and sedimentation that currently occurs. As described earlier, the funds raised from the assessment district will be used, among other activities, to stabilize banks and levees, including constructing rip-rap and flap gates and installing vegetation, clear drainage ways to provide more free flowing water and remove debris that may cause downstream damage, install and maintain stream gauges on upstream tributaries to the Napa River in order to monitor stormwater flows to predict and warn against downstream flooding, and develop coordinated floodplain management policies and practices with the individual cities and the County.

District Zones

For the purpose of this annual assessment program, the District is divided into three zones of benefit as follows:

1. Napa River Watershed, generally consisting of the land situated within the County of Napa whose stormwater flows by various courses or conveyances into the Napa River. The Napa River Watershed zone includes all parcels within the Napa River Watershed, including the City of Napa. Its projects and programs are designed to benefit only the parcels within the watershed;
2. City of Napa, generally consisting of the land situated within the corporate boundary of the City of Napa. City of Napa zone parcels, which are all the parcels within the City limits, benefit from the Napa River Watershed projects and programs; but, since the City's Storm Drain Assessment Fee program pays for the City to maintain and replace major storm drain trunk lines in the City, the City parcels do not receive benefit from the Districtwide major trunkline replacement and installation program; and
3. Districtwide, generally consisting of the land within Napa County, excluding the land within the corporate boundary of the City of American Canyon and Lovall Valley area. The Districtwide zone includes all parcels within the District, the Napa River Watershed, the City of Napa parcels, plus the parcels outside the Napa River Watershed. Its projects and programs benefit all parcels within the District.

The programs and projects the District will undertake are designed to benefit the unique nature of these three zones.

Land Use Categories

All parcels in the District are categorized into one of the following 12 land use categories:

1. **Single Family:** Includes all parcels that have at least one detached single family residential unit.
2. **Multi-Family:** Includes all parcels that have more than one attached residential unit, i.e., duplex, triplex, quadplex, condominiums, townhomes, and apartments.
3. **Mobile Homes:** Includes all mobile home park residential parcels.
4. **Commercial:** Includes all parcels with commercial, retail, office, medical, motel/bed and breakfast, and automobile related uses.
5. **Industrial:** Includes all parcels with industrial, light industrial, heavy industrial, and warehouse related uses.
6. **Winery:** Includes all parcels with a winery.
7. **Vineyards:** Includes all parcels with planted vineyard.
8. **Vacant Residential:** Includes all parcels that the Napa County Assessor deems as a vacant residential.
9. **Vacant Commercial:** Includes all parcels that the Napa County Assessor deems as vacant commercial.
10. **Vacant Industrial:** Includes all parcels that the Napa County Assessor deems as vacant industrial.
11. **Vacant Rural:** Includes all parcels that the Napa County Assessor deems as a vacant rural.
12. **Non-Taxable:** Includes all parcels classified as exempt from assessment by the County Assessor, i.e., government owned parcels.

These land use categories were obtained from the County Assessor's records.

Benefit Assessment Methodology

The methodology to determine a property's assessment for Project No. 96-1 is based upon two principal factors: 1) the property's proportionate share of stormwater runoff and 2) the amount of sediment that erodes off a property. Levying assessments based upon a property's proportionate share of stormwater runoff recognizes that land, both improved and unimproved, creates stormwater runoff that increases downstream flood hazards and produces water that the District could use for domestic use. Improved land generates stormwater runoff to a greater extent than unimproved land because the impervious surfaces of improved land restrict the property's natural ability to absorb precipitation. Stormwater flows off of a single family dwelling, shopping center or industrial site with roofs and parking areas will be greater than stormwater runoff from a vineyard or vacant land of equivalent size because of their increased amounts of impervious surfaces.

Sediment comes from the portions of property not covered by a hard or impervious surface, e.g., roofs, driveways and parking and other areas. Sediment flows off of the property and contributes to the amount of dredge material

the County has to dispose of from the Napa River and clear from its tributaries. In addition, sediment restricts the flow of stormwater and causes the water surface of the Napa River and its tributaries to flow at a higher elevation than they would otherwise flow if the River and tributaries were free of sediment.

The proportional difference in runoff, combined with the relative size of individual parcels and the amount of impervious surface, provides the basis for computing the benefit assessment per parcel.

To determine the proportionate share of stormwater runoff and sediment runoff from any one parcel of land in relation to all parcels of land in the District, it is necessary to establish a baseline standard parcel of land from which to measure all other parcels. This baseline standard shall be referred to as the Benefit Assessment Unit (BAU), and the baseline standard BAU shall be a detached, single family dwelling, which is the most common land use type within the District. The BAUs of all other land use types within the District shall be based upon their relative comparison to the baseline BAU and adjusted according to that parcel's size and relative imperviousness. Accordingly, detached, single family dwellings are counted as one BAU with all other land use types either equivalent to or a fraction or multiple thereof. The table below shows the BAU factors for each land use type.

Land Use Category	Unit of Measure	BAU Factor
Single Family	Dwelling Unit	1.00
Multi-Family	Dwelling Unit	0.50
Mobile Homes	Dwelling Unit	0.33
Commercial	1,500 Square Foot Building	1.00
Industrial	1,500 Square Foot Building	1.00
Winery	1,500 Square Foot Building	1.00
Vineyard	Planted Acre	0.25
Vacant Residential	Acre	0.30
Vacant Commercial	Acre	0.30
Vacant Industrial	Acre	0.30
Vacant Rural	Parcel	0.75

Some parcels have multiple land uses, e.g., one parcel may have a single family unit, planted vineyard acres and a winery. The assessments for these parcels are calculated based on each land use type and added together for a total parcel assessment.

In order to prevent a financial hardship to any one parcel, all single use parcel BAUs are capped at no more than 20 BAUs. That is, for every parcel that has one land use, it will receive a maximum of 20 BAUs. For all parcels that have multiple land uses, each land use type will receive no more than 20 BAUs. Vacant rural land parcels, without development of structures or permanent land disturbance, are carrying out their intended watershed purposes under the Napa County General Plan and Zoning Law, thereby minimizing the stormwater runoff, which occurs from such properties. Therefore, such parcels receive a maximum of 0.75 BAU per parcel.

Benefit Assessment Calculation

In April 2023 the District Board approved the Project Report for FY 2023-2024, which laid out the assessment rates per BAU for each benefit zone as follows:

FISCAL YEAR 2023-2024

BUDGET CATEGORY	BENEFIT ZONE		
	Napa River Watershed	City of Napa	Districtwide
Napa River & Tributary Maintenance \$/BAU	\$15.95	\$15.95	\$0.00
Watershed Management Programs \$/BAU	\$12.08	\$7.88	\$12.09
TOTAL \$/BAU	\$28.02	\$23.82	\$12.09

By approving the annual Project Report, the District Board also approves any annual increase in the assessment rate based on the *Engineering News Record's* "Construction Cost Index (CCI) for the San Francisco Bay Area." The CCI percentage change from March 2023 to March 2024 resulted in a 1.6% increase; therefore, it is recommended to the Board that the total assessment rate be increased accordingly for FY 2024-2025. The proposed assessment rates for FY 2024-2025 are therefore:

FISCAL YEAR 2024-2025

BUDGET CATEGORY	BENEFIT ZONE		
	Napa River Watershed	City of Napa	Districtwide
Napa River & Tributary Maintenance \$/BAU	\$16.05	\$16.05	\$0.00
Watershed Management Programs \$/BAU	\$12.14	\$7.93	\$12.15
TOTAL \$/BAU	\$28.20	\$23.97	\$12.15

EXHIBIT F: ASSESSMENT ADJUSTMENT

It is presently anticipated the District will continue with the annual levy of assessments for Project No. 96-1, in accordance with the procedure provided by the Act. It is recommended and anticipated that the amount of individual assessments for each future year will be increased over the amount of such individual assessment for the prior year by a percentage equal to the increase reported in *Engineering News Record's* "CCI for the San Francisco Bay Area," expressed as a percentage. In the event there is no increase in the reported CCI, the assessment rates may not be increased. In the event that said index ceases to be established and published, the Board will utilize the most nearly comparable index as determined by the District Engineer at his or her sole discretion. In approving this Project Report, the Board will be approving and authorizing this annual percentage increase in the amount of individual assessments without the necessity of mailed notice to property owners as expressly provided by Section 54954.6 of the California Government Code.

**+ NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT RESOLUTION NO. 2024-__ (FC)**

**RESOLUTION OF INTENTION TO LEVY ASSESSMENTS
FOR FISCAL YEAR 2024-2025 FOR JOINT ZONE
PROJECT NO. 96-1 AND NOTICE OF PUBLIC HEARING
(MAINTENANCE AND WATERSHED MANAGEMENT)
AND AUTHORIZING NOTICE OF PROTEST HEARING**

The Board of Directors (“Board”) of the Napa County Flood Control and Water Conservation District (“District”), pursuant to the Napa County Flood Control and Water Conservation District Act (“Act”) hereby **FINDS, DETERMINES, AND RESOLVES** as follows:

Section 1. Recitals. The Board finds the following recitals to be true and correct:

a. By Board Resolution Nos. 96-69 and 96-70, and in accordance with the procedures provided by the Act and the Brown Act (Government Code sections 54950 et seq.), the Board created the zones for and approved Joint Zone Project No. 96-1: Maintenance and Watershed Management Programs (hereinafter referred to as “the Project”); gave notice of and held a public protest hearing; and at the conclusion of the protest hearing, having received protests less in number and valuation than required to trigger an election or require abandonment of the Project, levied assessments to fund the Project for the 1996-1997 Fiscal Year and approved an assessment methodology under which future assessments for the Project could be adjusted for inflation or deflation as well as for changes in use of individual assessed properties without such adjustments being considered an assessment increase.

b. On or before March 15, 2024, the District Engineer filed with the Secretary (“Clerk”) an updated Project Report (“Project Report for 2024-2025”) analyzing the status of the Project, applying the previously-approved assessment levy and adjustment methodology to each non-exempt assessable property within the Project zones, and recommending that the Project can be adequately funded for the 2024-2025 Fiscal Year without a change in assessment methodology or an increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology.

c. Following notification by the Board in the manner required by the Act, including publication two times over a ten-day period, posting in three public places, and the sending of copies to each city within the affected Project zones, the Board held a public hearing on April 16, 2024, to consider approval of the Project Report for 2024-2025 and adoption of a Resolution of Intention to levy assessments for 2024-2025 in accordance with said Report.

