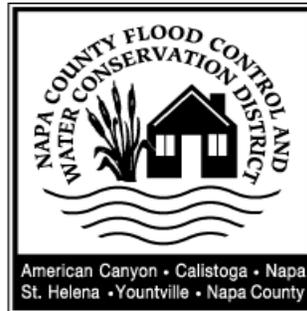


Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Tuesday, May 2, 2023

1:30 PM

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

Flood Control and Water Conservation District

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

GENERAL INFORMATION

Except when otherwise specified in its adopted annual calendar, the Napa County Flood Control and Water Conservation District meets the first Tuesday of every month at 1:30 P.M. 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.

ADMINISTRATIVE ITEMS - These items include significant policy and administrative actions and are classified by program areas. Immediately after approval of the **CONSENT CALENDAR**, if the time for hearing **SET MATTERS** has not arrived, the **ADMINISTRATIVE ITEMS** will be considered.

SET MATTERS - PUBLIC HEARINGS - These items are noticed hearings, work sessions, and items with a previously set time.

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 provided to a majority or all of the members of the Board by Board members, 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 rostrum 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 2021 calendar available at the following link:

<https://www.countyofnapa.org/DocumentCenter/View/2924/Flood-Control-and-Water-Conservation-Calendar-PDF?bidld>

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. Watch on your TV - Napa Valley TV Channel 28 (programming subject to local pre-emption rules and schedules).
2. Listen on your cell phone via Zoom at 1-669-900-6833 then enter Meeting ID 842-343-169 once you have joined the meeting.
3. Watch via the Internet – view the Live Stream
 - a. via Zoom at the following link: <https://www.zoom.us/join> then enter Meeting ID 842-343-169.
 - b. via Granicus by clicking on 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.

Via telephone: please call the Napa County Flood Control and Water Conservation District Public Comment Line at (707)-299-1776.

Please mute all audio devices and do not use the speakerphone to prevent echoing.

Please provide your name and the agenda item on which you are commenting. Calls will be placed on hold and heard in the order received. The above-identified measures exceed all legal requirements for participation and public comment, including those imposed by the Ralph M. Brown Act and California Assembly Bill 361. If you have any questions, contact us via telephone at (707) 253-4421 or email clerkoftheboard@countyofnapa.org.

1. CALL TO ORDER; ROLL CALL

2. PLEDGE OF ALLEGIANCE

3. APPROVAL OF MINUTES

- A. Clerk of the Board/Secretary of the District Board requests approval of minutes from the April 4, 2023, meeting. [23-0690](#)

Attachments: [April 4, 2023](#)

4. PRESENTATIONS AND COMMENDATIONS

5. CONSENT ITEMS

- A. District Engineer requests Chair to sign a Memorandum of Understanding (MOU) that continues participation with the Westside Sacramento River Regional Water Management Group (RWMG). Four agencies including Napa County Flood Control and Water Conservation District comprise the RWMG. Effective with execution of this MOU Yolo County's representation will change from the Water Resources Association to a newly created Subbasin Groundwater Agency. [23-0614](#)

Attachments: [MOU](#)

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

- A. District Manager requests a discussion at the request of the Flood District Board with Napa area reservoir managers regarding reservoir capacity. Discussion will be centered on local and statewide planned projects that augment and/or restore existing source water volume to mitigate multi-year drought cycles. [23-0278](#)

- B. Monthly update on the progress of the Napa River Napa Creek Flood Protection Project. [23-0646](#)

9. SET MATTERS OR PUBLIC HEARINGS

A. PUBLIC HEARING 1:30 PM

[23-0445](#)

District Engineer requests the following actions regarding Joint Zone Project 96-1 assessments:

1. Conduct a Protest Hearing on the proposed Fiscal Year 2023-2024 Assessments;

2. Tally any written protests filed and not withdrawn by the end of the protest hearing by registered voters residing in, and owners of assessable property located within the three zones of the Joint Zone Project;

