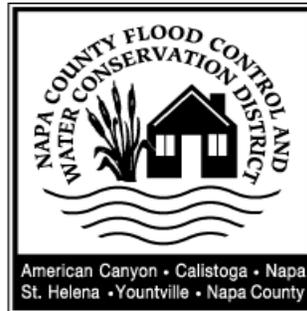


Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Tuesday, April 15, 2025

9:00 AM

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

Flood Control and Water Conservation District

Joelle Gallagher, District 1 (Chairperson)
Scott Sedgley, City of Napa (Vice Chairperson)
Liz Alessio, District 2
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
Christopher DeNatale, City of Napa
Belia Ramos, District 5
Pierre Washington, City of American Canyon

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 18, 2025 and March 25, 2025 meetings. [25-617](#)

Attachments: [March 18, 2025](#)
[March 25, 2025](#)

4. PRESENTATIONS AND COMMENDATIONS

5. CONSENT ITEMS

- A. Approve a Budget Amendment to increase appropriations for Watershed Projects and Flood Control Projects to fund Fleet Management Charges for Fiscal Year 2024-25. (Fiscal Impact \$10,544 Expense; Flood District Fund; Not Budgeted; Discretionary) [25-537](#)
[4/5 vote required]

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 - Intention To Levy And Collect Assessments For Joint Zone Project 96-1 (Maintenance And Watershed Management) [25-367](#)

Conduct a public hearing to accept the Engineer's Report for Fiscal Year 2025-2026 and adopt a Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2025- 2026 for Joint Zone Project 96-1 (Maintenance and Watershed Management) and authorizing the notice of protest hearing. (No Fiscal Impact)

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

- B. PUBLIC HEARING - Authorization Of The Rutherford Reach Benefit Zone Assessment District For Fiscal Year 2025-2026 [25-368](#)**

Conduct a public hearing to accept the Engineer's Report for the Rutherford Reach Benefit Zone Assessment District 2008-01 for Fiscal Year 2025-2026. (No Fiscal Impact)

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

- C. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, Floodwalls North of the Bypass [25-546](#)**

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044- 301-029 owned by Allan Nicholson and Connie Lee, Husband and Wife, as Community Property with Right of Survivorship. (No Fiscal Impact; Discretionary) [2/3 vote required]

Attachments: [Resolution](#)
[Exhibit A](#)
[Exhibit B](#)
[Exhibit C](#)
[Exhibit D](#)

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

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-539](#)**
(Government Code section 54956.8)
Properties: APN 044-320-059
Negotiating Party: Richard Thomasser, Flood District Manager,
River Glen Homeowners Assoc
Under Negotiation: Price/Terms/Conditions of Payment

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-594](#)**
(Government Code section 54956.8)
Properties: APN 044-301-021
Negotiating Party: Richard Thomasser, Flood District Manager,
Ceja, Jose & Laura M.
Under Negotiation: Price/Terms/Conditions of Payment

- C.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-615](#)
(Government Code section 54956.8)
Properties: APN 044-301-026
Negotiating Party: Richard Thomasser, Flood District Manager,
Gracia, David T. & Leslie Ann
Under Negotiation: Price/Terms/Conditions of Payment
- D.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-545](#)
(Government Code section 54956.8)
Properties: APN 044-301-028
Negotiating Party: Richard Thomasser, Flood District Manager
Lee and Sharon Riggs
Under Negotiation: Price/Terms/Conditions of Payment
- E.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-583](#)
(Government Code section 54956.8)
Properties: APN 044-301-030
Negotiating Party: Richard Thomasser, Flood District Manager,
David and Vickie Tompkins
Under Negotiation: Price/Terms/Conditions of Payment
- F.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-613](#)
(Government Code section 54956.8)
Properties: APN 044-314-002
Negotiating Party: Richard Thomasser, Flood District Manager,
Manley, Benjamin & Lisa
Under Negotiation: Price/Terms/Conditions of Payment
- G.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-597](#)
(Government Code section 54956.8)
Properties: APN 044-314-006
Negotiating Party: Richard Thomasser, Flood District Manager,
Donald and Shelly Gomez
Under Negotiation: Price/Terms/Conditions of Payment
- H.** CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-614](#)
(Government Code section 54956.8)
Properties: APN 044-220-024
Negotiating Party: Richard Thomasser, Flood District Manager,
Lowenstein, Thomas H. & Janice L. Tr
Under Negotiation: Price/Terms/Conditions of Payment

I. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-582](#)
(Government Code section 54956.8)
Properties: APN 044-301-029
Negotiating Party: Richard Thomasser, Flood District Manager,
Allan Nicholson and Connie Lee
Under Negotiation: Price/Terms/Conditions of Payment

J. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-581](#)
(Government Code section 54956.8)
Properties: APN 044-230-004
Negotiating Party: Richard Thomasser, Flood District Manager and
Larry Ellis, Inc.
Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v.
Larry Ellis, Inc., et al
Napa Superior Court Case No. 24CV002139

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, APRIL 29, 2025 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 11, 2025 BY 5:00 P.M. 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:** 4/15/2025

File ID #: 25-617

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

RECOMMENDATION

Approve minutes from the March 18, 2025 and March 25, 2025 meetings.

BACKGROUND

Clerk of the Board/Secretary of the District Board requests approval of minutes from the March 18, 2025 and March 25, 2025 meetings.

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

Joelle Gallagher, District 1 (Chairperson)
Scott Sedgley, City of Napa (Vice Chairperson)
Liz Alessio, District 2
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
Christopher DeNatale, City of Napa
Belia Ramos, District 5
Pierre Washington, City of American Canyon

Tuesday, March 18, 2025

9:00 AM

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

1. CALL TO ORDER; ROLL CALL

Present: Chairperson Joelle Gallagher, Vice-Chairperson Scott Sedgley, Directors Liz Alessio, Anne Cottrell, Christopher DeNatale, Paul Dohring, Irais Lopez-Ortega, Amber Manfree, Marjorie Mohler and Pierre Washington. Director Belia Ramos was excused. The meeting was called to order by Chairperson Joelle Gallagher.

2. PLEDGE OF ALLEGIANCE

District Manager Richard Thomasser led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

A. Approve minutes from the February 11, 2025 meeting.

[25-307](#)

Motion Text: Approve the Minutes.

Voting Yes: Mohler, Lopez-Ortega, Alessio, Cottrell, DeNatale, Dohring, Manfree, Sedgley, Washington, and Gallagher

Voting No: None

Excused: Ramos

Recusals: None

Result: Passed

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

Motion Text: Approve the Consent Calendar as amended.
Voting Yes: Cottrell, Alessio, DeNatale, Dohring, Lopez-Ortega, Manfree, Mohler, Sedgley, Washington, and Gallagher
Voting No: None
Excused: Ramos
Recusals: None
Result: Passed

A. Approve and authorize Amendment No. 5 to Agreement No. F-103 (FC) with Somach, Simmons & Dunn with an annual maximum cost of \$120,000 for fiscal year 2024-25 for specialized services necessary to advise, assist, and represent the District in its dispute over proper interpretation of the 2013 Area of Origin Settlement Agreement with the California Department of Water Resources (DWR). (Fiscal Impact: \$60,000 Expense; Flood District-Water Supply Contracts; Budgeted; Discretionary) [25-311](#)

Item pulled for discussion. See item 6.

Enactment No: F-103 (FC) Amend. 5

B. Approve and authorize Amendment No. 1 to Agreement No. 230184B (FC) with Miller Starr Regalia, increasing the maximum amount by \$500,000 to a new total of \$700,000 to further provide legal services with the majority of the expected work being in support of the Floodwalls North of the Bypass Project’s land acquisition phase and approval of Budget Amendment increasing Legal Services appropriations offset by the decrease of Land appropriations. (Fiscal Impact: \$500,000 Expense, Flood Project Budget, Not budgeted; Discretionary) [25-369](#)
 [4/5 vote required]

Item pulled for discussion. See Item 6.

Enactment No: A-230184B (FC) Amend. 1

C. Approve and authorize Purchase and Sale Agreement No. 250060B (FC) for the acquisition of one Flood Protection Levee Easement, one Slope Easement, and one Temporary Construction Easement on property located at 2414 Shoreline Drive (APN 044-314-004), Napa, California owned by Owen Gray and Marianne Gray, at a price of \$55,750 and authorize the District Manager to sign related real estate documents on behalf of the District. (Fiscal Impact: \$55,750 Expense; Flood Project; Budgeted; Discretionary) [25-370](#)

Enactment No: A-250060B (FC)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

- 5A

District Manager Richard Thomasser made presentation.

Engineering Manager - Water Resources Chris Silke made presentation.

Discussion held.

Motion Text: Approve the requested actions.

**Voting Yes: Alessio, Dohring, Cottrell, DeNatale, Lopez-Ortega,
Manfree, Mohler, Sedgley, Washington, and Gallagher**

Voting No: None

Excused: Ramos

Recusals: None

Result: Passed

- 5B

District Manager Richard Thomasser made presentation.

Engineering Manager - Water Resources Chris Silke made presentation.

Discussion held.

Motion Text: Approve the requested actions.

**Voting Yes: Alessio, Dohring, Cottrell, DeNatale, Lopez-Ortega,
Manfree, Mohler, Sedgley, Washington, and Gallagher**

Voting No: None

Excused: Ramos

Recusals: None

Result: Passed

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

- A. Discussion and direction regarding continued membership of the North Bay Watershed Association (NBWA) and reassignment of District Board representative. (Fiscal Impact: \$6,000 Expense, Flood District - Watershed Projects, Discretionary) [25-292](#)

Watershed and Flood Control Operations Manager Jeremy Sarrow made presentation.

District Manager Richard Thomasser made presentation.

Discussion held.

Motion Text: Appoint Director Marjorie Mohler as the representative and Director Irais Lopez-Ortega as the alternate to the North Bay Watershed Association and for staff to bring back a future agenda item on the different regional water agencies and the possibility of some of them merging.

Voting Yes: Mohler, Cottrell, Alessio, Dohring, DeNatale, Lopez-Ortega, Manfree, Washington, and Sedgley

Voting No: None

Excused: Gallagher and Ramos

Recusals: None

Result: Passed

- B. Presentation on the annual water supply outlook for Napa County and its communities. (No Fiscal Impact) [25-312](#)

Engineering Manager - Water Resources Chris Silke made presentation.

Discussion held.

9. PUBLIC HEARINGS

None

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

District Manager Richard Thomasser reported on the 100% plans and specs to be delivered by the end of the month for backcheck. Also, Thomasser reminded the Board that there is a meeting on Tuesday, March 25, 2025 at 1:30pm. One item of importance is a possible adoption of the Subsequent Environmental Impact Report for the Floodwalls North of the Bypass project. There are also Hearings of Necessity on the agenda that will require a 2/3 vote. Based on this Thomasser urged the Board to provide availability as soon as possible. Secondly, there is a target month of June for the Project Partnership Agreement for the United States Army Corp of Engineers. Acquisition should take place by September. The status of the remaining property acquisitions are as follows: 16 remain in negotiations, 6 in litigation, 23 acquired or in escrow, and all properties need to be acquired by the end of September. Deputy County Counsel Shana Bagley requested that District Manager Thomasser report out the following: There is a property on the corner of Soscol and McKinstry known as the “nosecone parcel” next to the Wine Train parking lot's vacant lot, that on 11/1/2005, the Board declared 1317 McKinstry Street as surplus property (a vacant parcel over half an acre). The District staff would like to move forward to formally surplus the land in pursuant to the Surplus Land Act under the government code and to begin the process of selling the parcel. Since the Board has already declared it as surplus, staff can begin to move towards the next step of notifying local public agencies and housing sponsors.

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS

Director Anne Cottrell reported on a conversation with a member of the public in regard to improving fish habitats and creeks within Napa County and how obstructions can be removed from the creeks. She requested information from staff on the Flood Control and Water Conservation District’s involvement.

Discussion held.

Director Amber Manfree reported on attending a Groundwater Sustainability Technical Advisory Group Meeting and wanted to provide an update regarding a presentation provided by the Regional Director of California Trout Jacob Katz on how to improve fish habitats for fish in the watershed.