Section 2. Acceptance of Report. Having reviewed and considered the Project Report for 2024-2025 and all evidence submitted in relation thereto at the public hearing thereon held on April 16, 2024, this Board hereby accepts the Project Report for 2024-2025 without modification.

Section 3. Declaration of Intention to Levy Assessments for Fiscal Year 2024-2025. Based upon the original Project Report on file with this Board, the Project Report for 2024-2025, and evidence submitted in relation thereto at the public hearing held on April 16, 2024, this Board hereby declares its

intention to levy assessments for Joint Zone Project 96-1 for the 2024-2025 Fiscal Year in the manner and amounts recommended by the Project Report for 2024-2025. As provided by the original Project Report, the Project Report for 2024-2025, and section 13 subd. (a)(4)(A) of the Act, no assessment shall be levied upon a federal, State or local public agency. In adopting this Resolution of Intention, the Board further determines as follows:

a. The description of Project No. 96-1, the participating zones, and the assessment methodology shall continue to be as described in the original Project Report as modified by the Board when approving the Project in 1996 and levying the Project assessments for the 1996-1997 Fiscal Year.

b. Because the proposed assessments will be the same as approved for the 1996-1997 Fiscal Year, subject only to adjustments for inflation or change in use as provided by the methodology previously approved by the Board, the Board determines that the Brown Act does not require the Board to hold a separate public meeting on the assessments for the 2024-2025 Fiscal Year for Joint Zone Project No. 96-1 or to give individualized mailed notice of such proposed assessments and separate public meeting to all potential assessees, but only to give notice of and hold a public protest hearing in the manner prescribed by the Act for annual assessments proposed to be the same or less than in the previous Fiscal Year.

Section 4. Setting Date, Time, and Place of Public Hearing. The Board hereby fixes Tuesday, May 14, 2024, at the hour of 9:00 a.m., or as soon thereafter as the matter may be heard, in Room 305 of the Napa County Administration Building, 1195 Third Street, Napa, California as the time and place for conducting a public protest hearing on the proposed levy of assessments for Joint Zone Project 96-1 for the 2024-2025 Fiscal Year.

Section 5. Manner of Notification of Public Protest Hearing. The Clerk is hereby authorized and directed to give notice of the public protest hearing set by this Resolution of Intention for May 14, 2024, in the manner required by the Act and the Government Code, including publication of the notice at least once seven days prior to the hearing in a newspaper of general circulation published in the District and mailing or personal delivery of the notice to the chief administrative officer of each city within the affected zones on or before April 23, 2024. The notice shall include a copy of this Resolution of Intention and a description of protest rights.

Section 6. Resolution Effective Immediately. This Resolution shall take effect immediately upon its adoption.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

THE FOREGOING RESOLUTION OF INTENTION WAS PASSED AND ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting thereof on April 16, 2024, by the following vote, with the number following each voting Director indicating the number of votes cast by the Director:

AYES: DIRECTORS

NOES: DIRECTORS

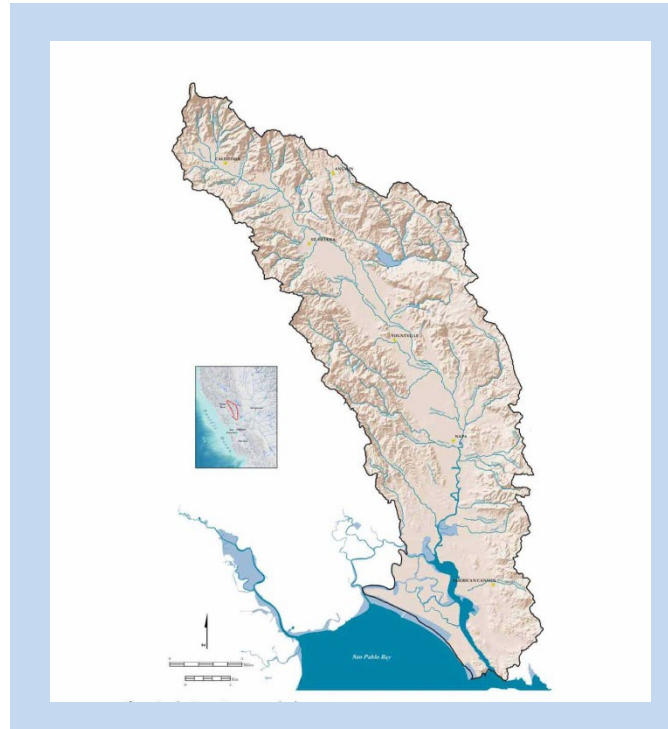
ABSENT: DIRECTORS

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district of the State of California

SCOTT SEDGLEY, Chair of the Board of Directors

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy District Counsel</p> <p>Date: <u>April 4, 2024</u> [PL No 112736]</p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____ Processed By: _____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
--	--	--

Watershed & Stream Maintenance Programs Joint Zone Project 96-1

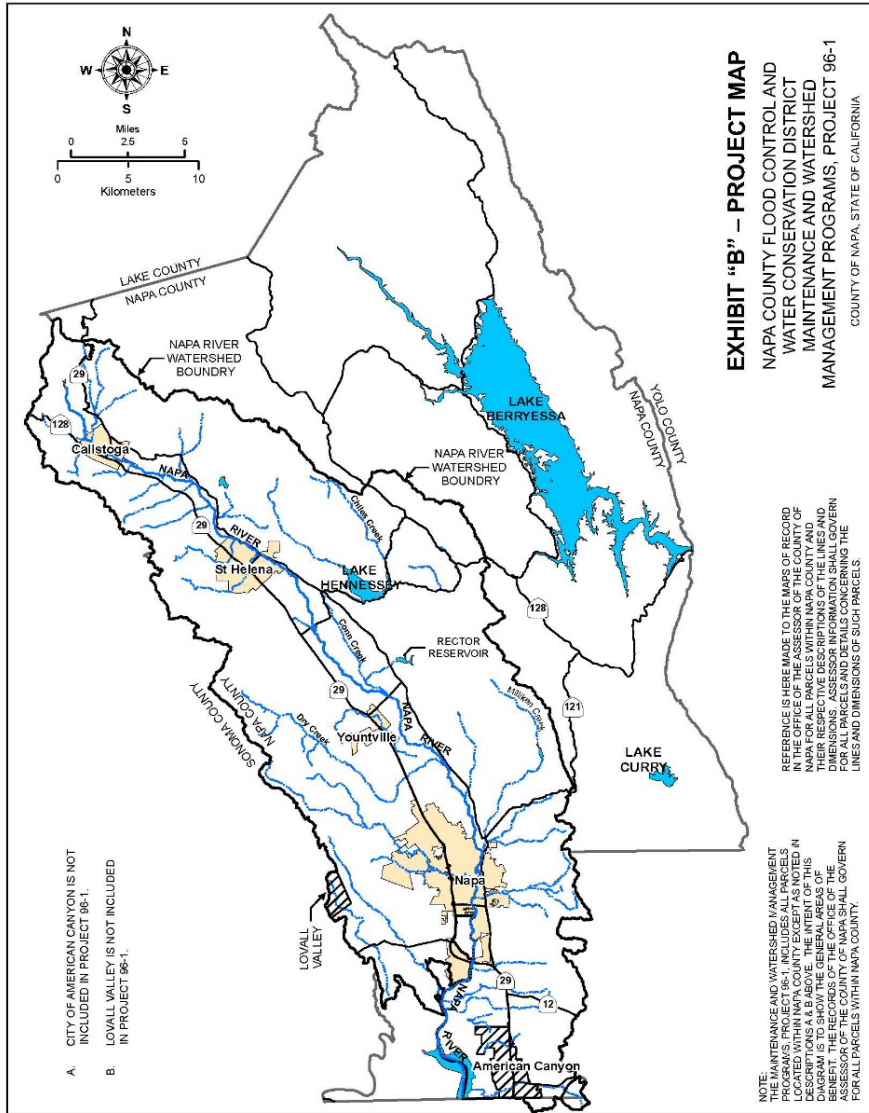


Napa County Flood Control & Water Conservation District



A Tradition of Stewardship
A Commitment to Service

Watershed Maintenance Funding



District Benefit Zones

- Napa River Watershed - \$1,223,700
- District Wide - \$358,057
- City of American Canyon *Not included*

Other Funding

- Rutherford Assessment District - \$98,160
- OVOK Community Facilities District - \$111,995
- Grants – special projects

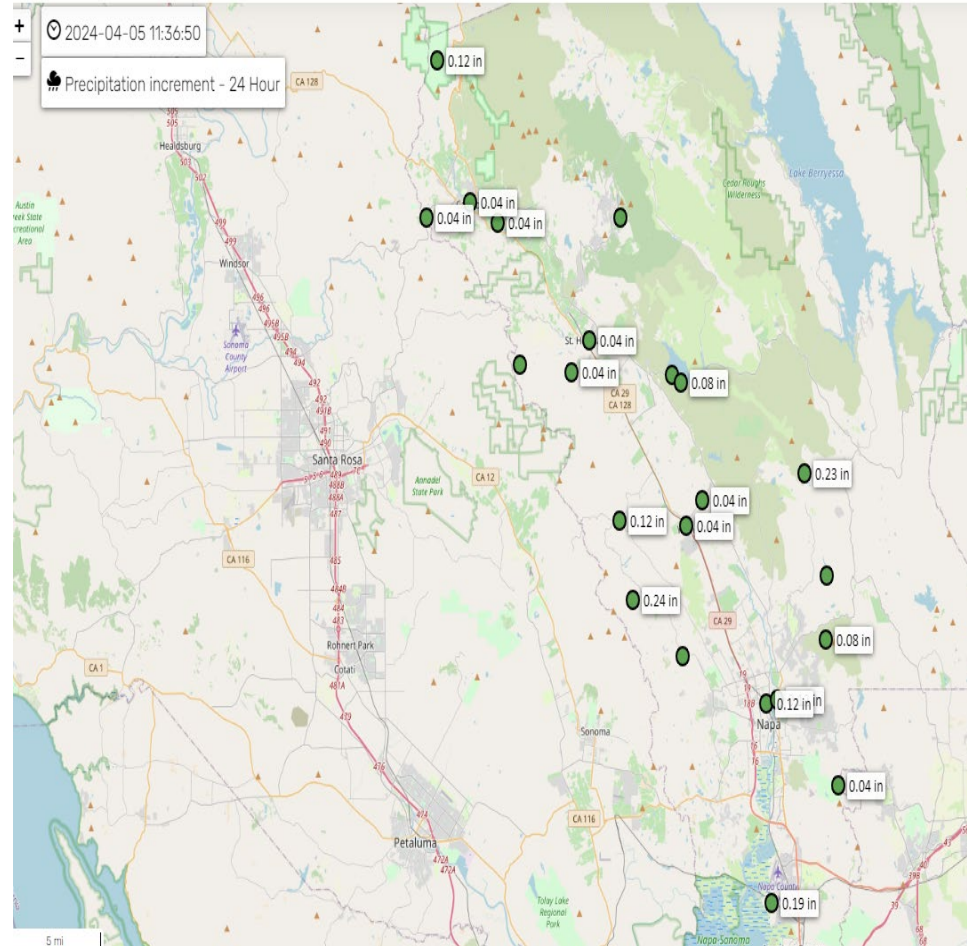
Countywide Stream and Rainfall Monitoring (ALERT System)