3. If the tallied protests are:

a. Less than 25% in each Zone - The Board may adopt the proposed resolution:

i. Finding that the submission of proposed assessment to a vote by qualified electors is not required;

ii. Approving and levying the annual assessments for Fiscal Year 2023-2024; and

iii. Authorizing and directing the filing of the Fiscal Year 2023-2024 assessment roll

with the Napa County Auditor for posting to the Fiscal Year 2023-2024 Napa County

Property Tax Roll (Maintenance and Watershed Management Program-Project No. 96-1).

b. 25% or greater in any of the Zones - The Board must either:

i. Abandon the assessment for that Zone; or

ii. Place the issue of the proposed assessments in that Zone before the voters in that Zone.

Attachments: [Resolution to Levy](#)

B. PUBLIC HEARING 1:30 PM

[23-0452](#)

District Manager requests the following actions related to the Rutherford Reach Benefit Zone Assessment

District 2008-1:

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2023-2024 assessments; and

2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2023-2024 on qualifying properties.

Attachments: [Resolution to Levy](#)

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

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS
12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS
13. CLOSED SESSION
14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, JUNE 13, 2023 AT 1:30
P.M.**

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 28, 2023 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:** 5/2/2023

File ID #: 23-0690

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

RECOMMENDATION

Clerk of the Board/Secretary of the District Board requests approval of minutes from the April 4, 2023, meeting.

EXECUTIVE SUMMARY

Clerk of the Board/Secretary of the District Board requests approval of minutes.

FISCAL 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.

BACKGROUND AND DISCUSSION

Clerk of the Board/Secretary of the District Board requests approval of minutes from the April 4, 2023, meeting.



Meeting Minutes

Napa County Flood Control and Water Conservation District

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

Tuesday, April 4, 2023

1:30 PM

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

1. CALL TO ORDER; ROLL CALL

Present: Chair Ryan Gregory, Directors Beth Painter, Anne Cottrell, Marjorie Mohler, Leon Garcia, Joelle Gallagher, and Alfredo Pedroza. Director Belia Ramos and Vice-Chair Scott Sedgley were excused. Directors Irais Lopez-Ortega and Paul Dohring arrived during Item 8A. The meeting was called to order by Chair Ryan Gregory.

2. PLEDGE OF ALLEGIANCE

Chair Ryan Gregory led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

- A Clerk of the Board/Secretary of the District Board requests approval of minutes from the March 14, 2023 meeting.

[23-0471](#)

Motion Text: Approve the Minutes.

Voting Yes: Mohler, Pedroza, Gallagher, Garcia, Painter, Cottrell, and Gregory

Voting No: None

Absent: Lopez-Ortega and Dohring

Excused: Ramos and Sedgley

Recusals: None

Result: Passed

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

- A Auditor-Controller requests acceptance of the Financial Audit Report for Fiscal Year 2021-22 performed by Brown Armstrong, CPAs. [23-0455](#)

Motion Text: Approve the Consent Calendar.

Voting Yes: Mohler, Cottrell, Gallagher, Garcia, Painter, Pedroza, and Gregory

Voting No: None

Absent: Lopez-Ortega and Dohring

Excused: Ramos and Sedgley

Recusals: None

Result: Passed

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

- A Monthly update on the progress of the Napa River Napa Creek Flood Protection Project. [23-0309](#)

District Manager Richard Thomasser made presentation.

District Engineer Andrew Butler made presentation.

Discussion held.

9. SET MATTERS OR PUBLIC HEARINGS

A. PUBLIC HEARING 1:30 PM

[23-0440](#)

District Manager requests the following regarding the Joint Zone Project 96-1 Assessment:

- 1. Acceptance of the Engineer’s Report for Fiscal Year 2023/2024; and
- 2. Adoption of a Resolution of Intention to Levy and Collect Assessments for Fiscal Year 2023/2024 for Joint Zone Project 96-1 (Maintenance and Watershed Management) and authorizing the notice of protest hearing.

Chair Ryan Gregory opened the public hearing.

District Manager Richard Thomasser made presentation.

Chair Ryan Gregory closed the public hearing.

Discussion held.