12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-453](#)
(Government Code section 54956.8)
Properties: APN 044-301-027
Negotiating Party: Richard Thomasser, Flood District Manager
Pinnkathok, Chamroeun
Under Negotiation: Price/Terms/Conditions of Payment
Closed Session held. No reportable action.
- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-361](#)
(Government Code Section 54956.8)
Properties: APN 044-301-022
Negotiating Party: Richard Thomasser, Flood District Manager
Elise Nerlove
Under Negotiation: Price/Terms/Conditions of Payment
Closed Session held. No reportable action.
- C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-401](#)
(Government Code section 54956.8)
Properties: APN 044-230-005
Negotiating Party: Richard Thomasser, Flood District Manager
Bess, David W. et al
Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v.
David W. Bess, Ray Bertolucci, et al
Napa Superior Court Case No. 24CV002234
Closed Session held. No reportable action.
- D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-404](#)
(Government Code Section 54956.8)
Properties: APN 044-230-004
Negotiating Party: Richard Thomasser, Flood District Manager
Larry Ellis, Inc.
Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v.
Larry Ellis, Inc., et al
Napa Superior Court Case No. 24CV002139
Closed Session held. No reportable action.

- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-397](#)
(Government Code section 54956.8)
Properties: APN 044-230-006
Negotiating Party: Richard Thomasser, Flood District Manager
Mark Anthony Grassi & Jami Lee Tr
Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v. Mark
Anthony Grassi and Jami Lee Grassi, Trustees Of The 1992 Grassi F et al
Napa Superior Court Case No. 24CV002146

Closed Session held. No reportable action.

- F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-318](#)
(Government Code section 54956.8)
Properties: APNs 044-230-002, 044-230-003
Negotiating Party: Richard Thomasser, Flood District Manager, Cruz
Calderon Jose et al
Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v. Jose Cruz
Calderon, et al
Napa Superior Court Case No. 24CV002127

Closed Session held. No reportable action.

- G. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-466](#)
(Government Code section 54956.8)
Properties: APN 044-301-028, -029, -030, 033, and 044-314-006
Negotiating Party: Richard Thomasser, Flood District Manager
Property Owners: Sharon and Lee Riggs, Allan and Connie Nicholson,
David and Vickie Tompkins, and Donald and Shelley Gomez
Under Negotiation: Price/Terms/Conditions of Payment

Closed Session held. No reportable action.

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, MARCH 25, 2025 AT
1:30 PM.**

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Meeting Minutes

Napa County Flood Control and Water Conservation District

Joelle Gallagher, District 1 (Chairperson)
Scott Sedgley, City of Napa (Vice Chairperson)
Liz Alessio, District 2
Anne Cottrell, District 3
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
Christopher DeNatale, City of Napa
Belia Ramos, District 5
Pierre Washington, City of American Canyon

Tuesday, March 25, 2025

1:30 PM

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

1. CALL TO ORDER; ROLL CALL

Present: Chairperson Joelle Gallagher, Vice-Chairperson Scott Sedgley, Directors Liz Alessio, Anne Cottrell, Christopher DeNatale, Paul Dohring, Irais Lopez-Ortega, Amber Manfree, Marjorie Mohler, Belia Ramos and Pierre Washington. The meeting was called to order by Chairperson Joelle Gallagher.

2. PLEDGE OF ALLEGIANCE

Director Christopher DeNatale led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

None

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

Motion Text: Approve the Consent Calendar.
Voting Yes: Mohler, Washington, Alessio, Cottrell, DeNatale, Dohring, Lopez-Ortega, Manfree, Ramos, Sedgley, and Gallagher
Voting No: None
Recusals: None
Result: Passed

A. Approve and authorize Purchase and Sale Agreement No. 250063B (FC) for the acquisition of one Flood Protection Levee Easement, one Slope Easement, one Public Water Utility Easement and one Temporary Construction Easement on property located at 2446 Shoreline Drive (APN 044-301-022), Napa, California owned by Elise G. Nerlove, at a price of \$47,500 and authorize the District Manager to sign related real estate documents on behalf of the District. (Fiscal Impact: \$47,500 Expense; Flood Project; Budgeted; Discretionary) [25-444](#)

Enactment No: A-250063B (FC)

B. Accept and file the Financial Audit Report and the Single Audit Report of Federal Awards for the fiscal year ended June 30, 2024, completed by Brown Armstrong, CPAs. (No Fiscal Impact) [25-446](#)

C. Adopt a Resolution related to the Napa River/Napa Creek Flood Protection Project - Increment 2, Floodwalls North of the Bypass; adopting findings, a statement of overriding considerations, a mitigation monitoring and reporting program, and certification of the Final Subsequent Environmental Impact Report (SEIR) pursuant to the California Environmental Quality Act (CEQA) for the Napa River/Napa Creek Flood Protection Project - Increment 2, Floodwalls North of the Bypass. (No Fiscal Impact, Mandatory) [25-450](#)

Enactment No: R-2025-02 (FC)

D. Approve and authorize Purchase and Sale Agreement No. 250065B (FC) for the acquisition of one Flood Protection Levee Easement, one Public Water Utility Easement, one Slope Easement and one Temporary Construction Easement on property located at 2436 Shoreline Drive (APN 044-301-027), Napa, California owned by Chamroeun Pinnkathok, at a price of \$50,000 and authorize the District Manager to sign related real estate documents on behalf of the District. (Fiscal Impact: \$50,000 Expense; Flood Project; Budgeted; Discretionary) [25-467](#)

Enactment No: A-250065B (FC)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

None

9. PUBLIC HEARINGS

- A. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, Floodwalls North of the Bypass

[25-436](#)

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-204-003 owned by California Vacation Holdings Group LLC, a Florida limited liability company. (No Fiscal Impact; Discretionary)
 [2/3 vote required]

Chairperson Joelle Gallagher opened the public hearing.

Engineering Technician II Joseph Panchesson made presentation.

Property owner attorney David Ramos made presentation.

Chairperson Joelle Gallagher closed the public hearing.

Discussion held.

Motion Text: Adopt the Resolution.

Voting Yes: Sedgley, Alessio, Cottrell, DeNatale, Dohring, Lopez-Ortega, Manfree, Mohler, Ramos, Washington and Gallagher

Voting No: None

Recusals: None

Result: Passed

Enactment No: R-2025-03 (FC)

B. PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, Floodwalls North of the Bypass

[25-464](#)

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-330-082 owned by Elksgrove Homeowners Association Inc. (No Fiscal Impact; Discretionary) [2/3 vote required]

Chairperson Joelle Gallagher opened the public hearing.

Engineering Technician II Joseph Panchesson made presentation.

Chairperson Joelle Gallagher closed the public hearing.

Motion Text: Adopt the Resolution.

Voting Yes: Cottrell, Lopez-Ortega, Alessio, DeNatale, Dohring, Manfree, Mohler, Ramos, Sedgley, Washington and Gallagher

Voting No: None

Recusals: None

Result: Passed

Enactment No: R-2025-04 (FC)

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

District Manager Richard Thomasser reported the County received an increase to its State Water Project Allocation for North of Delta to 60% due to the seasonal precipitation. Lastly, Thomasser stated the April 15, 2025 and April 29, 2025 District Board meetings will be longer than usual due to several expected Resolutions of Necessity that require a vote of 2/3, and for any Directors who may have issues attending either of those meetings to let staff know and hopefully their alternates can attend in their stead.

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 15, 2025 AT
9:00 AM.**

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:** 4/15/2025

File ID #: 25-537

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Supervising Staff Services Analyst
SUBJECT: Increase Appropriations Watershed Projects and Flood Control Projects

RECOMMENDATION

Approve a Budget Amendment to increase appropriations for Watershed Projects and Flood Control Projects to fund Fleet Management Charges for Fiscal Year 2024-25. (Fiscal Impact \$10,544 Expense; Flood District Fund; Not Budgeted; Discretionary)

[4/5 vote required]

BACKGROUND

Fleet charges are broken down into two different types of charges:

1. The allocation which covers Operations and Maintenance and Replacement; and
2. The estimated fuel cost, for which are charged as actuals.

Fees are based on estimates on past year actuals. For Fiscal Year 2024-25, the recommended charges are as follows:

Subdivision 80005-00: \$20,687 for allocation and \$1,606 for fuel estimate - Total of \$22,293

Subdivision 80010-00: \$11,667 for allocation and \$1,800 for fuel estimate - Total of \$13,467

The original budgeted amount for Subdivision 8000500 is \$16,300, a difference of \$5,944 from the recommended charges. And the original budgeted amount for Subdivision 8001000 is \$8,918, a difference of \$4,550 from the recommended charges.

Requested Action:

1. Approval of Budget Amendment for the following (4/5 vote):
 - a. Increase appropriations in the amount of \$5,994 for Fleet Charges within Flood District Fund, (Subdivision 8000500, Account 52906) offset by use of fund balance; and
 - b. Increase appropriations in the amount of \$4,550 for Fleet Charges within Flood District Fund, (Subdivision 8001000, Account 52906) offset by the increase of revenue; and
 - c. Increase revenue in the amount of \$4,550 within Flood District Fund, (Subdivision 8001000,

Account 49900); and

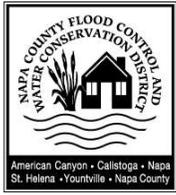
d. Increase appropriations in the amount of \$4,550 within Flood Projects Maintenance - Measure A Fund (Subdivision 8001200, Account 57900) offset by the use of fund balance.

FISCAL & STRATEGIC PLAN IMPACT

| | |
|-----------------------------------|--|
| Is there a Fiscal Impact? | Yes |
| Is it currently budgeted? | No |
| Is it Mandatory or Discretionary? | Discretionary |
| Discretionary Justification: | The Flood District relies on the Fleet Department for the maintenance of three vehicles. |
| Is the general fund affected? | No |
| Future fiscal impact: | The Flood District will continue to budget for Fleet charges in future fiscal years. |
| Consequences if not approved: | The Flood District would not be able to pay for Fleet Charges for Fiscal Year 2024-25 |

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.



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:** 4/15/2025

File ID #: 25-367

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

RECOMMENDATION

PUBLIC HEARING - 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 2025-2026 and adopt a Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2025- 2026 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 2025-2026. 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 13, 2025, 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 2025-2026. |
| 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 2025-2026 budget. |

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This action is statutorily exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, title 14, 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 section 15273, subs. (1), (2), and (4).

**NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT RESOLUTION NO. 2025-___ (FC)**

**RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2025-
2026 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 13, 2025, the District Engineer filed with the Secretary (“Clerk”) an updated Project Report (“Project Report for 2025-2026”) 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 2025-2026 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 15, 2025, to consider approval of the Project Report for 2025-2026 and adoption of a Resolution of Intention to levy assessments for 2025-2026 in accordance with said Report.

Section 2. Acceptance of Report. Having reviewed and considered the Project Report for 2025-2026 and all evidence submitted in relation thereto at the public hearing thereon held on April 15, 2025, this Board hereby accepts the Project Report for 2025-2026 without modification.

Section 3. Declaration of Intention to Levy Assessments for Fiscal Year 2025-2026.

Based upon the original Project Report on file with this Board, the Project Report for 2025-2026, and evidence submitted in relation thereto at the public hearing held on April 15, 2025, this Board hereby declares its intention to levy assessments for Joint Zone Project 96-1 for the 2025-2026 Fiscal Year in the manner and amounts recommended by the Project Report for 2025-2026. As provided by the original Project Report, the Project Report for 2025-2026, 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 2025-2026 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 13, 2025, 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 2025-2026 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 13, 2025, 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 22, 2025. 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 15, 2025, 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

JOELLE GALLAGHER
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: <u>March 17, 2025</u> [PL No 128698]</p> | <p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____ Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p> | <p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p> |
|---|---|--|

MAINTENANCE AND WATERSHED PROGRAMS PROJECT NO. 96-1

Project Report for Fiscal Year 2025-2026



March 15, 2025

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



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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) 2025-2026, 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 River (Barker Slough) 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.

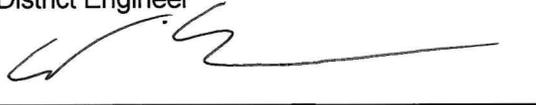
Pursuant to Sections 61-10 of the Act, the District Engineer has created and filed this report containing the matters specified by said Section 61-10. Included are the items specified by Subsection 61-10(5) in conjunction with the levying of annual assessments under Section 61-13.5.

CERTIFICATIONS

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

Dated: March 15, 2025

ANDREW BUTLER, PE
District Engineer



I HEREBY CERTIFY that the enclosed Project Report, together with the Assessment, was filed with me on the
14 day of March, 2025.

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

By Neha Hoskins

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
_____, 2025.

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 2025-2026 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 2024-2025 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 the Napa County Airport to remove sediment from two box culverts located under the runway to improve channel conditions and reduce flooding. The District also performed sediment removal on American Canyon Creek and vegetation management at several 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.

The District also removed sediment from the Yountville Collector at Hopper Creek in the town of Yountville and from Napa Creek in the City of Napa 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 2025-2026 the District will again manage sediment, vegetation, remove trash and complete riparian enhancement and restoration projects 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 2024-2025, 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 2025-2026 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 FY 2024-2025. Funds for the FY 2025-2026 budget will be allocated again to maintain the two dredge disposal sites and file a Notice of Completion with the SWRCB.