Home Map Sites Bookmarks

2024-04-05 11:36:50

Precipitation increment - 24 Hour



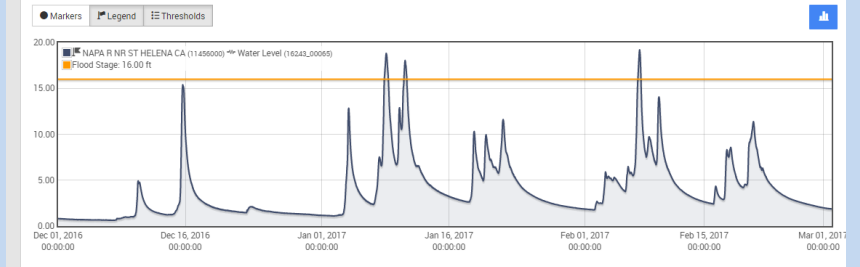
napa.onerain.com

Water Level (16243_00065)

NAPA R NR ST HELENA CA (11456000)

December 1, 2016 - March 1, 2017

2.18 ft 26 minutes ago



Notes

These data are reproduced from waterdata.usgs.gov for convenience and real-time use. This is a record of raw data, it does not include quality control or corrections made subsequently by USGS. For maintained and accurate historical stage and discharge datasets for this station, visit the USGS NWIS webpage: http://waterdata.usgs.gov/ca/nwis/uv/?site_no=11456000&agency_cd=USGS

Thresholds

Flood Stage

16.00 ft

Site	Group	Last Report	Current Level	Monitor Stage	Flood Stage	Record High
Browns Valley Creek at McCormick Ln	All	about 3 hour ago	0.35	10.00	12.00	10.06
Dry Creek at Hwy 20	All	17 minutes ago	0.61	9.00	14.00	15.00
Garnett Creek at Greenwood Ave	All	about an hour ago	1.08	7.00	9.00	9.92
Hopper Creek at Hwy 29	All	about 10 hour ago	0.32	9.00	6.00	16.62
Lake Hemsway	All	13 minutes ago	308.57	-	-	-
Miliken Creek at Adas Peak Rd	All	about 3 hour ago	1.57	7.00	9.00	-
Milken Reservoir	All	8 minutes ago	891.69	910.00	924.00	-
Napa Creek at Hwy 29	All	about an hour ago	3.17	11.10	14.50	16.70
NAPA R NR NAPA CA	All	27 minutes ago	5.27	22.00	25.00	-
NAPA R NR ST HELENA CA	All	27 minutes ago	2.18	-	16.00	-
Napa River at Berry St	All	about an hour ago	2.91	-	-	-
Napa River at Dunsmuir Ln	All	about an hour ago	2.49	14.00	17.00	14.95
Napa River at Lincoln Ave (Napa)	All	15 minutes ago	-3.96	16.50	18.50	22.84
Napa River at Lodi Ln	All	about 5 hour ago	0.80	9.00	11.00	12.58
Napa River at Youville Cross Rd	All	15 minutes ago	2.74	18.00	20.00	25.35
Redwood Creek at Forest Dr	All	44 minutes ago	0.93	6.00	8.00	11.09
Redwood Creek at St Vaaker Rd	All	8 months ago	0.00	6.00	6.00	10.16
Salvador Channel at Big Ranch Rd	All	about an hour ago	1.17	7.50	10.00	12.76
SODA CR NR NAPA	All	42 minutes ago	0.82	-	-	-
Subhur Creek at Pope St	All	26 minutes ago	1.24	8.00	10.00	10.84
Subhur Creek at White Sulphur Springs Rd	All	about 6 hour ago	4.08	8.00	10.00	9.42
Tulayuk Creek at Shortwell Ave	All	about an hour ago	1.22	6.00	8.00	7.79
York Creek at Hwy 29	All	15 minutes ago	1.07	3.00	4.50	4.11

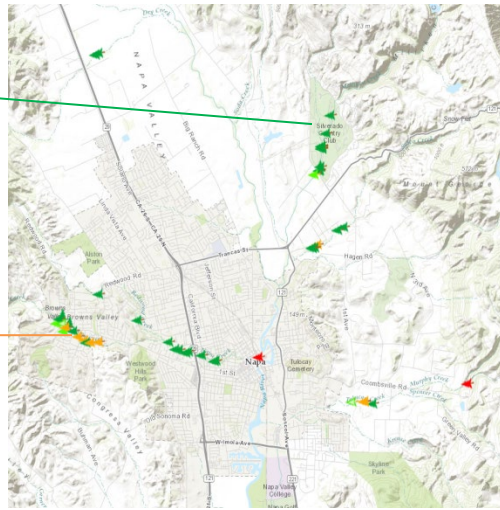
Stream and Channel Maintenance throughout the County including collaboration with Cities of Calistoga, St. Helena, Yountville, Napa

Activities

- Vegetation and Invasive Plant Management
- Downed Tree Management & LWD Recruitment
- Streambank Erosion/Biotechnical Stabilization
- Sediment Management
- Riparian and Stream Enhancement
- Fish Passage Barrier Removal
- Trash and Debris Removal

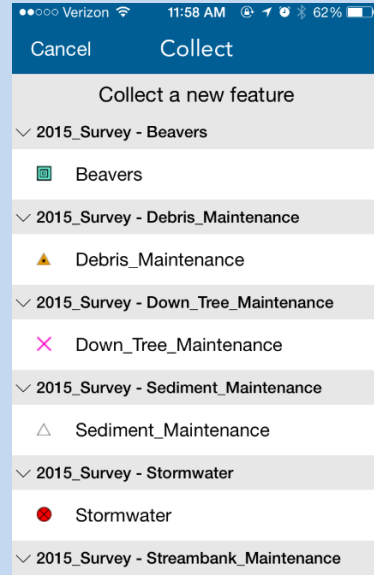
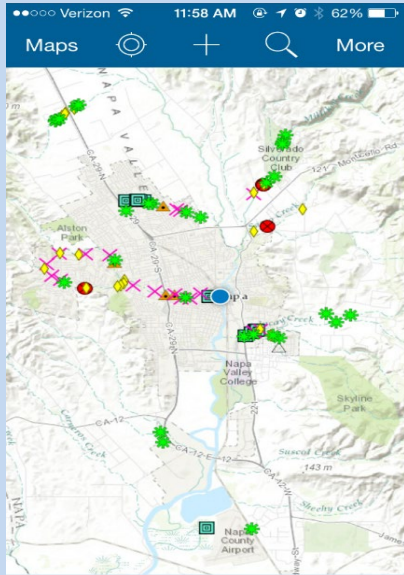


LWD Management & Monitoring

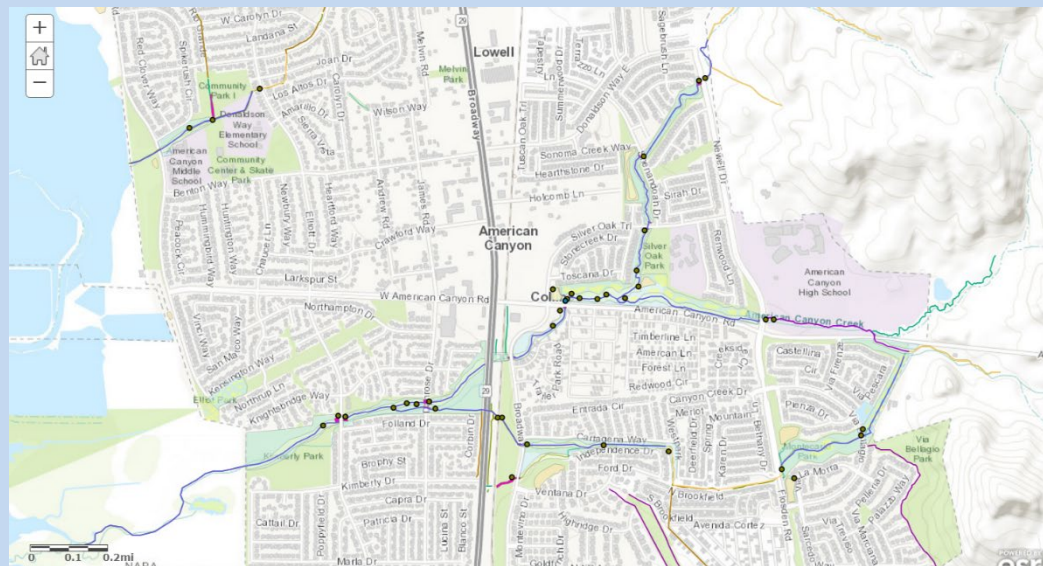


Stream Maintenance Program (SMP)