Motion Text: Approve the requested actions.

Voting Yes: Pedroza, Painter, Cottrell, Dohring, Gallagher, Garcia, Lopez-Ortega, Mohler, and Gregory

Voting No: None

Excused: Ramos and Sedgley

Recusals: None

Result: Passed

Enactment No: R-2023-01 (FC)

B. PUBLIC HEARING 1:30 PM

[23-0444](#)

District Manager requests the following actions regarding the Rutherford Reach Benefit Zone Assessment

District 2008-01:

- 1. Acceptance of the Engineer's Report for Fiscal Year 2023/2024; and
- 2. Adoption of the Resolution of Intention to Levy and Collect

Assessments for Fiscal Year 2023/2024 and

authorizing the notice of protest hearing.

Chair Ryan Gregory opened the public hearing.

District Manager Richard Thomasser made presentation.

Chair Ryan Gregory closed the public hearing.

Discussion held.

Motion Text: Approve the requested actions.

Voting Yes: Garcia, Lopez-Ortega, Cottrell, Dohring, Gallagher, Mohler, Painter, Pedroza and Gregory

Voting No: None

Excused: Ramos and Sedgley

Recusals: None

Result: Passed

Enactment No: R-2023-02 (FC)

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

Engineering Manager Chris Silke reported on the Department of Water Resources having a substantial increase in water allocation and that they do not want to participate in the Dry Year Purchase Program due to cost effectiveness. Silke also reported on Governor Gavin Newsom's executive order to relax strict conservation measures.

District Manager Richard Thomasser reported on receiving the survey results from the dredging of the Napa River.

Discussion held.

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, MAY 2, 2023 AT 1:30
P.M.**

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Napa County

Board Agenda Letter

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

Flood Control and Water Conservation District **Agenda Date:** 5/2/2023

File ID #: 23-0614

TO: Napa County Flood Control and Water Conservation District
FROM: Christopher Silke - Engineering Manager - Water Resources
REPORT BY: Sarah Geiss - Staff Services Analyst II
SUBJECT: Westside Sacramento River Integrated Regional Water Management Plan

RECOMMENDATION

District Engineer requests Chair to sign a Memorandum of Understanding (MOU) that continues participation with the Westside Sacramento River Regional Water Management Group (RWMG). Four agencies including Napa County Flood Control and Water Conservation District comprise the RWMG. Effective with execution of this MOU Yolo County's representation will change from the Water Resources Association to a newly created Subbasin Groundwater Agency.

EXECUTIVE SUMMARY

In accordance with an MOU (No. 398(FC), as amended) and obligations under an Integrated Regional Water Management (IRWM) Planning Grant from the California Department of Water Resources (DWR), the Napa County Flood Control and Water Conservation District (District) participates in the Westside IRWM Plan development process with other regional public agency representatives from the counties of Lake, Solano, Yolo, and Colusa. The Westside Sacramento River IRWM Plan was originally published and adopted by Participating Agencies in 2013. Updates to the Plan and Priority Project List were appended in 2019.

Staff from the District have been involved in the IRWM planning process and submitted projects for inclusion in the plan for possible funding under the State's Propositions 84, 1, and 50, and Small Community Drought Relief Assistance funding programs. To be eligible for project funding DWR requires each RWMG Participant adopt the IRWM Plan and subsequent updates. The Westside Sacramento River Coordinating Committee has secured over \$10M in funding agreements for Putah and Cache Creek watershed projects. Several Disadvantaged Communities (DACs) have received grant monies to upgrade water and sewer utility facilities.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes

Where is it budgeted? Org 1220500 Project 11012
Is it Mandatory or Discretionary? Discretionary
Discretionary Justification: Lake Berryessa communities and the Putah Creek watershed have access to State Program Water Resource project funding opportunities.
Is the general fund affected? No
Future fiscal impact: Annual membership dues for participating in the IRWM plan are \$21,500 and are being funded by Napa County through its share of unincorporated area Measure A revenues as approved by the Napa County Board of Supervisors.
Consequences if not approved: Withdrawal of IRWM plan listed projects.