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. One cost share project was completed in FY 2024-2025 and none the previous FY. However District staff will continue to support the community's utilization of the cost-share program as projects are brought to the District for consideration for FY 2025-2026.

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 2025-2026 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 2024-2025 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 2025-2026.

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 was awarded grants from the WCB and EPA for implementation of Group C of Bale Slough/Bear Creek restoration project, this project is currently schedule for implementation in FY 25-26 .

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 2025-2026 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 benefit zones: Napa River Watershed, City of Napa, and Districtwide.

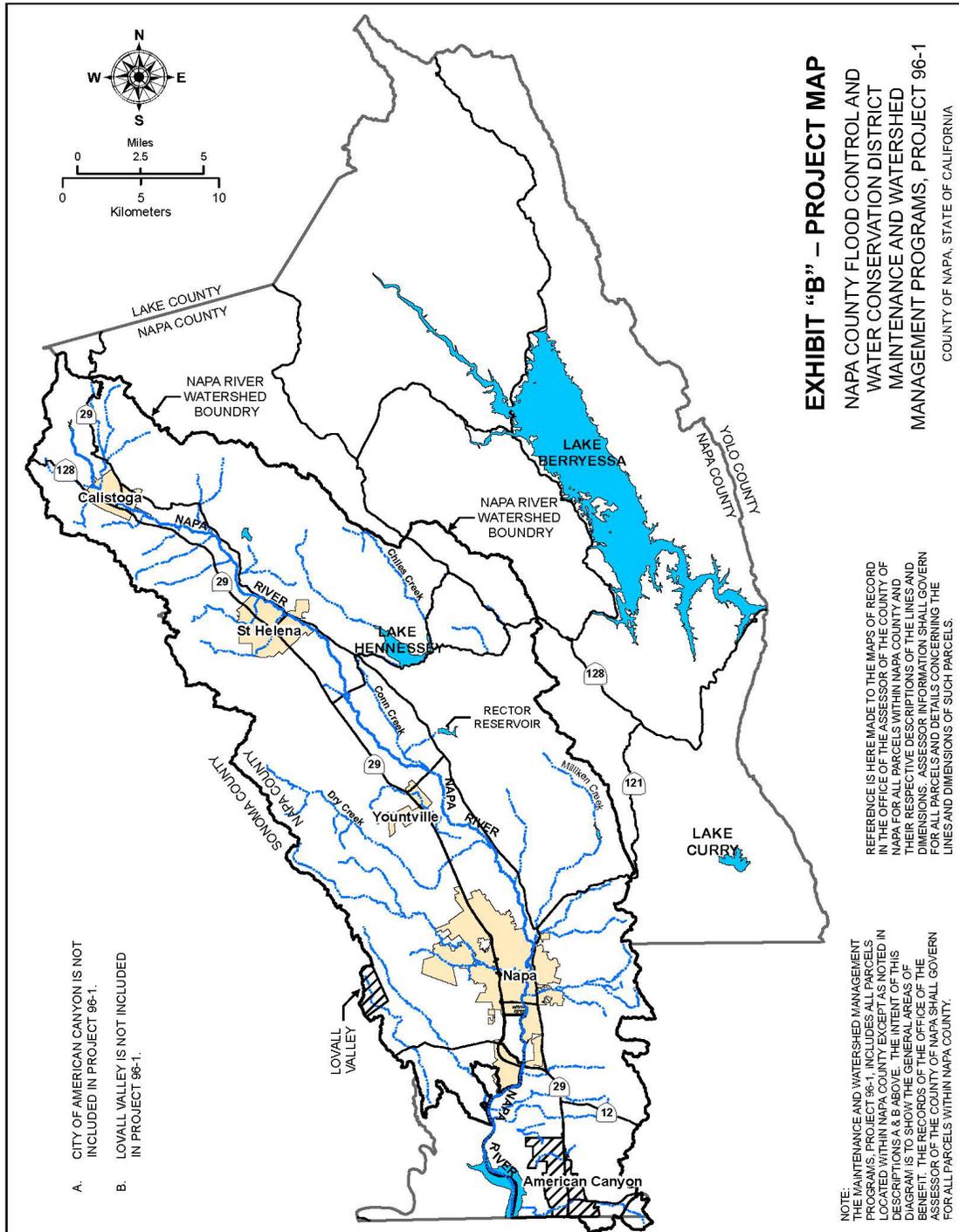


EXHIBIT C: ESTIMATE OF COST

The following is the proposed District expenditure plan for the estimated assessment revenues to be collected during FY 2025-2026. 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 2025-2026 Assessment Revenue | Reserve | Grants/Other Funding | Total Budget FY2025-2026 |
|---|--|----------------|-----------------------------|---------------------------------|
| 1. Install and operate Countywide early warning system for flooding | \$110,200 | | | \$110,200 |
| 2. Clear and maintain channels within District easements (13 miles) | \$429,100 | | | \$429,100 |
| 3. Clear problem areas within the River and its tributaries | \$445,100 | | \$100,000 | \$545,100 |
| 4. Napa River navigation dredge site maintenance | \$40,000 | | | \$40,000 |
| 5. Bank stabilization and repair | \$100,000 | | | \$100,000 |
| | Subtotal | | | \$1,224,400 |
| | \$1,124,400 | | | \$1,224,400 |
| 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 | \$45,000 | | | \$45,000 |
| 9. Administration | \$86,000 | | \$10,000 | \$96,000 |
| | Subtotal | | \$10,000 | \$352,057 |
| | \$342,057 | | \$10,000 | \$352,057 |
| | TOTAL | | \$110,000 | \$1,576,457 |
| | \$1,466,457 | | \$110,000 | \$1,576,457 |

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 2025-2026 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 2025-2026 is \$1,577,360.

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 2025 the District Board approved the Project Report for FY 2025-2026, which laid out the assessment rates per BAU for each benefit zone as follows:

FISCAL YEAR 2024-2025

| BUDGET CATEGORY | BENEFIT ZONE | | |
|---|----------------------|----------------|----------------|
| | Napa River Watershed | City of Napa | Districtwide |
| Napa River & Tributary Maintenance \$/BAU | \$16.06 | \$16.06 | \$0.00 |
| Watershed Management Programs \$/BAU | \$12.14 | \$7.91 | \$12.14 |
| TOTAL \$/BAU | \$28.20 | \$23.96 | \$12.14 |

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 2024 to March 2025 resulted in a 1.4% reduction; therefore, it is recommended to the Board that the total assessment rate be reduced accordingly for FY 2025-2026. The proposed assessment rates for FY 2025-2026 are therefore:

FISCAL YEAR 2025-2026

| BUDGET CATEGORY | BENEFIT ZONE | | |
|---|----------------------|----------------|----------------|
| | Napa River Watershed | City of Napa | Districtwide |
| Napa River & Tributary Maintenance \$/BAU | \$15.82 | \$15.82 | \$0.00 |
| Watershed Management Programs \$/BAU | \$11.98 | \$7.80 | \$11.98 |
| TOTAL \$/BAU | \$27.80 | \$23.62 | \$11.98 |

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

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:** 4/15/2025

File ID #: 25-368

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Supervising Staff Services Analyst
SUBJECT: Engineer's Report - Rutherford Reach Benefit Zone

RECOMMENDATION

PUBLIC HEARING - Authorization Of The Rutherford Reach Benefit Zone Assessment District For Fiscal Year 2025-2026

Conduct a public hearing to accept the Engineer's Report for the Rutherford Reach Benefit Zone Assessment District 2008-01 for Fiscal Year 2025-2026. (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 an assessment, if required for a given Fiscal Year, to continue funding the District's programs, the District Board must hold annual protest hearings to hear any protest against any proposed assessments and the Engineers Report. Therefore, this public hearing begins the process by reviewing any proposed assessments and the report. Once the District Board conducts the public hearing, accepts the Engineer's Report and adopts the Resolution, the process is complete and the assessment district is authorized. Additionally, a copy of the Notice and the Resolution will be delivered to the Clerk of the Board.

The District believes it is in the best interests of the Assessment District, and the affected property owners, to not levy an assessment for Fiscal Year 2025-2026 as a sufficient fund balance exists to carry out required annual maintenance and monitoring activities proposed in the Report. Therefore, no assessments will be levied

for Fiscal Year 2025-2026.

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 acceptance of the engineer's annual report as to the Rutherford Reach Benefit Zone Assessment District 2008-01. |
| Is the general fund affected? | No |
| Consequences if not approved: | Routine maintenance activities in the upcoming fiscal year will not be completed. |

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: This action is statutorily exempt from the California Environmental Quality Act (CEQA) under California Code of Regulations, title 14, 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 section 15273, subds. (1), (2), and (4).
0.

**RUTHERFORD REACH BENEFIT ZONE
ASSESSMENT DISTRICT 2008-01**

**Engineer's Report for
Fiscal Year 2025-2026**

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



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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 (“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” (“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 when levied for a given Fiscal Year and denominates them as “Assessments;”

NOW, THEREFORE, the following Assessments outlined in the Engineer’s Cost Estimate and Maintenance Budget below have been made to cover the portion of the estimated cost to perform Maintenance activities for Fiscal Year 2025-2026 and the costs and expenses incidental there to be paid by the Assessment fund:

ENGINEER’S COST ESTIMATE AND MAINTENANCE BUDGET

| Maintenance Budget Item | | FY 2025-2026 |
|--------------------------------|---|---------------------|
| 1 | Invasive and Pierce host vegetation plant management, replacement planting and irrigation | \$30,000 |
| 2 | Trash and debris removal and relocation of large woody debris | \$2,500 |
| 3 | Streambank erosion control and aquatic habitat structure maintenance | \$90,000 |
| 4 | Annual surveys, development of work plans and reports, assessment management. | \$14,850 |
| 5 | Monitoring* | \$47,950* |
| TOTAL | | \$185,300 |

*Includes once every 5-year (*quinquennial*) channel cross section and comprehensive habitat surveys.

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 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 requires 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 several 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

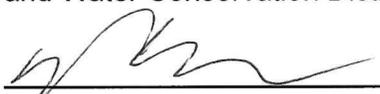
Appendix 1 contains a list of the names and addresses of all property owners within the Maintenance Assessment District. The list is indexed to the Assessor's Parcel Numbers of the County of Napa.

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 2025. Each subdivision of land when 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 and Maintenance Budget on Page 1 hereof entitled " Engineers Cost Estimate and Maintenance Budget for Year 2025-2026", 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. Furthermore, it is stated here that assessments will not be levied for Fiscal Year 2025-2026 for the properties within the Rutherford Reach Benefit Zone Assessment District as a sufficient fund balance exists to carry out required annual maintenance and monitoring activities pursuant to the Engineers Cost Estimate and Maintenance Budget for Fiscal Year 2025-2026.

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

 Date: 03/13/25

2. I HEREBY CERTIFY that the enclosed Engineer's Report, together with Assessment, was filed with me on the _____ day of _____, 2025.

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 _____, 2025.