Annual Stream Surveys

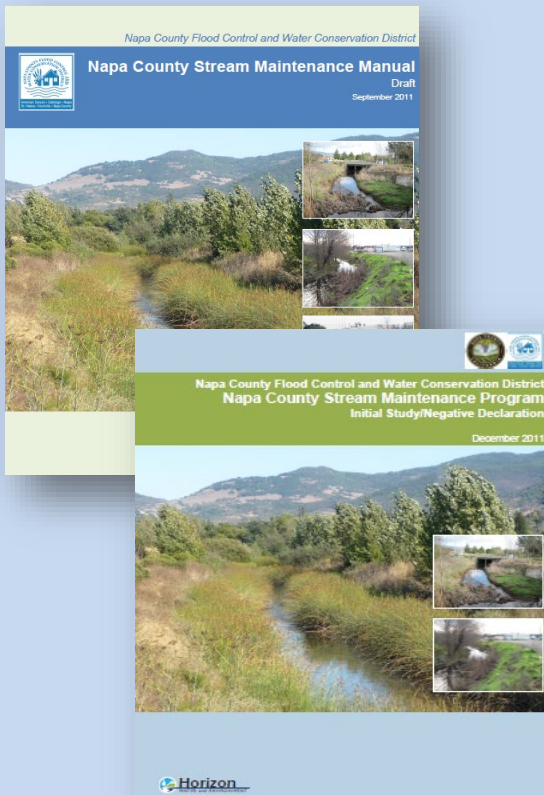


City of American Canyon Collaborative Maintenance Program

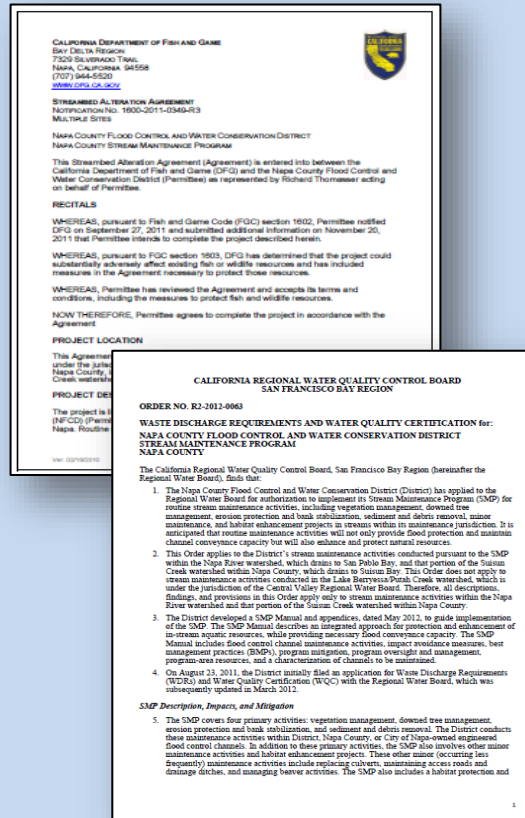


Stream Maintenance Program Documents/Permits State and Federal Regulations

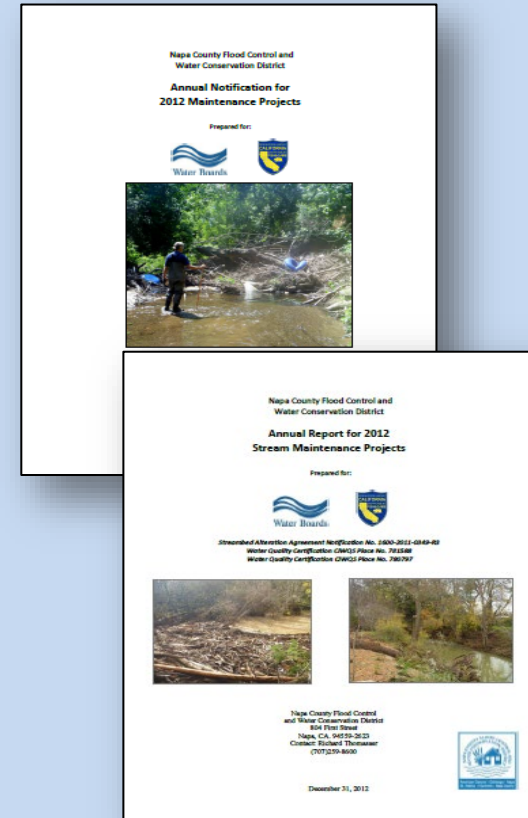
Stream Maintenance Manual & California Environmental Quality Act (CEQA)



Permits- CDFW, RWQCB, Corps



Annual Notification & Reports

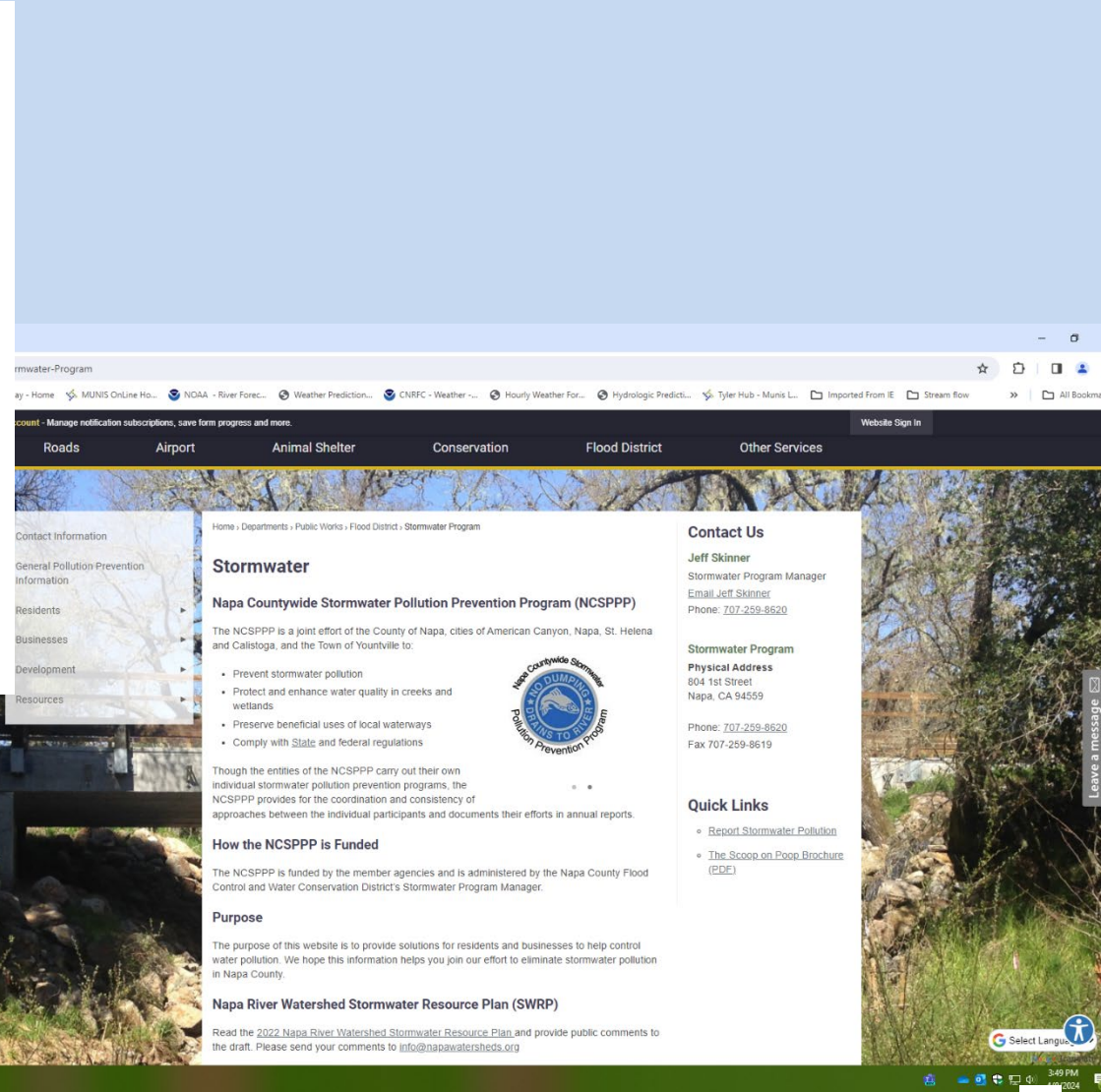


Napa Countywide Stormwater Pollution Prevention Program (NCSPPP)

The Napa Countywide Stormwater Pollution Prevention Program is a joint effort (JPA) of the County of Napa, cities of American Canyon, Napa, St. Helena and Calistoga, and the Town of Yountville designed to:

- Prevent stormwater pollution
- Protect and enhance water quality in creeks
- Preserve beneficial uses of local waterways
- Comply with state and federal regulations

Flood District staff oversees compliance of these entities with the NPDES Permit



Groundwater Monitoring

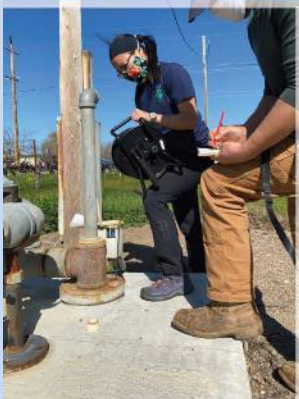


SECTION 2. PLAN AREA

NAPA VALLEY SUBBASIN

GROUNDWATER SUSTAINABILITY PLAN

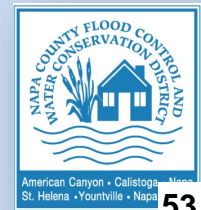
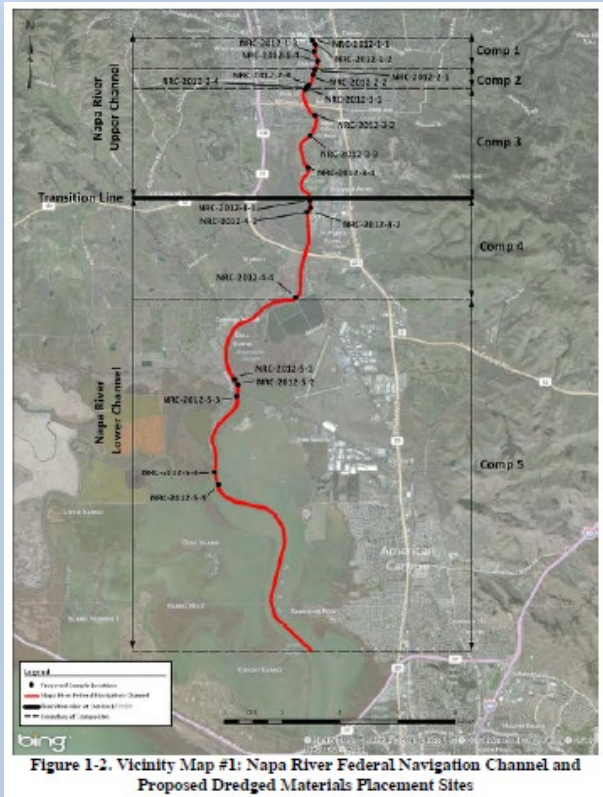
January 2022