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.

BACKGROUND AND DISCUSSION

With the passage of Proposition 84 in 2006, Department of Water Resources has been increasing its outreach to communities to enhance regional planning strategies and initiatives. Through statewide IRWM Program efforts, DWR has earmarked \$73 million for the Sacramento River Funding Area. The Sacramento River Funding Area includes all or part of 20 counties and, therefore, has been preparing sub-regional IRWM Plans to effectively meet local needs. Napa County and the Flood District have been participating in the Westside Sacramento River IRWM planning efforts for the upper Putah Creek and Lake Berryessa watershed.

In September 2010 the Flood District, in collaboration with the Colusa County Resource Conservation District, Lake County Watershed Protection District, Solano County Water Agency and the Water Resources Association of Yolo County, formed a Westside Regional Water Management Group (RWMG). The Westside RWMG obtained \$1,000,000 in IRWM planning funds from DWR to develop a Westside IRWM Plan that remains a living document to guide the RWMG in its mission priorities and selection of projects to seek funding assistance. County and Flood District staff have been attending Westside IRWM Plan meetings for over 10 years. The meetings present opportunities for stakeholders to participate and engage in the Westside IRWM Plan implementation. Local watershed project sponsors and State regulators are also present in the bi-monthly forum.

If approved by the Flood District Board, the MOU enclosed to this Staff report will renew Napa County's commitment to the Westside Sacramento River Regional Water Management Group which oversees beneficial water resource projects in Napa, Lake, Yolo, and Solano Counties. Colusa County chose not to participate in the IRWMP or to sign the MOU.

**MEMORANDUM OF UNDERSTANDING
IMPLEMENTATION OF THE WESTSIDE SACRAMENTO
INTEGRATED REGIONAL WATER MANAGEMENT PLAN**

1. PURPOSE

The purpose of this Memorandum of Understanding (MOU) is to implement the Westside Sacramento Integrated Regional Water Management Plan (Westside IRWMP) by the Westside Sacramento Regional Water Management Group (RWMG). The RWMG consists of the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Solano County Water Agency, and Yolo Subbasin Groundwater Agency. The basis of the designation of the Westside Sacramento Region (Region) is generally the Putah and Cache Creek watersheds, as shown in Exhibit A. Implementation of the Westside IRWMP will increase regional coordination, collaboration, and communication regarding water issues among stakeholders in the Region. Implementation of the Westside IRWMP will also assist in obtaining funding for flood management, habitat restoration, and water-related projects that fulfill the goals and objectives of the Westside IRWMP.

This MOU supersedes the MOU signed by the RWMG in September of 2010, and amended in January and July of 2013, to develop the Westside IRWMP.

2. GOALS

To foster coordination, collaboration, and communication between the RWMG and other agencies responsible for water resources-related issues and interested stakeholders to achieve greater efficiencies, to provide for integration of projects, enhance public services, and build public support for vital projects.

To implement the Westside IRWMP to facilitate regional cooperation towards the challenges and opportunities in water supply reliability, water recycling, water conservation, water quality improvement, stormwater capture and management, flood management, wetlands enhancement and creation, and environmental and habitat protection and improvements.

The goals and objectives of the Westside IRWMP are detailed in Section 6 of the Westside IRWMP.

3. DEFINITIONS

Coordinating Committee: A committee comprised of representatives of the RWMG to work with other Regions in the Sacramento River Funding Area and the state to manage the Westside IRWMP and to seek out and apply for funding for projects and programs that address the goals and objectives of the Westside IRWMP.

Interested Parties: Entities, such as governments, agencies, business organizations, non-profit groups, tribes, and Public Utility Commission-regulated entities interested in ensuring long-term water supply, water quality, flood management, and water-related natural resources.

Westside Sacramento Integrated Regional Water Management Plan: The Westside IRWMP was prepared pursuant to California Water Code section 10530 et sec. It integrates the projects and management plans of water resource-related agencies and stakeholder organizations located in a defined region, in this case, the Westside Sacramento Region of the Sacramento River Proposition 84 Funding Area, in order to foster coordination, collaboration, and communication among those entities and to assist decision-makers in identifying and applying for grants and other funding in support of identified regional goals and objectives.