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

By _____

APPENDIX 1
PROPERTIES WITHIN ASSESSMENT DISTRICT

Napa County Flood Control And Water Conservation District
Rutherford Reach Benefit Assessment District
PROPERTIES WITHIN ASSESSMENT DISTRICT

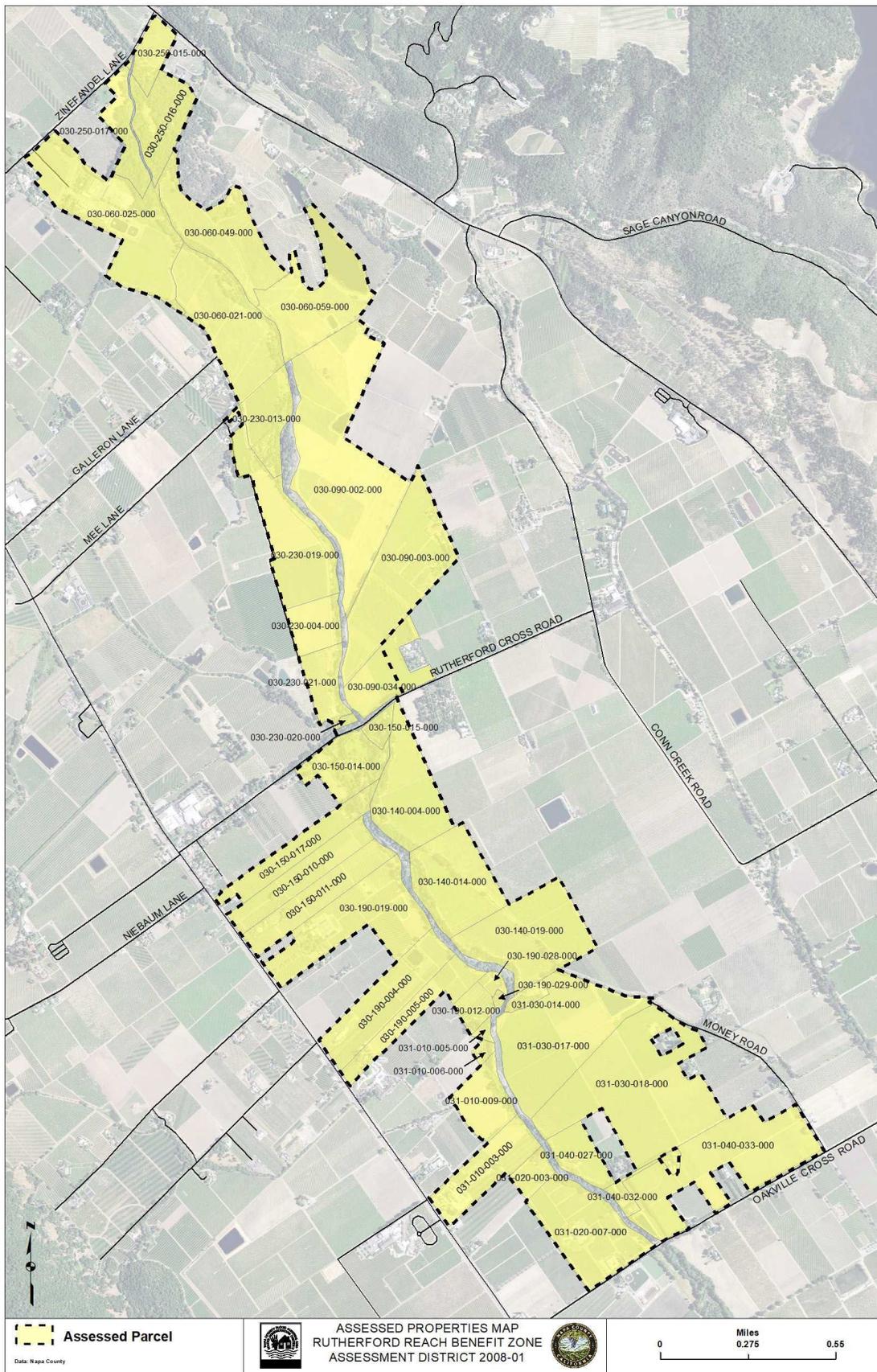
ENGINEER'S COST ESTIMATE AND MAINTENANCE BUDGET: \$185,300

| Assmt. No. | APN | Owner | Mailing Street Address | Mailing City, State and Zip | Land Use | BF | Lineal Frontage | BA Units | Assessment FY 2025-2026 |
|------------|-----------------|--------------------------------------|-------------------------|-----------------------------|----------|-------|-----------------|----------|-------------------------|
| 1 | 030-060-021-000 | FROGS LEAP WINERY | PO BOX 189 | RUTHERFORD CA 94573-0189 | AGR | 1.000 | 2,770 | 2,770 | \$0.00 |
| 2 | 030-060-025-000 | E & J GALLO WINERY | 105 ZINFANDEL LN | SAINT HELENA, CA 94574 | IND | 1.000 | 1,415 | 1,415 | \$0.00 |
| 3 | 030-060-049-000 | ANGASTON LIMITED LIABILITY COMPANY | PO BOX 505 | RUTHERFORD CA 94573-0505 | AGR | 1.000 | 2,785 | 2,785 | \$0.00 |
| 4 | 030-060-059-000 | CLAREVALE LIMITED LIABILITY COMPANY | PO BOX 505 | RUTHERFORD CA 94573-0505 | AGR | 1.000 | 1,106 | 1,106 | \$0.00 |
| 5 | 030-090-002-000 | CARPY-CONOLLY I LLC | 1241 ADAMS ST #1104 | ST HELENA CA 94574 | AGR | 1.000 | 4,753 | 4,753 | \$0.00 |
| 6 | 030-090-003-000 | HONIG VINEYARD AND WINERY LLC | PO BOX 406 | RUTHERFORD CA 94573-0406 | IND | 1.000 | 1,145 | 1,145 | \$0.00 |
| 7 | 030-090-042-000 | ROUND POND | PO BOX 556 | RUTHERFORD CA 94573 | AGR | 1.000 | 671 | 671 | \$0.00 |
| 8 | 030-140-004-000 | ROUND POND | PO BOX 556 | RUTHERFORD CA 94573 | AGR | 1.000 | 2,367 | 2,367 | \$0.00 |
| 9 | 030-140-014-000 | WILSEY DIANE B | 2352 PINE ST | SAN FRANCISCO CA 94115 | AGR | 1.000 | 1,640 | 1,640 | \$0.00 |
| 10 | 030-140-019-000 | WILSEY DIANE B | 2352 PINE ST | SAN FRANCISCO CA 94115 | AGR | 1.000 | 1,654 | 1,654 | \$0.00 |
| 11 | 030-150-010-000 | PRESTON RICHARD R SUC TR ETAL | 3436 LOCHINVAR AVE | SANTA CLARA CA 95051-5163 | AGR | 1.000 | 453 | 453 | \$0.00 |
| 12 | 030-150-011-000 | PEJU PROVINCE WINERY | 8466 ST HELENA HWY | NAPA CA 94558-9732 | IND | 1.000 | 451 | 451 | \$0.00 |
| 13 | 030-150-014-000 | WILSEY DIANE B | 2352 PINE ST | SAN FRANCISCO CA 94115 | AGR | 1.000 | 1,647 | 1,647 | \$0.00 |
| 14 | 030-150-015-000 | MINOTT WESSINGER J | 575 MARINA BLVD | SAN FRANCISCO CA 94123 | RES | 0.950 | 849 | 807 | \$0.00 |
| 15 | 030-150-017-000 | STAR VINEYARDS | BOX 306 | ST HELENA CA 94574-0306 | AGR | 1.000 | 713 | 713 | \$0.00 |
| 16 | 030-190-004-000 | FOLEY FAMILY FARMS LLC | 1701 VILLAGE CENTER CIR | LAS VEGAS NV 89134 | AGR | 1.000 | 596 | 596 | \$0.00 |
| 17 | 030-190-005-000 | SEQUOIA GROVE VINEYARDS | 8338 ST HELENA HWY | NAPA CA 94558-9729 | AGR | 1.000 | 626 | 626 | \$0.00 |
| 18 | 030-190-019-000 | ST SUPERY WINERY | PO BOX 38 | RUTHERFORD CA 94573-0038 | IND | 1.000 | 1,399 | 1,399 | \$0.00 |
| 19 | 030-190-028-000 | FROSTFIRE VINEYARDS LLC | 4060 SILVERADO TRAIL | CALISTOGA CA 94515 | AGR | 1.000 | 608 | 608 | \$0.00 |
| 20 | 030-190-029-000 | FROSTFIRE VINEYARDS LLC | 4060 SILVERADO TRAIL | CALISTOGA CA 94515 | RES | 0.950 | 325 | 309 | \$0.00 |
| 21 | 030-230-004-000 | CJW ESTATE VINEYARDS LLC | PO BOX 268 | RUTHERFORD CA 94573 | AGR | 1.000 | 835 | 835 | \$0.00 |
| 22 | 030-230-021-000 | ROUND POND | PO BOX 556 | RUTHERFORD CA 94573 | AGR | 1.000 | 1,272 | 1,272 | \$0.00 |
| 23 | 030-230-031-000 | CJW ESTATE VINEYARDS LLC | PO BOX 35 | RUTHERFORD CA 94573 | AGR | 1.000 | 778 | 778 | \$0.00 |
| 24 | 030-230-032-000 | CJW ESTATE VINEYARDS LLC | PO BOX 35 | RUTHERFORD CA 94573 | AGR | 1.000 | 1,122 | 1,122 | \$0.00 |
| 25 | 030-230-033-000 | EMMOLO VINEYARDS | 1085 GALLERON RD | ST HELENA CA 94574-9790 | AGR | 1.000 | 2,327 | 2,327 | \$0.00 |
| 26 | 030-250-015-000 | ZANINOVICH MARKO B & THEO SCOTT | RT 1 BOX 910 | DELANO CA 93215-9614 | AGR | 1.000 | 365 | 365 | \$0.00 |
| 27 | 030-250-016-000 | 2ND BASE LLC | 32 HUTTON LN | COLORADO SPRINGS CO 80906 | URES | 0.500 | 2,140 | 1,070 | \$0.00 |
| 28 | 030-250-017-000 | 2ND BASE LLC | 32 HUTTON LN | COLORADO SPRINGS CO 80906 | URES | 0.500 | 1,932 | 966 | \$0.00 |
| 29 | 031-010-003-000 | FN LAND (NICKLE & NICKLE) | PO BOX 327 | OAKVILLE CA 94562-0327 | AGR | 1.000 | 671 | 671 | \$0.00 |
| 30 | 031-010-005-000 | HURT WILLIAM LON & HOLLY JOY | PO BOX 672 | VICTOR IDAHO 83455 | AGR | 1.000 | 593 | 593 | \$0.00 |
| 31 | 031-010-006-000 | GLOS ROBERT L | 1416 46TH ST | SACRAMENTO CA 95819-4141 | RES | 0.950 | 117 | 111 | \$0.00 |
| 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 | \$0.00 |
| 33 | 031-020-007-000 | OPUS ONE | PO BOX 6 | OAKVILLE CA 94562 | IND | 1.000 | 2,099 | 2,099 | \$0.00 |
| 34 | 031-020-011-000 | FERRIER MICHAEL & FLORES E NAIR TR | 25 CREST RD | PIEDOMONT CA 94611 | AGR | 1.000 | 265 | 265 | \$0.00 |
| 35 | 031-020-013-000 | FN LAND (NICKLE & NICKLE) | PO BOX 327 | OAKVILLE CA 94562-0327 | AGR | 1.000 | 226 | 226 | \$0.00 |
| 36 | 031-030-014-000 | EL ENCINO LLC | PO BOX 107 | OAKVILLE CA 94562 | RES | 0.950 | 317 | 301 | \$0.00 |
| 37 | 031-030-017-000 | LAIRD KENNETH E & GAIL S TR | 5135 SOLANO AVE | NAPA CA 94558 | AGR | 1.000 | 2,002 | 2,002 | \$0.00 |
| 38 | 031-030-018-000 | LAIRD KENNETH E & GAIL S TR | 5135 SOLANO AVE | NAPA CA 94558 | AGR | 1.000 | 426 | 426 | \$0.00 |
| 39 | 031-040-027-000 | LEVY JILL M & REY BRADLEY L | 7761 MONEY RD | NAPA CA 94558 | AGR | 1.000 | 1,324 | 1,324 | \$0.00 |
| 40 | 031-040-032-000 | CLARKE SWANSON W JR | PO BOX 148 | OAKVILLE CA 94562-0148 | AGR | 1.000 | 624 | 624 | \$0.00 |
| 41 | 031-040-033-000 | 1000 OAKVILLE CROSS ROAD LLC | 1040 MAIN ST STE 204 | NAPA CA 94559 | AGR | 1.000 | 699 | 699 | \$0.00 |
| | | | | | | | 49,246 | 47,130 | \$0.00 |

Notes:

Parcel data obtained from Napa County GIS Database, March 2025

APPENDIX 2
MAP OF PROPERTIES IN ASSESSMENT DISTRICT



**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2025-__ (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA
COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT ACCEPTING AND APPROVING THE ENGINEER'S
REPORT FOR THE RUTHERFORD REACH BENEFIT ZONE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2025-2026**

(RUTHERFORD REACH BENEFIT ZONE ASSESSMENT DISTRICT 2008-1)

WHEREAS, in 2008, the District Board of the Napa County Flood Control and Water Conservation District (“Board”), by Board Resolution No. 08-09 (FC) formed the Rutherford Reach Benefit Zone Assessment District (“Assessment District”) pursuant to Chapter 61 of the Appendix of the California Water Code, as a mechanism for providing funding for the maintenance benefiting the residents and landowners within the Assessment District; and

WHEREAS, the Board desires to continue to provide for the activities of the Assessment District during Fiscal Year 2025-2026 and to continue to fund such services through the assessment rate methodology and special benefit analysis approved in 2008 by the Board following compliance with the public notice and hearing requirements of Government Code sections 53753 and 54954.6 and approved by the owners of the parcels of real property within the Assessment District pursuant to the requirements of Article XIII D of the California Constitution; and