District assists with monitoring of groundwater wells throughout Napa Valley



Napa River Navigational Dredge Site Maintenance



Napa River Restoration-Rutherford Project Assessment District



Expanded Riparian Corridor Setback Berms Floodplain Benches Tributary Alcove Instream Structures

3,054 Feet of Secondary Channels Created

31 Acres of Riparian Forest Enhanced

17 Acres of Slow Water Aquatic Habitat Created

2.5 Miles of Channel Widened

147 Instream Habitat Structures Installed


3.25 Acres of *Arundo donax* Eradicated

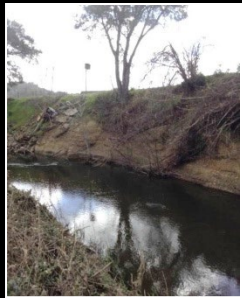
29 Landowners Participating and Funding Ongoing Monitoring and Maintenance Through an Assessment District



Napa River Restoration-Oakville to Oak Knoll Project Community Facilities District



 Expanded Riparian Corridor  Setback Berms  Floodplain Benches  Tributary Alcove  Instream Structures



1,000 Feet of Secondary Channels Created

56 Acres of Riparian Forest Enhanced

2.4 miles of Channel widening along the 9 miles OVOK Reach

200 Instream Habitat Structures Installed

5 Acres of *Arundo donax* Eradicated

15 Landowners Participating and Funding Ongoing Monitoring and Maintenance Through a Community Facilities District



Long Term Monitoring and Maintenance of Restoration Projects





Napa County

Board Agenda Letter

1195 THIRD STREET
SUITE 310
NAPA, CA 94559
www.countyofnapa.org
Main: (707) 253-4580

Flood Control and Water Conservation District **Agenda Date:** 4/16/2024

File ID #: 24-375

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Staff Services Analyst II
SUBJECT: Resolution of Intent to Levy Assessments - Rutherford Reach Benefit Zone

RECOMMENDATION

PUBLIC HEARING 9:00 AM - INTENTION TO LEVY AND COLLECT ASSESSMENTS FOR RUTHERFORD REACH BENEFIT ZONE DISTRICT 2008-01

Conduct a public hearing to accept the Engineer's Report for the Rutherford Reach Benefit Zone Assessment District 2008-01 for Fiscal Year 2024-2025, adopt the Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2024-2025, and authorize the notice of protest hearing. (No Fiscal Impact)

BACKGROUND

On November 18, 2008, the District Board adopted a Resolution which established formation of a Benefit Assessment District that spans a 4.5-mile reach of the Napa River south of the City of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south. The Resolution also levied assessments for the Benefit Zone to fund various aspects of maintenance. The purpose of the assessment process was to establish a mechanism to provide continued annual funding for maintenance benefiting the residents and landowners within the Benefit Zone and to support the Rutherford Reach Restoration Project. The Benefit Zone includes 41 parcels located along both sides of the approximately 4.5-mile reach of the Napa River south of the City of St. Helena. The objectives of the Rutherford Reach Restoration Maintenance Plan (Maintenance Plan) are to reduce bank erosion and to maintain the function of in-stream habitat enhancement structures and control target non-native invasive plant species, to the extent practicable, within the riparian corridor.

The District's governing statute has special legislation that sets forth the procedures the District must follow. In order to levy the assessments to continue funding the District's programs, the District Board must hold annual protest hearings to hear any protest against the assessment. Therefore, this public hearing begins the process by reviewing the assessments. Once the District Board accepts the Engineer's Report and adopts the Resolution, another Notice of Public Hearing will be published in the newspaper noticing the date, time, and place of the protest hearing. Additionally, a copy of the Notice and the Resolution will be delivered to the Clerk of the Board. The protest hearing will be held May 14, 2024 at 9:00am and is the final step in the process to approve the assessments.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The assessment process for the Benefit Zone began in 2008 with the intent to establish a mechanism to provide continued annual funding for maintenance benefiting the residents and landowners within the Benefit Zone. Today's actions are the prerequisites for the renewal of annual assessments needed to fund the Rutherford Reach Benefit Zone Assessment District 2008-01. The assessments generate \$98,160 annually which is used to conduct maintenance activities in support of the Napa River Rutherford Restoration Project.
Is the general fund affected?	No
Consequences if not approved:	The assessments are the main revenue source for maintenance needs in the Benefit Zone. If not approved, no funding will be available for routine maintenance activities in the upcoming fiscal year.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This action is statutorily exempt from the California Environmental Quality Act (CEQA) under Title 14, California Code of Regulations, section 15273 (Rates, Tolls, Fares, and Charges), in that the amounts to be levied and collected shall be used for purposes detailed in the District Engineer's Report, which fall within subsections (1), (2), and (4) of section 15273.

RUTHERFORD REACH BENEFIT ZONE ASSESSMENT DISTRICT 2008-01

Engineer's Report for Fiscal Year 2024-2025

Prepared by:
Napa County Flood Control and
Water Conservation District
Napa County, California



TABLE OF CONTENTS

SECTION	PAGE
ASSESSMENT	1
ENGINEER'S COST ESTIMATE	1
DESCRIPTION OF WORK	2
METHOD OF ASSESSMENT	3
GENERAL	3
BENEFIT	3
METHOD FOR ALLOCATING COSTS	5
ASSESSMENT ROLL AND NAMES & ADDRESSES OF PROPERTY OWNERS	9
CERTIFICATES	10

ASSESSMENT

WHEREAS, on November 18, 2008, the Board of Directors of the Napa County Flood Control and Water Conservation District (District), County of Napa, State of California, under the Napa County Flood Control and Water Conservation District Act, being Section 61-13.5 (“Act”), adopted its Resolution to Establish the Formation of a Benefit Assessment District (“Resolution”) for the fixing of and the collection of certain maintenance charges (the “Charges”) to pay for maintenance costs of the DISTRICT incurred or to be incurred by the DISTRICT for associated maintenance of the Rutherford Reach Benefit Zone (“Benefit Zone”) of the Napa River in conjunction with the Napa River Rutherford Reach Restoration Project (“Rutherford Restoration Project”); and

WHEREAS, under the Resolution, the Benefit Assessment District is designated as “Rutherford Reach Benefit Zone - Assessment District 2008-01” (the “Maintenance District”), the boundaries of which are as shown on the Assessed Properties Map thereof which is made a part of this Report; and

WHEREAS, the Resolution directed the undersigned to cause an annual written report to be prepared in compliance with Section 10 of the Act, reference to the Resolution is hereby made for further particulars; and

WHEREAS, under the Act and Article XIID of the California Constitution, the Charges are deemed to be assessments; and this Report presents such Charges for Fiscal Year 2024-2025 and denominates them as “Assessments;”

NOW, THEREFORE, the following Assessments outlined in the Engineer’s Cost Estimate below are made to cover the portion of the estimated cost of the Charges for Fiscal Year 2024-2025 and the costs and expenses incidental there to be paid by the Assessments:

ENGINEER’S COST ESTIMATE

Maintenance Budget Item		FY 2024-2025 Assessment Revenue
1	Invasive and Pierce host vegetation plant management, replacement planting and irrigation	\$48,000
2	Trash and debris removal and relocation of large woody debris	\$2,000
3	Streambank erosion control and aquatic habitat structure maintenance	\$21,100
4	Annual surveys, development of work plans and reports, assessment management.	\$12,060
5	Monitoring	\$15,000
TOTAL		\$98,160

The Maintenance District budget was developed jointly by the DISTRICT, the Rutherford Landowner Advisory Committee (LAC) and the Rutherford Restoration Project design engineer. It was based on professional estimates and historical cost review. Because the Maintenance District will address variable concerns from year to year, the annual levy indicated above in the Engineer's Cost Estimate may vary from year to year but shall only increase above the annual costs presented herein by an inflation factor as presented in the Method of Assessment.

DESCRIPTION OF WORK

The Benefit Zone includes the 41 parcels located along both sides of the approximately 4.5-mile reach of the Napa River south of the City of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south.

The maintenance program for the Benefit Zone of the Napa River has been developed by the DISTRICT in consultation with the LAC to support the Rutherford Restoration Project and to guide implementation of routine maintenance activities within the Benefit Zone of the Napa River. The program has been developed to proactively address streambank erosion and failure, to protect property in the Benefit Zone and to maintain features constructed as part of the Rutherford Restoration Project that collectively will result in a more stable streambank for the benefit of the property owners.

The objectives of the Rutherford Reach Restoration Maintenance Plan (Maintenance Plan) are to:

- Reduce bank erosion and potential increased flood damage through vegetation management, large woody debris realignment and/or relocation, debris/large trash removal, and biotechnical bank stabilization;
- Maintain the function of in-stream habitat enhancement structures, which contribute to long-term channel stability;
- Control target non-native invasive plant species, to the extent practicable, within the riparian corridor of the Benefit Zone. Control of non-native species protects the land uses in the Benefit Zone along the Napa River from diseases that damage both native plants and cultivated agriculture in the reach.

The procedures and processes for achieving the stated objects are more fully described in the most recent Maintenance Plan for the Rutherford Restoration Project.

METHOD OF ASSESSMENT

GENERAL

The Maintenance District provides the mechanism to fund the yearly maintenance activities of the Rutherford Restoration Project. The maintenance activities provide special benefits to the parcels of land within the Maintenance District.

The Maintenance District is formed under the Act and Article XIID of the California Constitution together with its implementing legislation, (collectively "Proposition 218"), which require that local agencies levy Assessments according to special benefit. The costs and expenses of the maintenance activities must be apportioned by a formula or method which distributes the costs in direct proportion to the estimated special benefits these parcels receive from the maintenance activities.