Westside Sacramento Regional Water Management Group: The RWMG consists of the Lake County Watershed Protection District, Napa County Flood Control and Water Conservation District, Solano County Water Agency, and Yolo Subbasin Groundwater Agency and are signatories to this MOU.

4. IRWMP PARTICIPANTS

Westside IRWMP participants include the RWMG and any stakeholders interested in water-related issues in the Region.

5. MUTUAL UNDERSTANDINGS

Need for an IRWMP

Integrated regional water management fosters increased coordination, collaboration and communication between water-related agencies and interested stakeholders that may result in more effectively managed resources, cost efficiencies, and better service to the public.

In addition, a qualified IRWMP is required by state law for receiving IRWMP implementation grants from Proposition 84 funds and will likely be required for any future state funding programs.

Scope of the IRWMP

The Westside IRWMP defines a clear vision for the management of water resources in the Region and highlights important actions needed to accomplish that vision through the year 2035. The Westside IRWMP is intended to be a useful planning tool, and nothing more. It does not provide discretionary approval for any given project. Rather, it provides a framework for improved understanding and actions to address the major water-related challenges and opportunities facing the Region through the planning horizon.

Geographical Scope of the IRWMP

The boundaries of the Westside Sacramento Region of the Proposition 84 Sacramento River Funding Area are shown in Exhibit A.

6. GOVERNANCE

One of the key considerations for the Westside IRWMP is the governance structure chosen to perform the tasks necessary to develop and implement the Westside IRWMP. Section 11 of the Westside IRWMP provides the details of the governance structure to be used to implement and update the Westside IRWMP over the next 12 years (through 2035); it is summarized below.

The RWMG Governing Boards have appointed representatives to the Coordinating Committee (CC), comprised of one staff representative and an alternate from each member of the RWMG. All CC meetings will be compliant with the Brown Act (Government Code sections 54950-54963).

As described in the Governance Section of the Westside IRWMP, the CC will be responsible for coordinating implementation of the Westside IRWMP including, but not limited to, promoting progress on Westside IRWMP objectives, conducting stakeholder meetings, engaging the public, maintaining the Westside IRWMP website, pursuing grant funds for implementation, coordinating related efforts, finance implementation coordination activities, updating the project list, and, subject to the RWMG Governing Boards approval, updating the Westside IRWMP. Any decisions by the CC shall not cause an increase in expenditures beyond amounts authorized by the RWMG per the Cost Share provision of this MOU.

The CC will have a Chair and Vice Chair; the Chair shall be responsible for coordinating and running meetings as described in the Governance Section of the Westside IRWMP.

A summary of the major Governance components is found below, detailed descriptions of each component are found in Section 11 of the Westside IRWMP.

Decision Making

Decisions authorized by the RWMG, through their representatives on the CC, will continue to be made using broad stakeholder agreement as during development of the Westside IRWMP. If broad agreement cannot be made, the CC will vote on decisions, with a simple majority vote required for final decisions.

Roles and Responsibilities

Long-term Implementation of the IRWMP

Implementation of the Westside IRWMP will rely on actions taken by existing agencies and organizations within the Region. The RWMG as represented by the CC will provide leadership for

fostering cooperation, continuing coordination, tracking of Westside IRWMP performance, and updating the Westside IRWMP.

Public Involvement Processes

CC/Stakeholder input meetings will be held quarterly, or as needed, to discuss implementation issues. The CC may convene additional meetings as necessary to support fulfilling the objectives of the Westside IRWMP. The meetings will be announced and open to the public.

Coordination with Neighboring IRWMP Efforts, State Agencies, and Federal Agencies

Members of the CC will engage with neighboring IRWMP efforts and continue to communicate with California Department of Water Resources and other state and federal agencies that have interests or could impact meeting the objectives of the Westside IRWMP.