WHEREAS, pursuant to Article XIII D of the California Constitution and Government Code section 53753, a written Engineer’s Report (“Report”) was prepared at the request of the Board, by a registered professional engineer certified by the State of California, which sets forth the individual assessments for the affected properties necessary to fund the activities of the Assessment District for a given Fiscal Year if required; and

WHEREAS, upon filing the Report with the Board on April 15, 2025, the Board also conducted a public hearing on the Report and for the filing of any objections or protests thereto in the Board of Supervisors’ Meeting Room, Suite 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California; and

WHEREAS, the Secretary of the District Board published notice of the public hearing in a newspaper of general circulation in the County of Napa, as provided in Government Code section 6061; and

WHEREAS, further notice is not required by Proposition 218 because there are no proposed assessments and are, therefore, not considered under Government Code section 53750 to be “increased” or “new” assessments as that term is used in Proposition 218; and

WHEREAS, on April 15, 2025, at the time and place noted above, the Board held a public hearing at which the Board heard and considered all objections and protests filed with respect to the intent not to impose any assessments as recommended in the Report; and

WHEREAS, the Board, having considered the Report and all of the information submitted by the public, believes it is in the best interests of the Assessment District and the affected property owners to not levy an assessment for Fiscal Year 2025-2026 as a sufficient fund balance exists to carry out required annual maintenance and monitoring activities proposed in the Report; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Napa County Flood Control and Water Conservation District as follows:

1. The Board hereby finds and determines that the above recitals are true and correct; and
2. The Board hereby accepts the Engineer's Report for Fiscal Year 2025-2026, dated March 15, 2025, without modification and confirms the contents, budget, and recommendations set forth therein, including the use of sufficient assessment funds to be carried over from the previous year to complete required annual maintenance and monitoring activities.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

THE FOREGOING RESOLUTION 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 15, 2025, by the following vote, the number following each Director's name indicating the number of votes cast by that Director:

AYES: DIRECTORS _____

NOES: DIRECTORS _____

ABSENT: DIRECTORS _____

NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT

JOELLE GALLAGHER
Chairperson of the Board of Directors

| | | |
|--|---|--|
| <p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <i>Shana A. Bagley</i> Deputy County Counsel</p> <p>Date: March 20, 2025 [PL No 128701.3]</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: _____ Deputy Secretary of the District Board</p> | <p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p> |
|--|---|--|



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:** 4/15/2025

File ID #: 25-546

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Andrew Butler - District Engineer
SUBJECT: Hearing to Consider Adoption of a Resolution of Necessity to Authorize the Initiation of Eminent Domain Proceedings to Acquire Portions of Certain Property with APN 044-301-029 owned by Allan Nicholson and Connie Lee, Husband and Wife, as Community Property with Right of Survivorship

RECOMMENDATION

PUBLIC HEARING - Napa River/Napa Creek Flood Control Project, Floodwalls North of the Bypass

Conduct a Public Hearing to adopt a Resolution of Necessity with respect to portions of certain property with APN 044-301-029 owned by Allan Nicholson and Connie Lee, Husband and Wife, as Community Property with Right of Survivorship. (No Fiscal Impact; Discretionary) [2/3 vote required]

BACKGROUND

THE PROJECT:

The Napa River/Napa Creek Flood Protection Project (Project) covers approximately 6.9 miles of Napa River and approximately one mile of Napa Creek. Components of the Project include widening the channel, creation of both marsh plain and floodplain terraces adjacent to the Napa River, replacing a series of bridges, and creation of a bypass channel through downtown Napa. The Floodwalls North of the Bypass contract, a component of the Project, includes the construction of: a setback floodwall from River Terrace Inn to the Elks Grove Townhomes, floodwalls to close the existing gaps in the walls along the northern side of the dry bypass channel (Oxbow Commons), relocation of a water main in the Lake Park reach allowing for the existing main to be removed where it conflicts with the new floodwall, scour protection for the Lincoln Avenue Bridge, a new trail south of Lincoln Avenue on the river side of the wall, and a pedestrian crossing at Lincoln Avenue to connect the new southern trail to the existing northern trail that will be partially reconstructed during the work.

THE PROPERTY:

The property proposed for acquisition, portions of APN 044-301-029, is located at 2432 Shoreline Drive in Napa. The property is 13,495 square feet (sf). The property is currently improved with a single family residential home. The Project requires the following property interests.

Estate: APN 044-301-029

Flood Protection Levee Easement: 2,846 sf

Slope Easement: 1,236 sf

Pubic Water Utility Easement: 1,869 sf

Temporary Construction Easement: 475 sf

Improvements in the usable area proposed for acquisition include fencing and landscaping. These items will be replaced as part of the project.

THE PROJECT SCHEDULE:

Timely acquisition of properties necessary for the Floodwalls North of the Bypass contract, part of the larger Napa River/Napa Creek Flood Protection Project, is crucial as the District is currently scheduled to award a construction contract for the Floodwalls North of the Bypass Project in early 2026. In January of 2021, the United States Army Corps of Engineers (“USACE”) was allocated approximately \$48.3 million for the construction of the Floodwalls North of the Bypass and the Hatt to Imola Floodwalls contracts. The District is designing and constructing the contracts under the Water Resources Development Act of 1992 Section 204 process. The District will be responsible for all costs typically attributed to the federal share of the Project for these two contracts above and beyond the \$48.3 million. In order to award the Floodwalls North of the Bypass contract, the District must be able to certify that it has possession of the required property interests.

STATUS OF NEGOTIATIONS:

To take legal possession of the property in a timely manner, the District must consider initiating eminent domain proceedings. At this juncture, negotiations are at an impasse since the parties have been unable to reach an agreement; therefore, staff recommends proceeding with the hearing, adopting a Resolution of Necessity, and authorizing commencement of the eminent domain proceedings.

A licensed and certified appraiser has completed the appraisal for the permanent easements and the temporary easement proposed for acquisition. In a letter dated September 23, 2024, the value of the property rights for acquisition, as determined through the appraisal process and approved by the District, was offered to the owner (s) of record and/or their representative(s). Since then, the District and its representatives have negotiated with the owner(s) in good faith in an attempt to reach an equitable settlement. The owner(s) of record have been notified by first class mail, as required by Code of Civil Procedures section 1245.235, that they have the right to address the Board at this hearing. The Hearing for Resolution of Necessity is not related to just compensation (i.e. the amount offered for the required property rights). The issue of just compensation will be addressed through negotiations or litigation. Neither adopting this Resolution nor filing the eminent domain action precludes continuing negotiations with the owner(s). If the District and the owner(s) agree on a purchase price during these proceedings, the sale can be completed through a conventional real estate closing or by means of a stipulated judgement without further litigation. Without an agreement, the amount of just compensation will be determined in condemnation proceedings filed with the Napa County Superior Court. After the Public Hearing, the District Board is to consider adoption of a Resolution of Necessity. In this Resolution, the District Board must make four findings (“Four Findings”):

1. The Public interest and necessity require the proposed project.
2. The proposed project is planned or located in the manner that will be most compatible with the greatest public good and the least private injury.
3. The property rights described in the Resolution are necessary for the proposed project.
4. The offer required by Government Code section 7267.2 has been made to the owner of record.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing
2. Staff Reports
3. Call Interested Parties
4. Close Public Hearing
5. Make Any Findings
6. Adopt Resolution of Necessity if the Four Findings are met

DISCUSSION AND FINDINGS:

A. The Public Interest and Necessity Require the Proposed Project.

The goal of the Napa River/Napa Creek Flood Protection Project is to provide 100-year flood protection to most of the City of Napa. The Project is designed to provide an economically feasible and environmentally sensitive method of flood protection. Records of damaging floods in Napa date back to 1862. The Environmental Impact Statement/Report documented 27 significant floods with a major flood in 1955 and the most extensive recorded flood in 1986 when three people died, 7,000 were evacuated, and 245 homes and 120 businesses were damaged. Estimates of property damage were over \$100 million. More recent flooding occurred in December 2002 and December 2005. The community found the Project to be necessary by a 68% vote to impose a sales tax in order to move forward with the Project.

B. The Proposed Project is Planned or Located in the Manner that will be Most Compatible with the Greatest Public Good and the Least Private Injury.

The Project has extensive community involvement in the planning phase. Since the federal government's first involvement with the Napa River in 1938, numerous flood control designs have been proposed and discarded. The area needed for conveyance of floodwaters was originally modeled by the USACE on the 100-year flood, but the required work on the channel would have resulted in adverse impacts to wetlands and fish and wildlife habitat. Environmental laws require replacement of lost wetlands and other habitat beyond a 1:1 ratio. The specific ratio varies according to agency and species or wetland replacement. The formation of a communitywide coalition, with an unprecedented number of people and interest groups participating, resulted in the current design and the success of a ballot measure to approve this Project. The coalition's stated purpose was to maximize flood protection, minimize taking of property, and achieve a healthy river that would provide habitat for fish and wildlife and recreational amenities for the people of Napa. The District staff has shared the details of the major design items at public meetings throughout the design process, including requests for public comments and feedback.

C. The Property Rights Described in this Resolution are Necessary for the Proposed Project.

The Floodwalls North of the Bypass Project requires the construction of a setback concrete floodwall from the River Terrace Inn on the south end to the Elks Grove Townhomes on the north. The proposed land areas

described in this Resolution of Necessity are required for the construction of the floodwall north of Lincoln Avenue in accordance with the current plans and specifications for the Floodwalls North of the Bypass contract. The floodwall alignment will be constructed within the Flood Protection Levee Easement. The Flood Protection Levee Easement will extend 15 feet on the land side of the floodwall on the east side of the wall extend to the waterside of the existing trail. The Slope Easement will be adjacent to the Flood Protection Levee Easement and for the protection of the floodwall and raised maintenance road. The Public Water Utility Easement will be for the relocation of an existing waterline and will be dedicated to the City of Napa after project construction. The Temporary Construction Easement will be used for construction of the floodwall for a 12-month period with the option to extend another 12 months. The District will occupy the temporary easement only as long as necessary to complete the project improvements, after which the encumbrance will be removed.

D. The Offer of Just Compensation has been Made to the Owner of Record.

A licensed and certified appraiser has completed an appraisal for the flood protection levee easement, slope easements and temporary easement proposed for acquisition. The District made the required offer of just compensation based upon this appraisal in a letter dated September 23, 2024. The District will continue to negotiate with the affected property owner toward a mutually acceptable settlement for the property concurrent with any eminent domain action.

FISCAL & STRATEGIC PLAN IMPACT

| | |
|-----------------------------------|--|
| Is there a Fiscal Impact? | No |
| Is it Mandatory or Discretionary? | Discretionary |
| Discretionary Justification: | All property acquisitions are part of the Napa River/Napa Creek Flood Protection Project’s annual budget. |
| Is the general fund affected? | No |
| Consequences if not approved: | The District must have possession of this property in order to award the contract in late 2025. Failure to acquire possession would jeopardize the award of the Floodwalls North of the Bypass contract and risk losing the funding allocated by the federal government. |

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: Acquisition of the Subject Property is part of the Napa River/Napa Creek Flood Protection Project and was included in the Final Environmental Impact Report (FEIR) for the Project that was certified by the District on May 4, 1999, for which a Notice of Determination was filed on May 7, 1999. The Final Supplemental Environmental Impact Statement (FSEIS) for the Project was certified by the USACE in its Record of Decision filed on June 9, 1999. On April 2, 2009, the City of Napa determined that the Napa River/Napa Creek Flood Protection Project is consistent with the City's General Plan Envision Napa 2020. On March 25, 2025, after a 45-day public review and response to comments, the District Board certified the Final Subsequent Environmental Impact Report for the Floodwalls North of the Bypass Project which addressed changes to the original design in some areas within the footprint of that project.

RESOLUTION NO. 25-__ (FC)

RESOLUTION OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF DIRECTORS, STATE OF CALIFORNIA, DETERMINING THAT THE PUBLIC INTEREST AND NECESSITY REQUIRE THE ACQUISITION OF PORTIONS OF CERTAIN LAND AND DIRECTING THE FILING OF EMINENT DOMAIN PROCEEDINGS (PROPERTY OWNERS: ALLAN NICHOLSON AND CONNIE LEE, HUSBAND AND WIFE, AS COMMUNITY PROPERTY WITH RIGHT OF SURVIVORSHIP, PORTION OF APN 044-301-029).