Neither the Act nor Proposition 218 specifies the method to apportion the Assessments. This responsibility rests with the Assessment Engineer, who recommends the apportionment of costs based upon an analysis of the special and direct benefit to be received by each parcel in the Maintenance District from maintenance activities. The approval of Assessment rests with the DISTRICT Board of Directors, who may approve the Assessments after hearing all testimony and evidence presented at a public hearing and tabulating the Assessment ballots submitted by all record owners of property within the Maintenance District. After the hearing, Assessment ballot tabulation will be made, and if the majority of the Assessment ballots submitted, weighted by the Assessment amount, are in opposition to the levying of Assessments, the proceedings must be abandoned. If a majority approves the Assessment, the Board may authorize the levy of the Assessments.

The following section sets forth the methodology used to apportion the costs of the maintenance to each parcel in the Maintenance District.

BENEFIT

Considerations from Proposition 218

In November 1996, the voters of California approved Proposition 218, which added Articles XIIC and XIID to the California State Constitution. Proposition 218 added new procedures and requirements for all Assessments. Particularly, Proposition 218 requires the following:

- The Assessment proceedings must identify all parcels which will have special benefit conferred upon them, including property owned by federal, State or local government agencies.
- "Special benefit" means "particular and distinct benefit over and above general benefits conferred on real property located in the district or to the public at large." General enhancement of property value is not considered to be a "special benefit."
- The Assessment on a parcel may not exceed the reasonable cost of the proportional special benefit conferred on the parcel.

The improvements proposed to be included in the Maintenance District must meet the special benefit test of Proposition 218. Additionally, the Assessment on each parcel must not exceed the cost of the proportional special benefit conferred on the parcel.

General Benefits

The proposed maintenance activities will not provide general benefit to properties outside the district boundaries. It should be clearly noted that the Assessments collected from the Maintenance District are not being used to fund or finance any element of the Rutherford Restoration Project (i.e., constructed features). The constructed features include constructed floodplain benches, expanded vegetation buffers and revegetation areas, aquatic habitat structures and streambank stability structures. The constructed elements of the Rutherford Restoration Project will provide a certain measure of benefit to areas downstream by restoring the channel to a more natural setting, which reduces the potential for stream bank erosion and flooding. In addition, the constructed elements of the Rutherford Restoration Project will provide general benefits because the environmental enhancement features restore the public trust elements of the river, including providing habitat for species native to the Napa River. The costs of general benefits provided by the constructed features will be covered through a combination of grant funding and Napa County Measure A. The construction funding plan is independent of the Maintenance District.

Unique and Special Benefits Provided by the Rutherford Restoration Project

Per a 2005 Memorandum of Understanding (MOU), the property owners in the Maintenance District are responsible to cover the maintenance and monitoring costs of the Rutherford Restoration Project. This maintenance obligation creates a "special benefit" zone because the maintenance activities result in direct benefit to parcels with streambank frontage that is stabilized by the maintenance activity.

Below is a list of maintenance activities to be conducted on a regular or as-needed basis and financed through the Maintenance District Assessment levy:

- ❖ Maintenance of the Rutherford Restoration Project's constructed features which result in more stable banks, reduced erosion and preservation of property adjacent to the Rutherford Reach.
- ❖ Debris Removal (e.g., downed trees and limbs, tires, shopping carts, barrels, trash) that has been deposited within the Maintenance District channel that could potentially block or reorient flood flows and cause localized flooding and/or streambank erosion. The removal of debris in the Benefit Zone benefits the property owners along the Rutherford Reach.
- ❖ Removal, relocation, and/or stabilization in place of downed trees that would pose a flooding or erosion risk, to property in the Benefit Zone.
- ❖ Removal of in-channel vegetation that could block or reorient flood flows and cause localized flooding and/or streambank erosion, to property in the Benefit Zone.
- ❖ Removal of invasive non-native vegetation and Pierce's Disease host plants. This

provides benefits to the agricultural properties in the Benefit Zone by reducing risks to their crops.

- ❖ Minor grading and installation of fabric blankets, coir logs, woody material, and/or native plants, to proactively stabilize eroding banks and prevent streambank failure, for property in the Benefit Zone.

The maintenance activities provide unique and special benefit to the properties within the Maintenance District. These benefits include:

- ❖ Compliance with the agreements entered into between the property owners and County at the commencement of the Rutherford Restoration Project;
- ❖ Access to a permit for regular maintenance activities in the Napa River Channel, which allows the property owners to perform routine work without the need to secure individual permits from regulatory agencies including the United States Army Corps of Engineers, the United States Fish and Wildlife Service and the San Francisco Bay Area Regional Water Quality Control Board;
- ❖ The benefit of collective maintenance under one authority, the District, which has staff to conduct and oversee such activities;
- ❖ Streambank stabilization along the full length of the Benefit Zone, which benefits all properties in the Maintenance District;
- ❖ Reduced risk of catastrophic failure of the constructed features in the Maintenance District and resultant stream bank erosion.

METHOD FOR ALLOCATING COSTS

The Maintenance District will finance the costs of the yearly maintenance activities on the Maintenance Plan. It has been determined that costs for the maintenance activities associated with this project would best be apportioned based on the benefiting parcel's land use characteristics and lineal streambank frontage. It is the intent of this report to ensure that Assessments are fairly allocated based on each parcel's "special benefit".

Streambank frontage is an appropriate measure of benefit because the costs and benefits of the maintenance activities are proportional to the streambank frontage on each parcel in the Maintenance District.

Land use is an appropriate measure of benefit because while all land uses will derive some measure of benefit from the maintenance activities, certain parcels will benefit to a higher degree depending on their land use and level of development. Developed land uses with developed property along or near the streambank benefit more than undeveloped land uses as those structures and vineyards on the parcels receive the higher degree of benefit from the maintenance activities as a result of their proximity to the streambank. Undeveloped land uses lessen the need for maintenance activities in relation to developed land uses.

The development of the method for allocating costs and apportioning these costs to benefiting properties included a detailed examination and review of the existing land use

patterns and their proximity to the river in order to fairly allocate costs to the existing parcel configurations and development contained upon them.

Benefit Factors

The determination was made by DISTRICT staff, the LAC and the Assessment Engineer that the benefits of the yearly maintenance activities may disproportionately benefit some of the above land uses designations over other land uses designations in the Maintenance District. To compensate for this disparity in benefit and to satisfy the proportional benefit requirements of Proposition 218, a benefit factor was determined for each land use designation.

The benefit factor has been developed by quantifying in a mathematical approximation the benefit that a specific land use may receive in relation to the other land uses in the Maintenance District. To do this, a matrix of land uses and maintenance activities was created. This allowed an evaluation of how that particular land use benefits from each of the maintenance activities. The Assessments of benefit were made by the DISTRICT staff and reviewed by members of the LAC and the Assessment Engineer. This enabled a calculation of an average benefit for each land use. This average benefit per land use was then converted into a benefit factor for use in the allocation formula.

The table below summarizes the benefit factor developed for each land use designation in the Maintenance District.

Land Use Benefit Factors

Land Use Designation	Abbreviation	Benefit Factor
Residential	RES	0.950
Undeveloped Residential	URES	0.500
Industrial	IND	1.000
Undeveloped Industrial	UIND	0.500
Agricultural	AGR	1.000
Undeveloped Agricultural	UAGR	0.500
Government	GOV	1.000
Undeveloped Government	UGOV	0.500

The properties within the proposed Maintenance District are currently mostly developed. If the development conditions of any parcel changes, the appropriate land use designation and benefit factor shall be applied to determine the parcel's updated number of Benefit Assessment Units (BAUs).

Calculation of BAUs

The method of apportionment equates (spread) all parcels within the Maintenance District to a number of BAUs, or portion thereof. A two-part formula using each parcel's land use designation and stream bank frontage. Each parcel's Lineal Streambank Frontage is multiplied by the appropriate benefit factor, described in detail later in this section, to arrive at the number of BAUs on each parcel. This provides that each parcel's "special benefit" has been determined based on its lineal frontage and specific land use characteristics.

Determination of Streambank frontage

Napa County Assessor's Parcel Maps and GIS data were used to determine the lineal streambank frontage for each parcel in the Maintenance District.

Determination of Land Use Characteristics

The following is a list of land use designations developed specifically for this Maintenance District. The land use designations were developed using the Napa County Assessor's parcel records and maps, FEMA floodplain data and aerial or satellite photography. The following is the list of land use designations that currently exist or may exist in the Maintenance District boundaries:

Residential (RES) - Parcel has been designated as a residential land use according to the Napa County Assessor's records. Residential land uses do not benefit from the activities involving eradication of certain host plants whose existence may benefit crop production on commercial land uses

Undeveloped Residential (URES) - Parcel has been designated as a residential land use according to the Napa County Assessor's records and does not contain any permanent structures, berms, facilities, agriculture or developed roadways present within the parcel's FEMA designated 100-year floodplain. Because the portion of the land use along the streambank and within the parcel's 100-year floodplain is undeveloped, there is a reduced need for maintenance activities and a reduction in benefit from any protective elements derived from the maintenance activities.

Industrial (IND) - Parcel has been designated as an industrial land use according to the Napa County Assessor's records.

Undeveloped Industrial (IND) - Parcel has been designated as a residential land use according to the Napa County Assessor's records and does not contain any permanent structures, berms, facilities, agriculture or developed roadways present within the parcel's FEMA designated 100-year floodplain. Because the portion of the land use along the streambank and within the parcel's 100-year floodplain is undeveloped, there is a reduced need for maintenance activities and a reduction in benefit from any protective elements derived from the activities.

Agricultural (AGR) - Parcel has been designated as an agricultural land use according to the Napa County Assessor's records.

Undeveloped Agricultural (UAGR) - Parcel has been designated as an agricultural land use according to the Napa County Assessor's records and does not contain any permanent structures, berms, facilities, agriculture or developed roadways present within the parcel's FEMA designated 100-year floodplain. Because the portion of the land use along the streambank and within the parcel's 100-year floodplain is undeveloped, there is a reduced need for maintenance activities and a reduction in benefit from any protective elements derived from the activities.

Government (GOV) - Parcel has been designated as a government land use according to the Napa County Assessor's records.

Undeveloped Government (UGOV) - Parcel has been designated as a government

land use according to the Napa County Assessor's records and does not contain any permanent structures, berms, facilities, agriculture or developed roadways present within the parcel's FEMA designated 100-year floodplain. Because the portion of the land use along the streambank and within the parcel's 100-year floodplain is undeveloped, there is a reduced need for maintenance activities and a reduction in benefit from any protective elements derived from the activities.