Making Changes to the IRWMP

The CC will review the Westside IRWMP at least once every five years to determine if the content needs to be changed in a significant way.

If significant changes are needed, the CC will lead the process for revising the Westside IRWMP. Once substantial revisions are made, the CC will request that the RWMG and project proponents adopt the revised Westside IRWMP.

Updating the IRWMP Project List

The CC may add projects to the Westside IRWMP, without formally amending the Westside IRWMP, that further the goals and objectives of the Westside IRWMP. The CC will invite stakeholders and project proponents at least once per year to submit additional projects for consideration to be included in the Westside IRWMP or updates to projects already included in the Westside IRWMP.

Pursue Funding for Implementation

The RWMG will not serve as fiscal agent for funding opportunities, but rather help identify a willing agency or organization with the appropriate authority and financial conditions to serve as a fiscal agency for each specific funding opportunity that is pursued.

As described in the Westside IRWMP, the CC will research, help identify and pursue funding opportunities that could help implement the projects and meet the objectives included in the Westside IRWMP.

Term

This MOU shall take effect upon signature or counter signature of the authorized representatives of the RWMG. This MOU shall expire on December 31, 2035, or upon its replacement by a subsequent MOU, or other instrument.

Cost Share

The CC will prepare an annual operating budget, linked to an annual work plan, to fulfill the roles of the CC. This budget will be presented and discussed at a CC/Stakeholder meeting. The RWMG (and potentially other agencies/organizations within the Region) may provide funds or in-kind services to fulfill the roles of the CC for the purposes of implementing the Westside IRWMP. The CC may direct the expenditure of funds for any roles defined for the CC in support of the Westside IRWMP.

The RWMG authorized \$80,000 as an initial operating budget for fiscal year 2013/2014 towards implementation of the Westside IRWMP, with each RWMG partner contributing \$20,000 in funds. As of 2022/2023, the CC has amended the annual contributions to \$21,500 per participating agency for a yearly operating budget of \$86,000.

The level and allocation of cash and in-kind services contributed by the RWMG members and other contributing agencies/organizations within the Region to fulfill the roles of the CC for the purposes of implementing the Westside IRWMP will be reviewed, adjusted, and approved by each RWMG member on an annual basis.

Withdrawal from the MOU

If any of the RWMG desires to withdraw from this MOU once adopted, the following conditions must be followed:

- 1) Written notification of intent to withdraw from the MOU must be submitted to all RWMG members;
- 2) Withdrawal from this MOU may occur at any time with 90 days written notice. However, once a RWMG member makes a payment for annual funding for implementation of the Westside IRWMP, no refunds of that contribution are made in the event of a withdrawal.

Personnel

It is expected that RWMG members will contribute the staff time necessary to meet the goals of this MOU.

Reports and Communications

Members of the CC will regularly report on the status of the Westside IRWMP to the RWMG and stakeholders. An annual report detailing project and program work completed, outreach and coordination, and the annual work plan and budget shall be prepared for the RWMG in the first quarter of each year.

Execution

This MOU may be executed in counterparts and the signed counterparts shall constitute a single instrument. The signatories to this MOU represent that they have the authority to bind their respective agency to this MOU.

7. SIGNATORIES OF THE MEMORANDUM OF MUTUAL UNDERSTANDINGS

We the undersigned representatives of our respective agencies, acknowledge the above as our understanding of the implementation of the Westside Sacramento Integrated Regional Water Management Plan.