WHEREAS, City of Napa (“City”) residents and businesses have long suffered devastating loss of life and property due to flooding from the Napa River; and

WHEREAS, the Napa County Flood Control and Water Conservation District (“District”) is undertaking the construction of the Napa River/Napa Creek Flood Protection Project (“Project”), which is seeking to provide flood protection to most of the City by reconnecting the Napa River to its flood plain, creating wetlands throughout the area, and maintaining fish and wildlife habitats while retaining the natural characteristics of the river; and

WHEREAS, as part of the next phase of the Project, the Floodwalls North of the Bypass, approximately one mile of setback floodwall will be constructed along the west bank of the Napa River from River Terrace Inn to the Elks Grove Homeowners Association (Floodwalls North of the Bypass, Contract 3 North); and

WHEREAS, the District and the United States Army Corps of Engineers have prepared and circulated an Environmental Impact Statement/Environmental Impact Report; and

WHEREAS, the Environmental Impact Statement/Environmental Impact Report was certified by the United States Army Corps of Engineers and Board of Directors of the District as having been completed in compliance with the National Environmental Policy Act/California Environmental Quality Act and related implementing regulations; and

WHEREAS, on behalf of the Project, the District desires to acquire for public use, by exercise of its power of eminent domain, property interests, to wit:

A. A 2,846 square-foot perpetual and assignable Flood Protection Levee Easement (“Flood Protection Levee Easement”) in the real property located at 2432 Shoreline Drive in the City of Napa, County of Napa, State of California (“Real Property”), as more particularly described and depicted in Exhibit A, attached hereto and incorporated herein by this reference.

B. A 1,869 square-foot, 25-foot wide nonexclusive and perpetual Public Water Utility Easement over, under, within, through, and along the Real Property for public water utility purposes, as more particularly described and depicted in Exhibit B, attached hereto and incorporated herein by this reference.

C. A 1,236 square-foot permanent Slope Easement for the purpose of maintaining a minimum 2:1 embankment slope starting from a line three feet offset from the Flood Protection Levee Easement, as more particularly described and depicted in Exhibit C, attached hereto and incorporated herein by this reference.

D. A 475 square-foot Temporary Construction Easement over, across, under, and through the Real Property for construction and conformance purposes related to the Project, as more particularly described and depicted in Exhibit D, attached hereto and incorporated herein by this reference.

WHEREAS, the Board of Directors has found that the acquisition of the aforementioned Real Property, or interests in property, for said public use is required by the public interest and necessity; and

WHEREAS, Napa County Flood Control and Water Conservation District Act, sections 5 and 6, authorize the District to acquire property by eminent domain; and

WHEREAS, this Board of Directors constitutes the governing body of the District; and

WHEREAS, the District has tendered a formal offer to the owner of record to purchase the permanent and temporary interests in real property; and

WHEREAS, the District has calendared this Resolution of Necessity on the Board's April 15, 2025, Agenda and properly notified the property owner(s) of their right to appear and be heard before the Board prior to the adoption of this Resolution.

NOW, THEREFORE, BE IT RESOLVED, by the Napa County Flood Control and Water Conservation District, by a vote of two-thirds or more of its members, that:

1. The District finds that the public interest and necessity require the proposed Project; and
2. The District finds that the proposed project is planned and located in a manner that will be most compatible with the greatest public good and least private injury; and
3. The Subject Property described herein is necessary for the proposed project; and
4. The offer required by Government Code section 7267.2 has been made to the owner of record.

BE IT FURTHER RESOLVED, that:

District Counsel is hereby **AUTHORIZED AND EMPOWERED**:

1. To acquire in the Napa County Flood Control and Water Conservation District's name, by condemnation, the said property in accordance with the provisions of the eminent domain law, the Code of Civil Procedure, and the Constitution of California; and

2. To prepare and prosecute in the Napa County Flood Control and Water Conservation District's name such proceedings in the proper court as are necessary for such acquisition; and
3. To deposit the probable amount of compensation, based on appraisal, and to apply to said court for an order permitting the District to take immediate possession and use said property for said public uses and purposes.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of the Napa County Flood Control and Water Conservation District at a regular meeting of the Board held on the 15th day of April 2025, by the following vote:

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: _____
 JOELLE GALLAGHER, Chairperson of the
 Board of Directors

| | | |
|--|--|---|
| <p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: April 2, 2025</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> |
|--|--|---|

EXHIBIT A

FLOOD PROTECTION LEVEE EASEMENT

A perpetual and assignable right and easement in favor of the Napa County Flood Control and Water Conservation District (“DISTRICT”) in the land shown and described and depicted in the attachments hereto and made a part hereof, to construct, maintain, repair, operate, patrol, and replace flood protection improvements, including all appurtenances thereto; subject, however, to existing easements for public roads and highways, public utilities, railroads, and pipelines.

The FEE OWNER retains the right to use said easement area for purposes which will not interfere with the DISTRICT’s full enjoyment of the rights hereby granted; provided that the FEE OWNER shall not erect or construct any building or other structure, or drill or operate any well, or plant any trees, landscaping, vegetation, or other obstruction within said easement area, or construct any fences.

The rights and obligations contained in this Flood Protection Levee Easement run with and burden the land, and are binding on the FEE OWNER and its successors and assigns.

FLOOD PROTECTION LEVEE EASEMENT LEGAL DESCRIPTION AND
PLAT MAP

Exhibit A

5406
044-301-029 D-1
05-06-2024

FLOOD PROTECTION LEVEE EASEMENT

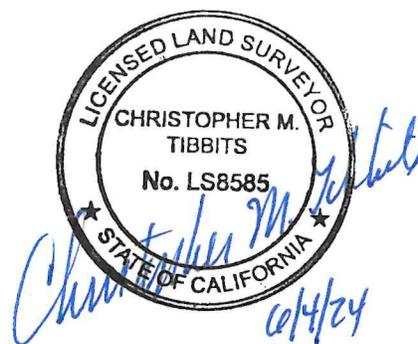
A portion of the Lands of Allan Nicholson and Connie Lee, husband and wife, as community property with rights of survivorship as described in the Grant Deed recorded on March 16, 2022 as Series Number 2022-0005440, Napa County Records, State of California, said portion described as follows:

Beginning at the point on the southeast line of said Lands of Nicholson & Lee that bears North 51° 26' 13" East 124.88 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North 51° 26' 13" East 39.06 feet; thence leaving said southeast line North 35° 14' 25" West 25.48 feet; thence North 39° 04' 31" West 37.43 feet; thence North 41° 35' 33" West 11.67 feet to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South 45° 47' 35" West 39.33 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 600.00 feet and to which a radial line bears North 48° 25' 30" East; thence leaving said northwest line southeasterly 70.69 feet along said curve through a central angle of 6° 45' 02" to the **Point of Beginning**.

Basis of Bearing being the bearing between Monuments #B-9 and #B-10 on Lincoln Avenue shown on the map Record of Survey Map No. 3052, filed June 26, 1978 in Book 20 of Record of Surveys at Page 64-72, Napa County Records, as North 89° 43' 00" West and measured as North 89° 43' 09" West.

End Description

Area: 2,846 Sq. Ft.
0.07 Ac.



5406
044-301-029 D-1
05-06-2024

North: 1877312.0762' East: 6482335.3773'

Segment #1 : Line

Course: N51°26'13"E Length: 39.06'

North: 1877336.4253' East: 6482365.9192'

Segment #2 : Line

Course: N35°14'25"W Length: 25.48'

North: 1877357.2358' East: 6482351.2171'

Segment #3 : Line

Course: N39°04'31"W Length: 37.43'

North: 1877386.2934' East: 6482327.6234'

Segment #4 : Line

Course: N41°35'33"W Length: 11.67'

North: 1877395.0212' East: 6482319.8766'

Segment #5 : Line

Course: S45°47'35"W Length: 39.33'

North: 1877367.5983' East: 6482291.6838'

Segment #6 : Curve

Length: 70.69' Radius: 600.00'

Delta: 6°45'02" Tangent: 35.39'

Chord: 70.65' Course: S38°11'59"E

Course In: S48°25'30"W Course Out: N55°10'32"E

RP North: 1876969.4384' East: 6481842.8312'

End North: 1877312.0767' East: 6482335.3745'

Perimeter: 223.65' Area: 2845.81 Sq. Ft.

Error Closure: 0.0028 Course: N80°36'21"W

Error North: 0.00046 East: -0.00278

Precision 1: 79878.57

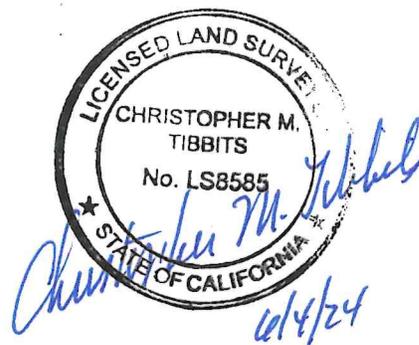


EXHIBIT C

SLOPE EASEMENT

A permanent easement in favor of the Napa County Flood Control and Water Conservation District (“DISTRICT”) in the land shown and described and depicted in the attachments hereto and made a part hereof, for the purpose of maintaining a minimum 2:1 embankment slope starting from a line three feet offset from the Flood Protection Levee Easement (“EMBANKMENT SLOPE”) providing lateral support for the Flood Protection Levee Easement, including any improvements located thereon.

This Slope Easement includes the right and privilege to cross over the FEE OWNER’s land to maintain and monitor the EMBANKMENT SLOPE, as needed to support, protect, and operate the improvements and infrastructure owned and/or operated by the DISTRICT within the Flood Protection Levee Easement area, inclusive of all necessary fixtures for use in connection therewith or appurtenant thereto; reserving all other rights to the FEE OWNER, including the right to place permanent improvements, including plantings, trees, grasses, fences, structures, etc. as long as said improvements do not destabilize or otherwise degrade the EMBANKMENT SLOPE. If the DISTRICT determines, in its reasonable discretion, that said improvements or other actions by the FEE OWNER destabilize or otherwise degrade the EMBANKMENT SLOPE, the DISTRICT shall give the FEE OWNER written notice of the same and the FEE OWNER shall remove said improvements and/or cease said actions and repair and restore the EMBANKMENT SLOPE at the FEE OWNER’s sole cost and expense.

The rights and obligations contained in this Slope Easement run with and burden the land, and are binding on the FEE OWNER and its successors and assigns.

SLOPE EASEMENT LEGAL DESCRIPTION AND PLAT MAP

Exhibit C

5406
044-301-029 B-1
05-06-2024

SLOPE EASEMENT

A portion of the Lands of Allan Nicholson and Connie Lee, husband and wife, as community property with rights of survivorship as described in the Grant Deed recorded on March 16, 2022 as Series Number 2022-0005440, Napa County Records, State of California, said portion described as follows:

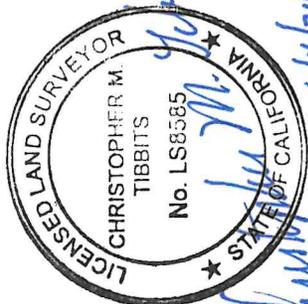
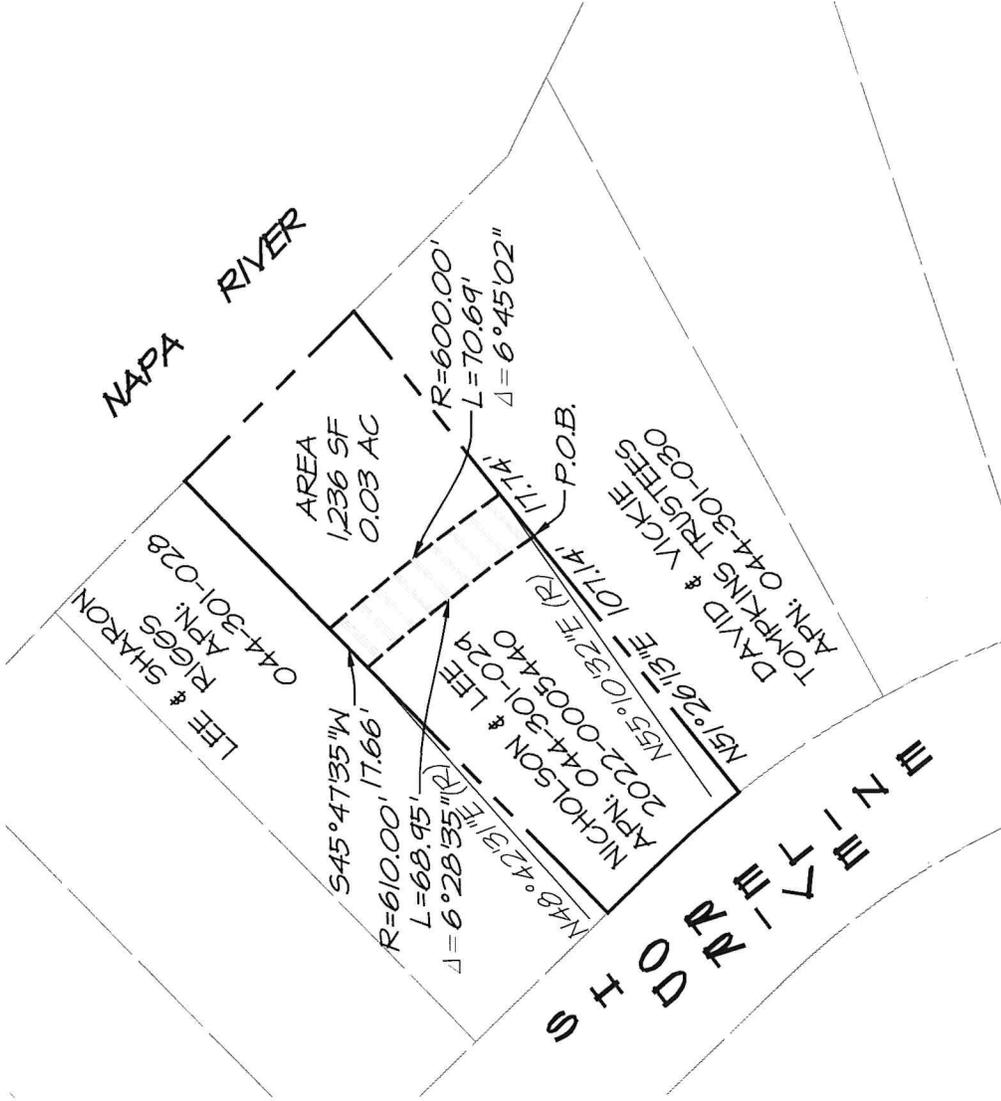
Beginning at the point on the southeast line of said Lands of Nicholson & Lee that bears North 51° 26' 13" East 107.14 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North 51° 26' 13" East 17.74 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 600.00 feet and to which a radial line bears North 55° 10' 32" East; thence leaving said southeast line northwesterly 70.69 feet along said curve through a central angle of 6° 45' 02" to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South 45° 47' 35" West 17.66 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 610.00 feet and to which a radial line bears North 48° 42' 31" East; thence leaving said northwest line southeasterly 68.95 feet along said curve through a central angle of 6° 28' 35" to the **Point of Beginning**.

Basis of Bearing being the bearing between Monuments #B-9 and #B-10 on Lincoln Avenue shown on the map Record of Survey Map No. 3052, filed June 26, 1978 in Book 20 of Record of Surveys at Page 64-72, Napa County Records, as North 89° 43' 00" West and measured as North 89° 43' 09" West.

End Description

Area: 1,236 Sq. Ft.
0.03 Ac.





1"=60'
 NORTH

- LEGEND
- PROPERTY LINE
 - - - EASEMENT LINE
 - ADJACENT PROPERTY LINE
 - R RADIUS IN FEET
 - L LENGTH IN FEET
 - Δ DELTA ANGLE

SLOPE EASEMENT

RSA+
 1515 FOURTH STREET
 NAPA, CALIF. 94559
 OFFICE (707) 252.3301
 + www.RSAcivil.com +

RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980

BASIS OF BEARING
 THE BEARING BETWEEN MONUMENTS #B-9 AND #B-10 ON LINCOLN AVENUE SHOWN ON THE MAP RECORD OF SURVEY MAP NO. 3052, FILED JUNE 26, 1978 IN BOOK 20 OF RECORD OF SURVEYS AT PAGE 64-72, NAPA COUNTY RECORDS, AS NORTH 89° 43' 00" WEST AND MEASURED AS NORTH 89° 43' 09" WEST.

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION

5406
044-301-029 B-1
05-06-2024

North: 1877207.1933' East: 6482228.0513'

Segment #1 : Line

Course: N51°26'13"E Length: 17.74'

North: 1877218.2520' East: 6482241.9226'

Segment #2 : Curve

Length: 70.69' Radius: 600.00'

Delta: 6°45'02" Tangent: 35.39'

Chord: 70.65' Course: N38°11'59"W

Course In: S55°10'32"W Course Out: N48°25'30"E

RP North: 1876875.6136' East: 6481749.3793'

End North: 1877273.7736' East: 6482198.2319'

Segment #3 : Line

Course: S45°47'35"W Length: 17.66'

North: 1877261.4601' East: 6482185.5727'

Segment #4 : Curve

Length: 68.95' Radius: 610.00'

Delta: 6°28'35" Tangent: 34.51'

Chord: 68.91' Course: S38°03'12"E

Course In: S48°42'31"W Course Out: N55°11'06"E

RP North: 1876858.9280' East: 6481727.2411'

End North: 1877207.1944' East: 6482228.0510'

Perimeter: 175.04' Area: 1235.94 Sq. Ft.

Error Closure: 0.0011 Course: N18°50'02"W

Error North: 0.00108 East: -0.00037

Precision 1: 159127.27



EXHIBIT B

PUBLIC WATER UTILITY EASEMENT

A nonexclusive and perpetual easement in favor of the Napa County Flood Control and Water Conservation District (“DISTRICT”) over, under, within, through, and along the land shown and described and depicted in the attachments hereto and made a part hereof (“EASEMENT AREA”), for public water utility purposes including laying, constructing, repairing, maintaining, operating, rehabilitating, inspecting, installing, replacing, accessing, or taking other similar actions necessary or prudent for the safe operation of existing and future water pipelines, together with any and all above and below ground appurtenances thereto (collectively, “UTILITIES”) together with the right of surface ingress and egress, including service vehicle access, and the right to use the EASEMENT AREA for staging during periods of construction, reconstruction, installation, inspection, maintenance, replacement, and removal of the UTILITIES.

The DISTRICT may transfer this Public Water Utility Easement to the City of Napa for the purposes set forth herein, and upon such transfer, the City of Napa shall succeed to all rights and obligations of and to the DISTRICT hereunder.

The FEE OWNER shall not undertake or allow any activity, use, or right of passage across or within the EASEMENT AREA, or grant any private or public easements over the EASEMENT AREA, that will interfere in any manner with the DISTRICT’s use of the EASEMENT AREA for the purposes set forth herein without the DISTRICT’s prior written consent, including but not limited to filling, excavating, mining, or drilling of any kind, or any change in the topography of the land in any manner within the EASEMENT AREA.

The FEE OWNER shall not install or maintain, or allow to be installed or maintained, any permanent structures, including but not limited to foundations, fences, retaining walls, pools, houses, or signs, within the EASEMENT AREA.

The DISTRICT and the City of Napa shall have the right to enter upon the EASEMENT AREA to keep the EASEMENT AREA free and clear of and from any and all debris, including the right to trim and remove or otherwise control any trees and vegetation or portions thereof, which are deemed reasonably necessary for the purpose of maintaining the EASEMENT AREA or the UTILITIES.

The DISTRICT and the City of Napa shall not be responsible for replacing or repairing any surface or above-ground improvements within the EASEMENT AREA that may be disturbed or damaged as a result of work by the City of Napa, including but not limited to decorative pavement/pavers/concrete, or landscaping, except as set forth herein. Notwithstanding anything to the contrary set forth herein, the City of Napa’s sole responsibility for repairing water trenches within the EASEMENT AREA is limited to compliance with the City of Napa’s then-current water trench detail standard (City Std W-13A as of 2022), as may be amended, excluding asphalt concrete.

Exhibit B

The rights and obligations contained in this Public Water Utility Easement run with and burden the land, and are binding on the FEE OWNER and its successors and assigns.

Exhibit B

PUBLIC WATER UTILITY EASEMENT LEGAL DESCRIPTION AND PLAT
MAP

Exhibit B

5406
044-301-029 E-1
05-06-2024

PUBLIC WATER UTILITY EASEMENT

A portion of the Lands of Allan Nicholson and Connie Lee, husband and wife, as community property with rights of survivorship as described in the Grant Deed recorded on March 16, 2022 as Series Number 2022-0005440, Napa County Records, State of California, said portion described as follows:

Beginning at the point on the southeast line of said Lands of Nicholson & Lee that bears North 51° 26' 13" East 153.77 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North 51° 26' 13" East 25.05 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 648.25 feet and to which a radial line bears North 54° 51' 32" East; thence leaving said southeast line northwesterly 75.99 feet along said curve through a central angle of 6° 42' 58" to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South 45° 47' 35" West 25.02 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 623.25 feet and to which a radial line bears North 48° 14' 13" East; thence leaving said northwest line southeasterly 75.53 feet along said curve through a central angle of 6° 45' 33" to the **Point of Beginning**.

Basis of Bearing being the bearing between Monuments #B-9 and #B-10 on Lincoln Avenue shown on the map Record of Survey Map No. 3052, filed June 26, 1978 in Book 20 of Record of Surveys at Page 64-72, Napa County Records, as North 89° 43' 00" West and measured as North 89° 43' 09" West.

End Description

Area: 1,869 Sq. Ft.
0.04 Ac.



NAPA RIVER

R=648.25'
L=75.99'
J=6°42'58"

S45°47'35"W
25.02'

R=623.15'
L=73.53'
Δ=6°45'33"

AREA
1,869 SF
0.04 AC

P.O.B.

LEE & SHARON
APN: 044-301-028
N48°14'13"E (R)
2022-0005440

DAVID & VICKIE
TOMPKINS TRUSTEES
APN: 044-301-030
N57°26'13"E
153.77'

S
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1"=60'

LEGEND

| | |
|-----|----------------|
| --- | PROPERTY LINE |
| --- | EASEMENT LINE |
| --- | ADJACENT |
| --- | PROPERTY LINE |
| R | RADIUS IN FEET |
| L | LENGTH IN FEET |
| Δ | DELTA ANGLE |

PUBLIC WATER
UTILITY EASEMENT

RSA+

1515 FOURTH STREET
NAPA, CALIF. 94559
OFFICE 707/252.3301
+ www.RSAcivil.com +

RSA+ CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980

BASIS OF BEARING
THE BEARING BETWEEN MONUMENTS #B-9 AND #B-10 ON LINCOLN AVENUE SHOWN ON THE MAP RECORD OF SURVEY MAP NO. 3052, FILED JUNE 26, 1978 IN BOOK 20 OF RECORD OF SURVEYS AT PAGE 64-72, NAPA COUNTY RECORDS, AS NORTH 89° 43' 00" WEST AND MEASURED AS NORTH 89° 43' 09" WEST.

THIS EXHIBIT IS FOR GRAPHIC PURPOSES ONLY. ANY ERRORS OR OMISSIONS ON THIS EXHIBIT SHALL NOT AFFECT THE DEED DESCRIPTION

044-301-029 E-2

1 OF 1

5406
044-301-029 E-1
05-06-2024

North: 1877271.1380' East: 6482271.6796'

Segment #1 : Line

Course: N51°26'13"E Length: 25.05'

North: 1877286.7536' East: 6482291.2668'

Segment #2 : Curve

Length: 75.99' Radius: 648.25'

Delta: 6°42'58" Tangent: 38.04'

Chord: 75.94' Course: N38°29'57"W

Course In: S54°51'32"W Course Out: N48°08'34"E

RP North: 1876913.6260' East: 6481761.1688'

End North: 1877346.1880' East: 6482243.9919'

Segment #3 : Line

Course: S45°47'35"W Length: 25.02'

North: 1877328.7428' East: 6482226.0569'

Segment #4 : Curve

Length: 73.53' Radius: 623.25'

Delta: 6°45'33" Tangent: 36.81'

Chord: 73.48' Course: S38°23'00"E

Course In: S48°14'13"W Course Out: N54°59'47"E

RP North: 1876913.6261' East: 6481761.1712'

End North: 1877271.1398' East: 6482271.6852'

Perimeter: 199.58' Area: 1868.90 Sq. Ft.

Error Closure: 0.0058 Course: N72°04'46"E

Error North: 0.00180 East: 0.00556

Precision 1: 34412.07



EXHIBIT D

TEMPORARY CONSTRUCTION EASEMENT

A Temporary Construction Easement over, across, under, and through the real property situated in the County of Napa, State of California, described and depicted in the attachments hereto and made a part hereof (“EASEMENT AREA”), for construction and conformance purposes related to the Napa River / Napa Creek Flood Protection Project (“PROJECT”).

This Temporary Construction Easement includes, without limitation, the right of the Napa County Flood Control and Water Conservation District (“DISTRICT”), its officers, agents, contractors, and employees, and other governmental agencies responsible for review or construction of any portion of the PROJECT and such agencies’ officers, agents, contractors, and employees, to enter upon the EASEMENT AREA with personnel, vehicles, and equipment for construction of the PROJECT, and all other activities related thereto, to remove all improvements, trees, and vegetation thereon that interfere with the purpose for which this easement is granted, to conform the EASEMENT AREA to the PROJECT, and do any and all other actions necessary and appropriate to the construction of the PROJECT. Access and use of portions of the EASEMENT AREA by the FEE OWNER, its tenants, invitees, and guests will be allowed to the extent that said portion is not being used for PROJECT construction or staging purposes at that time.