Apportionment Formula

The Maintenance District Assessments will only finance maintenance activities. All property in the District will benefit from these activities. The apportionment formula for the Maintenance District can be expressed as follows:

BAUs per Parcel = Lineal Streambank Frontage on Parcel x Land Use Benefit Factor

Assessment per Parcel = Cost per BAU Unit x Number of BAUs on Parcel

Cost per BAU = Estimated Yearly Budget/Total Number of BAUs in Maintenance District

Method for Calculating Cost Escalation

It is reasonably expected that the costs for the maintenance activities, including labor, power and materials, will increase over time. Assessment may therefore be escalated by the Engineer's News Record Consumer Price Index for the San Francisco Bay Area.

The Assessment shall be subject to escalation in each Fiscal Year after the initial year but not in excess of such rates and amounts. The actual amount of escalation shall be determined by the Board at the time it establishes the Assessments for the particular Fiscal Year.

Method for Allocating Surplus Funds

As noted above, the yearly costs of maintenance are supported by the Assessments. Charges for the maintenance activities are levied annually as Assessments and collected on the County property tax roll. The budget presented in this Engineer's Report represents an estimated annual average of maintenance costs. Costs are directly associated with the amount of work necessary to maintaining the level of service specified in the Maintenance Plan. Thus, annual costs of maintenance activities will likely vary from year to year depending on rainfall totals and winter flow volumes in the river as these factors will directly affect the amount of maintenance necessary in the Maintenance District. As maintenance needs may vary from year to year it is expected that on occasion a surplus may result. For subsequent Engineer's Reports after the initial Fiscal Year report the Maintenance District's account should be checked, and if the surplus in the account is greater than one million dollars, the Assessment shall not be levied for that fiscal year.

ASSESSMENT ROLL AND NAMES & ADDRESSES OF PROPERTY OWNERS

Appendix 1 contains a list of the names and addresses of all property owners within the Maintenance District as well as the Assessment proposed to be levied on each property. The list is indexed to the Assessor's Parcel Numbers of the County of Napa.

Reference is made to the records of the Assessor of Napa County for a complete description of the boundaries of each property. Each subdivision of land assessed is described in the Assessment Roll by reference to its parcel number as shown on the Secured Tax Roll for the County of Napa, March 2024. Each subdivision of land assessed is also illustrated on the Assessed Properties Map included in Appendix 2. For a more particular description of said property, reference is hereby made to the deeds and maps on file and of record in the office of the County Recorder of the County of Napa.

CERTIFICATES

1. I, the District Engineer of the Napa County Flood Control and Water Conservation District, State of California, have prepared this Engineer's Report and do hereby certify that the amounts set forth under Summary Cost Estimate on Page 1 hereof entitled "Total Assessments Fiscal Year 2024-2025", and the individual amounts in the Assessment Roll herein, have been computed under my direction in accordance with the order of the Board of Directors of the Napa County Flood Control and Water Conservation District, State of California, first adopted on November 18, 2008.

Andrew Butler, PE
 District Engineer, Napa County Flood Control
 and Water Conservation District

Andrew Butler Date: 03/01/2024

2. I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment, was filed with me on the 12th day of March, 2024.

NEHA HOSKINS, Secretary of the District Board
 Napa County, California

By NeHa Hoskins

3. I HEREBY CERTIFY that the Assessment was approved and confirmed by the Board of Directors of the Napa County Flood Control and Water Conservation District, on the _____ day of _____, 2024.

NEHA HOSKINS, Secretary of the District Board
 Napa County, California

By _____

**APPENDIX 1
ASSESSMENT ROLL**

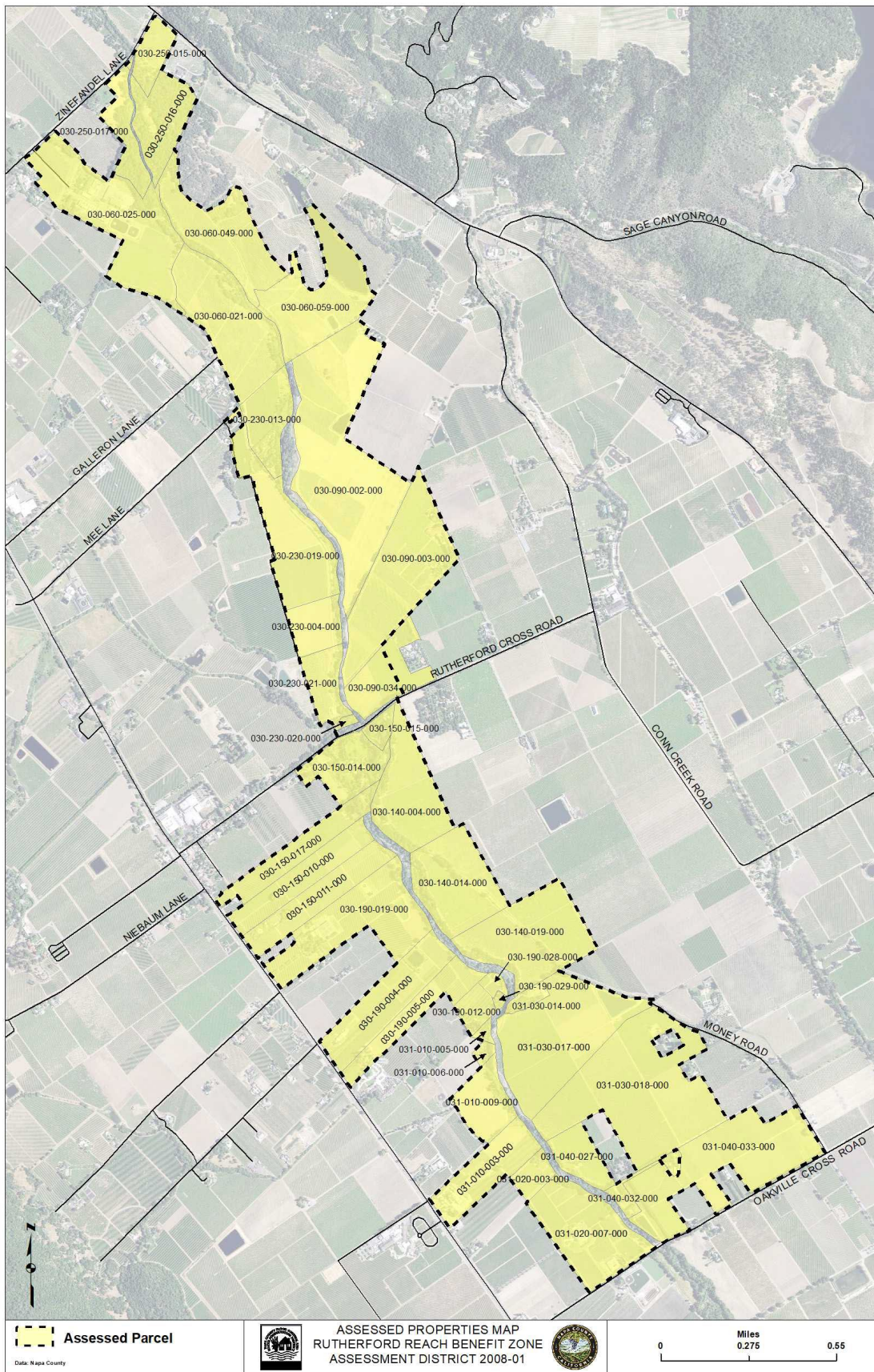
Napa County Flood Control And Water Conservation District
Rutherford Reach Benefit Assessment District
Fiscal Year 2024-2025 Assessment Roll