Ronald Knott, Chair, Solano County Water Agency Date

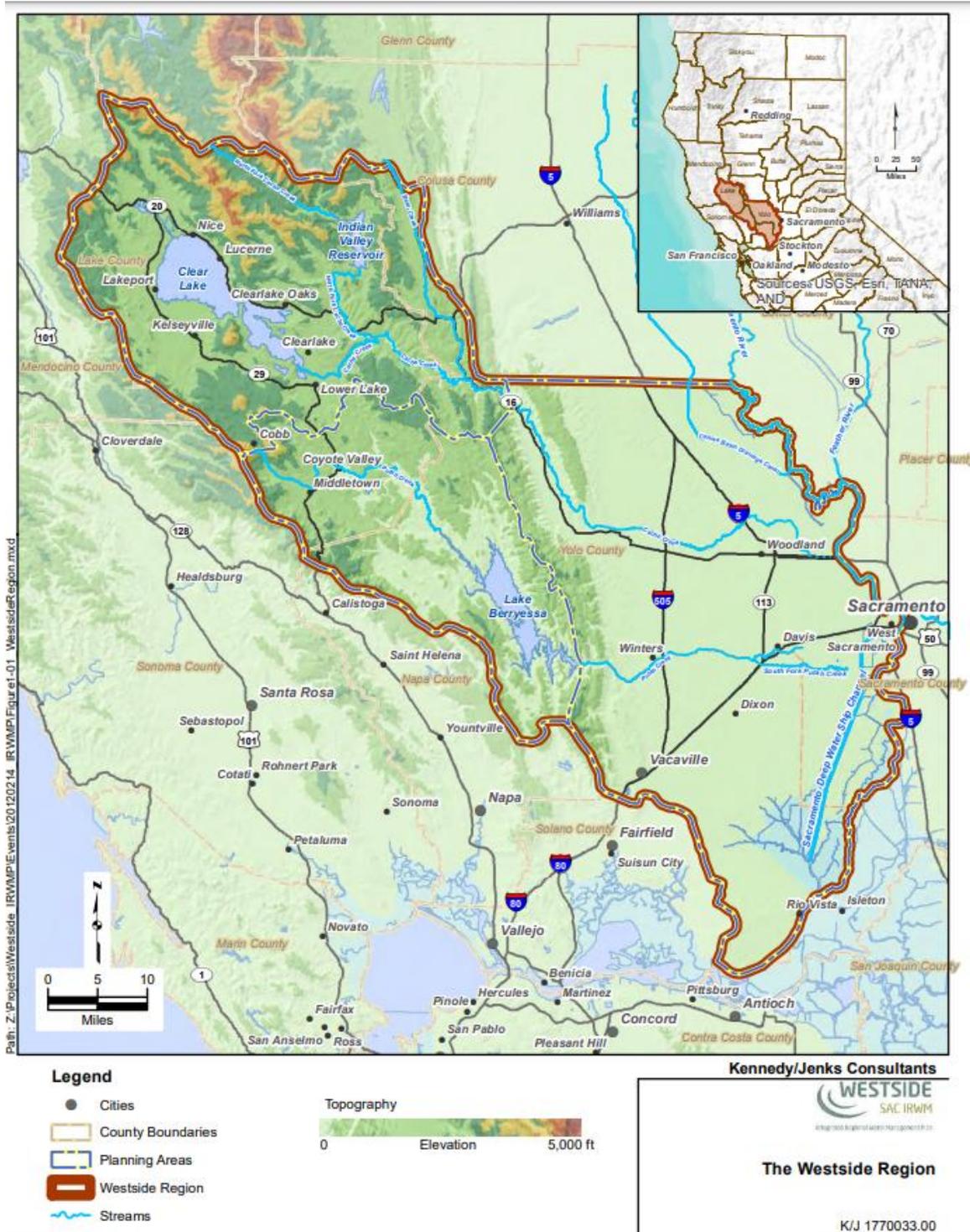
Gary Sandy, Chair, Yolo Subbasin Groundwater Agency Date

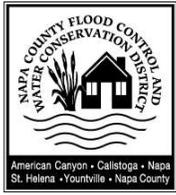
Ryan Gregory, Chair, Napa County Flood Control and Water Conservation District Date
[PL No 89049]

Jessica Pyska, Chair, Lake County Watershed Protection District Date

EXHIBIT A

Map of the Westside Sub-Region of the Sacramento River Funding Area





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:** 5/2/2023

File ID #: 23-0278

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Christopher Silke - Engineering Manager - Water Resources
SUBJECT: Reservoir Capacity Discussion

RECOMMENDATION

District Manager requests a discussion at the request of the Flood District Board with Napa area reservoir managers regarding reservoir capacity. Discussion will be centered on local and statewide planned projects that augment and/or restore existing source water volume to mitigate multi-year drought cycles.