If improvements in the EASEMENT AREA are removed pursuant to this Temporary Construction Easement, such improvements will be restored to their original condition or as close thereto as is feasible, on or before the termination of the Temporary Construction Easement period. In the event the DISTRICT determines that restoration of said improvements within the EASEMENT AREA is not feasible or practicable, the FEE OWNER will be compensated for the improvements at a market value determined by the DISTRICT.

This Temporary Construction Easement is for a total period of twelve (12) months, to commence on the start date stated in the notice that the DISTRICT delivers to the FEE OWNER (“START DATE”), fixing the start date of occupation of the EASEMENT AREA and construction of the PROJECT there as identified in the Plans and Specifications for the Floodwalls North of the Bypass Project. The Temporary Construction Easement will terminate twelve (12) months after the START DATE (“TERM”).

In case of unpredictable delays in construction, upon written notification by the DISTRICT to the FEE OWNER, the TERM of the Temporary Construction Easement may be unilaterally extended by the DISTRICT for up to an additional twelve (12) months on a monthly basis provided that the DISTRICT provides written notice to the FEE OWNER of such extension prior to the expiration of the original TERM or any monthly extension thereof and the DISTRICT shall pay the FEE OWNER the monthly rate determined to be just compensation for said extension.

In no event shall this Temporary Construction Easement TERM extend beyond the completion of construction or December 31, 2028, whichever occurs first. At no additional cost to the DISTRICT, during the Temporary Construction Easement TERM, the DISTRICT shall have the

Exhibit D

right to enter upon the FEE OWNER's retained property, where necessary, to reconstruct or perform any warranty or conformance works during or after the expiration of the Temporary Construction Easement and any extension thereto and/or the completion of the PROJECT. Said works include conforming driveways, walkways, lawn, landscaped and hardscaped areas, irrigation systems, sidewalks, or any area where reconstruction or warranty work on the FEE OWNER's retained property is necessary.

All work performed by the DISTRICT in the EASEMENT AREA shall conform to applicable building, fire, and sanitary laws, ordinances, and regulations relating to such work and shall be done in a good and workmanlike manner.

Within sixty (60) days of the end of the TERM, the DISTRICT will execute, acknowledge, and deliver to the FEE OWNER a quitclaim deed to confirm the termination of the Temporary Construction Easement to eliminate the Temporary Construction Easement as an encumbrance on the title of the FEE OWNER's real property. The forgoing notwithstanding, a failure by the DISTRICT to deliver a quitclaim deed or a failure by the FEE OWNER to record a quitclaim deed as provided herein shall not be deemed to extend the term of the Temporary Construction Easement beyond the TERM set forth herein above.

The rights and obligations contained in this Temporary Construction Easement: (a) run with and burden the land, and are binding on the FEE OWNER and its successors and assigns, and (b) during the TERM and extensions thereof, constitute an easement in gross for the benefit of the DISTRICT and its successors and assigns.

TEMPORARY CONSTRUCTION EASEMENT LEGAL DESCRIPTION AND
PLAT MAP

Exhibit D

5406
044-301-029 C-1
05-06-2024

TEMPORARY CONSTRUCTION EASEMENT

A portion of the Lands of Allan Nicholson and Connie Lee, husband and wife, as community property with rights of survivorship as described in the Grant Deed recorded on March 16, 2022 as Series Number 2022-0005440, Napa County Records, State of California, said portion described as follows:

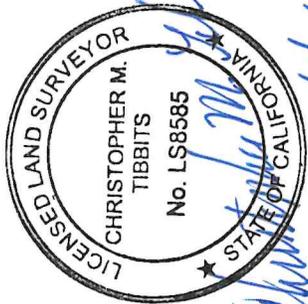
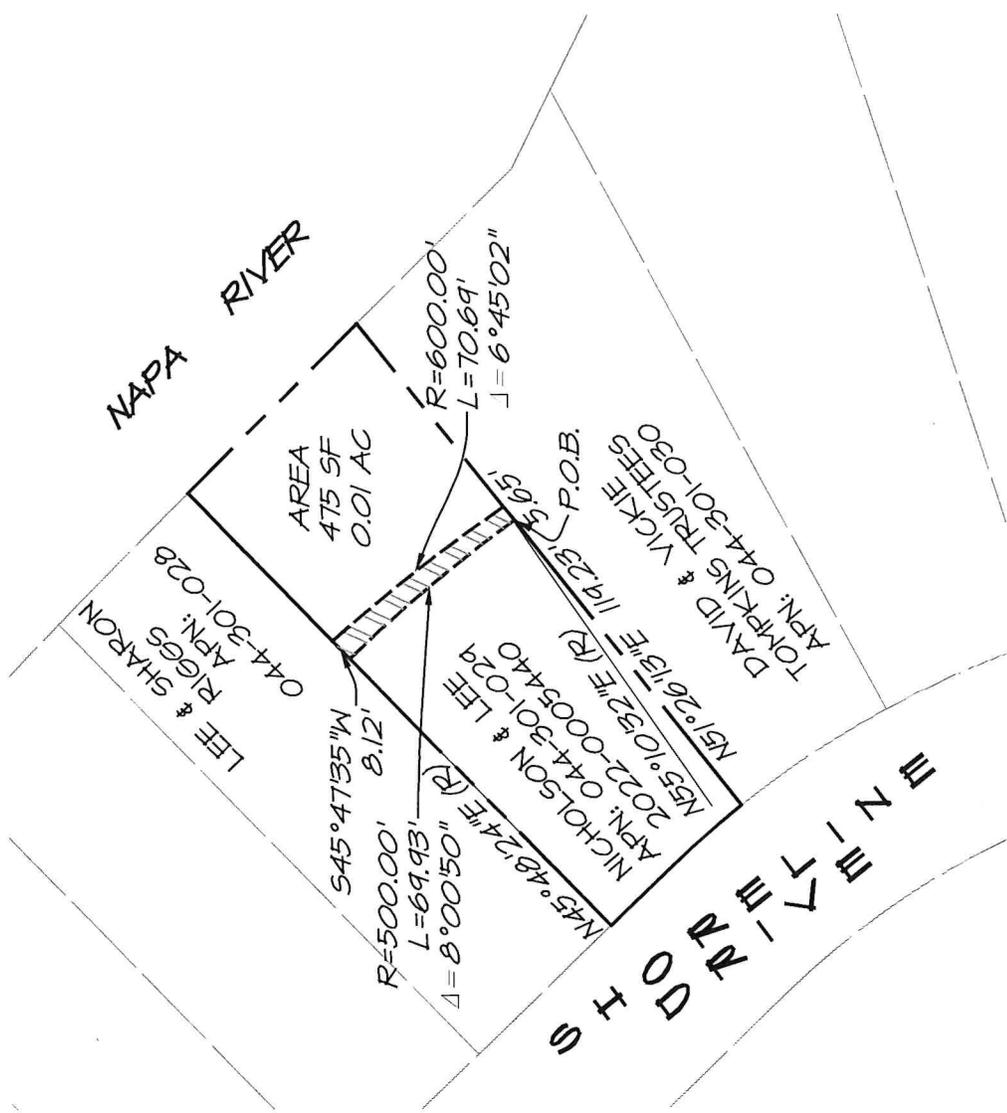
Beginning at the point on the southeast line of said Lands of Nicholson & Lee that bears North 51° 26' 13" East 119.23 feet from the south corner of said Lands of Nicholson & Lee; thence continuing along said southeast line North 51° 26' 13" East 5.65 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 600.00 feet and to which a radial line bears North 55° 10' 32" East; thence leaving said southeast line northwesterly 70.69 feet along said curve through a central angle of 6° 45' 02" to the northwest line of said Lands of Nicholson & Lee; thence along said northwest line South 45° 47' 35" West 8.12 feet to the beginning of a non-tangent curve concave to the southwest having a radius of 500.00 feet and to which a radial line bears North 45° 48' 24" East; thence leaving said northwest line southeasterly 69.93 feet along said curve through a central angle of 8° 00' 50" to the **Point of Beginning**.

Basis of Bearing being the bearing between Monuments #B-9 and #B-10 on Lincoln Avenue shown on the map Record of Survey Map No. 3052, filed June 26, 1978 in Book 20 of Record of Surveys at Page 64-72, Napa County Records, as North 89° 43' 00" West and measured as North 89° 43' 09" West.

End Description

Area: 475 Sq. Ft.
0.01 Ac.





1"=60'

- LEGEND**
- PROPERTY LINE
 - - - EASEMENT LINE
 - ADJACENT PROPERTY LINE
 - R RADIUS IN FEET
 - L LENGTH IN FEET
 - Δ DELTA ANGLE

TEMPORARY CONSTRUCTION EASEMENT



RSA+ | CONSULTING CIVIL ENGINEERS + SURVEYORS + 1980
05-06-2024
044-301-029 C-2

BASIS OF BEARING
THE BEARING BETWEEN MONUMENTS #B-9 AND #B-10 ON LINCOLN AVENUE SHOWN ON THE MAP RECORD OF SURVEY MAP NO. 3052, FILED JUNE 26, 1978 IN BOOK 20 OF RECORD OF SURVEYS AT PAGE 64-72, NAPA COUNTY RECORDS, AS NORTH 89° 43' 00" WEST AND MEASURED AS NORTH 89° 43' 09" WEST.

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5406
044-301-029 C-1
05-06-2024

North: 1877287.4762' East: 6482264.0116'

Segment #1 : Line

Course: N51°26'13"E Length: 5.65'

North: 1877290.9983' East: 6482268.4295'

Segment #2 : Curve

Length: 70.69' Radius: 600.00'

Delta: 6°45'02" Tangent: 35.39'

Chord: 70.65' Course: N38°11'59"W

Course In: S55°10'32"W Course Out: N48°25'30"E

RP North: 1876948.3600' East: 6481775.8861'

End North: 1877346.5199' East: 6482224.7387'

Segment #3 : Line

Course: S45°47'35"W Length: 8.12'

North: 1877340.8582' East: 6482218.9181'

Segment #4 : Curve

Length: 69.93' Radius: 500.00'

Delta: 8°00'50" Tangent: 35.02'

Chord: 69.88' Course: S40°11'11"E

Course In: S45°48'24"W Course Out: N53°49'14"E

RP North: 1876992.3174' East: 6481860.4222'

End North: 1877287.4754' East: 6482264.0083'

Perimeter: 154.39' Area: 474.57 Sq. Ft.

Error Closure: 0.0034 Course: S76°39'39"W

Error North: -0.00079 East: -0.00331

Precision 1: 45408.82





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:** 4/15/2025

File ID #: 25-539

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-320-059
Negotiating Party: Richard Thomasser, Flood District Manager,
River Glen Homeowners Assoc
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-594

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-301-021
Negotiating Party: Richard Thomasser, Flood District Manager,
Ceja, Jose & Laura M.
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-615

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-301-026
Negotiating Party: Richard Thomasser, Flood District Manager,
Gracia, David T. & Leslie Ann
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-545

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-301-028
Negotiating Party: Richard Thomasser, Flood District Manager
Lee and Sharon Riggs
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-583

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-301-030
Negotiating Party: Richard Thomasser, Flood District Manager,
David and Vickie Tompkins
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-613

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-314-002
Negotiating Party: Richard Thomasser, Flood District Manager,
Manley, Benjamin & Lisa
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-597

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-314-006
Negotiating Party: Richard Thomasser, Flood District Manager,
Donald and Shelly Gomez
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-614

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-220-024
Negotiating Party: Richard Thomasser, Flood District Manager,
Lowenstein, Thomas H. & Janice L. Tr
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-582

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR
(Government Code section 54956.8)
Properties: APN 044-301-029
Negotiating Party: Richard Thomasser, Flood District Manager,
Allan Nicholson and Connie Lee
Under Negotiation: Price/Terms/Conditions of Payment



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:** 4/15/2025

File ID #: 25-581

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH REAL PROPERTY NEGOTIATOR

(Government Code section 54956.8)

Properties: APN 044-230-004

Negotiating Party: Richard Thomasser, Flood District Manager and
Larry Ellis, Inc.

Under Negotiation: Price/Terms/Conditions of Payment

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

(Government Code section 54956.9(d)(1))

Napa County Flood Control and Water Conservation District v.

Larry Ellis, Inc., et al

Napa Superior Court Case No. 24CV002139