Total Prelim. Cost Est.: \$98,160
Cost per BA Unit: \$2.08

Assmt. No.	APN	Owner	Mailing Street Address	Mailing City, State and Zip	Land Use	BF	Lineal Frontage	BA Units	Assessment
1	030-060-021-000	FROGS LEAP WINERY	PO BOX 189	RUTHERFORD CA 94573-0189	AGR	1.000	2,770	2,770	\$5,761.60
2	030-060-025-000	E & J GALLO WINERY	105 ZINFANDEL LN	SAINT HELENA, CA 94574	IND	1.000	1,471	1,471	\$3,059.68
3	030-060-049-000	ANGASTON LIMITED LIABILITY COMPANY	PO BOX 505	RUTHERFORD CA 94573-0505	AGR	1.000	2,785	2,785	\$5,792.80
4	030-060-059-000	CLAREVALE LIMITED LIABILITY COMPANY	PO BOX 505	RUTHERFORD CA 94573-0505	AGR	1.000	1,106	1,106	\$2,300.48
5	030-090-002-000	CARPY-CONOLLY I LLC	1241 ADAMS ST #1104	ST HELENA CA 94574	AGR	1.000	4,753	4,753	\$9,886.24
6	030-090-003-000	HONIG VINEYARD AND WINERY LLC	PO BOX 406	RUTHERFORD CA 94573-0406	IND	1.000	1,145	1,145	\$2,381.60
7	030-090-042-000	ROUND POND	PO BOX 556	RUTHERFORD CA 94573	AGR	1.000	671	671	\$1,395.68
8	030-140-004-000	ROUND POND	PO BOX 556	RUTHERFORD CA 94573	AGR	1.000	2,367	2,367	\$4,923.36
9	030-140-014-000	WILSEY DIANE B	2352 PINE ST	SAN FRANCISCO CA 94115	AGR	1.000	1,640	1,640	\$3,411.20
10	030-140-019-000	WILSEY DIANE B	2352 PINE ST	SAN FRANCISCO CA 94115	AGR	1.000	1,654	1,654	\$3,440.32
11	030-150-010-000	PRESTON RICHARD R SUC TR ETAL	3436 LOCHINVAR AVE	SANTA CLARA CA 95051-5163	AGR	1.000	453	453	\$942.24
12	030-150-011-000	PEJU PROVINCE WINERY	8466 ST HELENA HWY	NAPA CA 94558-9732	IND	1.000	451	451	\$938.08
13	030-150-014-000	WILSEY DIANE B	2352 PINE ST	SAN FRANCISCO CA 94115	AGR	1.000	1,647	1,647	\$3,425.76
14	030-150-015-000	MINOTT WESSINGER J	575 MARINA BLVD	SAN FRANCISCO CA 94123	RES	0.950	849	807	\$1,677.62
15	030-150-017-000	STAR VINEYARDS	BOX 306	ST HELENA CA 94574-0306	AGR	1.000	713	713	\$1,483.04
16	030-190-004-000	FOLEY FAMILY FARMS LLC	1701 VILLAGE CENTER CIR	LAS VEGAS NV 89134	AGR	1.000	596	596	\$1,239.68
17	030-190-005-000	SEQUOIA GROVE VINEYARDS	8338 ST HELENA HWY	NAPA CA 94558-9729	AGR	1.000	626	626	\$1,302.08
18	030-190-019-000	ST SUPERY WINERY	PO BOX 38	RUTHERFORD CA 94573-0038	IND	1.000	1,399	1,399	\$2,909.92
19	030-190-028-000	FROSTFIRE VINEYARDS LLC	4060 SILVERADO TRAIL	CALISTOGA CA 94515	AGR	1.000	608	608	\$1,264.64
20	030-190-029-000	FROSTFIRE VINEYARDS LLC	4060 SILVERADO TRAIL	CALISTOGA CA 94515	RES	0.950	325	309	\$642.20
21	030-230-004-000	CJW ESTATE VINEYARDS LLC	PO BOX 268	RUTHERFORD CA 94573	AGR	1.000	835	835	\$1,736.80
22	030-230-021-000	ROUND POND	PO BOX 556	RUTHERFORD CA 94573	AGR	1.000	1,272	1,272	\$2,645.76
23	030-230-014-000	CJW ESTATE VINEYARDS LLC	PO BOX 35	RUTHERFORD CA 94573	AGR	1.000	778	778	\$1,618.24
24	030-230-032-000	CJW ESTATE VINEYARDS LLC	PO BOX 35	RUTHERFORD CA 94573	AGR	1.000	1,122	1,122	\$2,333.76
25	030-230-033-000	EMMOLO VINEYARDS	1085 GALLERON RD	ST HELENA CA 94574-9790	AGR	1.000	2,327	2,327	\$4,840.16
26	030-250-015-000	ZANINOVICH MARKO B & THEO SCOTT	RT 1 BOX 910	DELANO CA 93215-9614	AGR	1.000	365	365	\$759.20
27	030-250-016-000	2ND BASE LLC	32 HUTTON LN	COLORADO SPRINGS CO 80906	URES	0.500	2,140	1,070	\$2,225.60
28	030-250-017-000	2ND BASE LLC	32 HUTTON LN	COLORADO SPRINGS CO 80906	URES	0.500	1,932	966	\$2,009.28
29	031-010-003-000	FN LAND (NICKLE & NICKLE)	PO BOX 327	OAKVILLE CA 94562-0327	AGR	1.000	671	671	\$1,395.68
30	031-010-005-000	HURT WILLIAM LON & HOLLY JOY	PO BOX 672	VICTOR IDAHO 83455	AGR	1.000	593	593	\$1,233.44
31	031-010-006-000	GLOS ROBERT L	1416 46TH ST	SACRAMENTO CA 95819-4141	RES	0.950	117	111	\$231.19
32	031-010-009-000	CAKEBREAD JOHN E & DOLORES E TR ETAL	PO BOX 216	RUTHERFORD CA 94573-0216	AGR	1.000	1,139	1,139	\$2,369.12
33	031-020-007-000	OPUS ONE	PO BOX 6	OAKVILLE CA 94562	IND	1.000	2,099	2,099	\$4,365.92
34	031-020-011-000	FERRIER MICHAEL & FLORES E NAIR TR	25 CREST RD	PIEDOMONT CA 94611	AGR	1.000	265	265	\$551.20
35	031-020-013-000	FN LAND (NICKLE & NICKLE)	PO BOX 327	OAKVILLE CA 94562-0327	AGR	1.000	226	226	\$470.08
36	031-030-014-000	EL ENCINO LLC	PO BOX 107	OAKVILLE CA 94562	RES	0.950	317	301	\$626.39
37	031-030-017-000	LAIRD KENNETH E & GAIL S TR	5135 SOLANO AVE	NAPA CA 94558	AGR	1.000	2,002	2,002	\$4,164.16
38	031-030-018-000	LAIRD KENNETH E & GAIL S TR	5135 SOLANO AVE	NAPA CA 94558	AGR	1.000	426	426	\$886.08
39	031-040-027-000	LEVY JILL M & REY BRADLEY L	7761 MONEY RD	NAPA CA 94558	AGR	1.000	1,331	1,331	\$2,768.48
40	031-040-032-000	CLARKE SWANSON W JR	PO BOX 148	OAKVILLE CA 94562-0148	AGR	1.000	624	624	\$1,297.92
41	031-040-033-000	1000 OAKVILLE CROSS ROAD LLC	1040 MAIN ST STE 204	NAPA CA 94559	AGR	1.000	699	699	\$1,453.92
							49,309	47,193	\$98,160.61

Notes:
Parcel data obtained from Napa County GIS Database, March 2024

**APPENDIX 2
ASSESSED PROPERTIES MAP**



**NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT RESOLUTION NO. 2024- (FC)**

**RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR
FISCAL YEAR 2024-2025 FOR RUTHERFORD REACH
BENEFIT ZONE ASSESSMENT DISTRICT 2008-1 AND
AUTHORIZING NOTICE OF PROTEST HEARING**

The Board of Directors (“Board”) of the Napa County Flood Control and Water Conservation District (“District”), pursuant to the Napa County Flood Control and Water Conservation District Act (“District Act”), as stated in Appendix to the Water Code, chapter 61, hereby **FINDS, DETERMINES, AND RESOLVES** as follows:

Section 1. Recitals. The Board finds the following recitals to be true and correct:

a. By Board Resolution Nos. 08-09 (FC) and 08-13 (FC), and in accordance with the procedures provided by the District Act and the Brown Act (Government Code sections 54950 et seq.), the Board created the zone for and approved the Rutherford Reach Benefit Zone Assessment District 2008-1 (hereinafter referred to as “the Project”); conducted a mail-in ballot vote of property owners and gave notice of and held a public hearing; and at the conclusion of the public hearing, levied assessments to fund the Project for the 2008-2009 Fiscal Year because the total votes in favor of the assessment by the owners of property within the assessment district exceeded the total number in opposition to the assessment and approved an assessment methodology under which future assessments for the Project could be adjusted for inflation or deflation as well as for changes in use of individual assessed properties without such adjustments being considered an assessment increase.

b. On or before March 15, 2024, the District Engineer filed with the District Secretary (“Clerk”) an updated Project Report (“Project Report for 2024-2025”) analyzing the status of the Project, applying the previously-approved assessment levy and adjustment methodology to each non-exempt assessable property within the Project zone, and recommending that the Project can be adequately funded for the 2024-2025 Fiscal Year without a change in assessment methodology or an increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology.

c. Following notification by the Board in the manner required by the District Act, including publication two times over a ten-day period and posting in one public place, the Board held a public hearing on April 16, 2024, to consider approval of the Project Report for Fiscal Year 2024-2025 and adoption of a Resolution of Intention to levy assessments for Fiscal Year 2024-2025 in accordance with said Report.

Section 2. Acceptance of Report. Having reviewed and considered the Project Report for Fiscal Year 2024-2025 and all evidence submitted in relation thereto at the public hearing thereon held on April 16, 2024, this Board hereby accepts the Project Report for Fiscal Year 2024-2025 without modification.

Section 3. Declaration of Intention to Levy Assessments for Fiscal Year 2024-2025.

Based upon the original Project Report on file with this Board, the Project Report for Fiscal Year 2024-2025, and evidence submitted in relation thereto at the public hearing held on April 16, 2024, this Board hereby declares its intention to levy assessments for the Rutherford Reach Benefit Zone Assessment District 2008-1 for the 2024-2025 Fiscal Year in the manner and amounts recommended by the Project Report for 2024-2025. In adopting this Resolution of Intention, the Board further determines as follows:

a. The description of the Rutherford Reach Benefit Zone Assessment District 2008-1, the participating properties, and the assessment methodology shall continue to be as described in the original Project Report as modified by the Board when approving the Project in 2008 and levying the Project assessments for the 2008-2009 Fiscal Year.

b. Because the proposed assessments will be the same as approved for the 2008-2009 Fiscal Year, subject only to adjustments for inflation or change in use as provided by the methodology previously approved by the Board, the Board determines that the Brown Act does not require the Board to hold a separate public meeting on the assessments for the 2024-2025 Fiscal Year for the Rutherford Reach Benefit Zone Assessment District 2008-1 or to give individualized mailed notice of such proposed assessments and separate public meeting to all potential assessees, but only to give notice of and hold a public protest hearing in the manner prescribed by the District Act for annual assessments proposed to be the same or less than in the previous Fiscal Year.

Section 4. Setting Date, Time, and Place of Public Hearing. The Board hereby fixes Tuesday, May 14, 2024, at the hour of 9:00 a.m. or as soon thereafter as the matter may be heard, in Room 305 of the Napa County Administration Building, 1195 Third Street, Napa, California as the time and place for conducting a public protest hearing on the proposed levy of assessments for the Rutherford Reach Benefit Zone Assessment District 2008-1 for the 2024-2025 Fiscal Year.

Section 5. Manner of Notification of Public Protest Hearing. The Clerk is hereby authorized and directed to give notice of the public protest hearing set by this Resolution of Intention for May 14, 2024, in the manner required by the District Act and the Government Code, including publication of the notice at least once seven days prior to the hearing in a newspaper of general circulation published in the District and mailing or personal delivery of the notice to the chief administrative officer of Napa County by April 22, 2024. The notice shall include a copy of this Resolution of Intention and a description of protest rights.

Section 6. Resolution Effective Immediately. This Resolution shall take effect immediately upon its adoption.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

THE FOREGOING RESOLUTION OF INTENTION WAS PASSED AND ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting thereof on April 16, 2024, by the following vote, with the number following each voting Director indicating the number of votes cast by the Director:

AYES: DIRECTORS

NOES: DIRECTORS

ABSTAIN: DIRECTORS

ABSENT: DIRECTORS

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT, a special
district of the State of California

By: _____
SCOTT SEDGLEY, Chairperson of the Board of
Directors

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy District Counsel</p> <p>Date: March 13, 2024</p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By:</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
---	--	--