EXECUTIVE SUMMARY

Record rainfall and snowpack across the State of California has spurred interest and discussion how to be more efficient storing excess runoff in local reservoirs for future use during critically dry years.

FISCAL 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.

BACKGROUND AND DISCUSSION

Napa Valley water managers have retained hydrologists, environmental scientists and engineers to study future water demands, analyze local water resource yields and imported supplies and identify reservoir storage expansion opportunities. Reports such as Urban Water Management Plans, Water Shortage Contingency Plans, Napa Valley Drought Contingency Plan and system specific Master Plans publish content related to reservoir capacity. The panel assembled for today's Flood District Board meeting will speak to specific storage capacity

actions and project participation underway by water suppliers.



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Flood Control and Water Conservation District **Agenda Date:** 5/2/2023

File ID #: 23-0646

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Andrew Butler - District Engineer
SUBJECT: Napa River/ Napa Creek Flood Protection Project Update

RECOMMENDATION

Monthly update on the progress of the Napa River Napa Creek Flood Protection Project.

EXECUTIVE SUMMARY

The District Engineer will update the Flood Board on the progress of the Napa River/ Napa Creek Flood Protection Project.

FISCAL IMPACT

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	NA
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	To provide a project update to the flood board.
Is the general fund affected?	No
Future fiscal impact:	NA
Consequences if not approved:	NA
Additional Information	NA

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: N/A

BACKGROUND AND DISCUSSION

District staff are currently engaged in completion of the last two increments of the Napa River/Napa Creek Flood Protection Project (Project) that the U.S. Army Corps of Engineers (USACE) has determined to be in the federal interest to pursue. These increments are the Floodwalls North of the Bypass Project and the Imola to Hatt Floodwalls Project. At the current time, staff are progressing the design of the Floodwalls North of the Bypass Project towards a projected construction start in 2025. Staff are also working with the USACE to outline their role in approval/acceptance of the NCFCWCD's design and construction efforts of these projects.



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Flood Control and Water Conservation District **Agenda Date:** 5/2/2023

File ID #: 23-0445

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Jeremy Sarrow - Watershed and Flood Control Operations Manager
SUBJECT: Protest Hearing - Fiscal Year 2023-2024 Watershed Assessment

RECOMMENDATION

PUBLIC HEARING 1:30 PM

District Engineer requests the following actions regarding Joint Zone Project 96-1 assessments:

1. Conduct a Protest Hearing on the proposed Fiscal Year 2023-2024 Assessments;
2. Tally any written protests filed and not withdrawn by the end of the protest hearing by registered voters residing in, and owners of assessable property located within the three zones of the Joint Zone Project;
3. If the tallied protests are:
 - a. Less than 25% in each Zone - The Board may adopt the proposed resolution:
 - i. Finding that the submission of proposed assessment to a vote by qualified electors is not required;
 - ii. Approving and levying the annual assessments for Fiscal Year 2023-2024; and
 - iii. Authorizing and directing the filing of the Fiscal Year 2023-2024 assessment roll with the Napa County Auditor for posting to the Fiscal Year 2023-2024 Napa County Property Tax Roll (Maintenance and Watershed Management Program-Project No. 96-1).
 - b. 25% or greater in any of the Zones - The Board must either:
 - i. Abandon the assessment for that Zone; or
 - ii. Place the issue of the proposed assessments in that Zone before the voters in that Zone.

EXECUTIVE SUMMARY

At its April 4, 2023, meeting, the Board approved the Engineer's Report for the Napa County Flood Control and Water Conservation District's (District) Maintenance and Watershed Programs for Fiscal Year 2023-2024, adopted a Resolution of Intent to Levy Assessments and set May 2, 2023, as the date for the required protest hearing. The Board will conduct the protest hearing and take action on the proposed assessments.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing.
2. Staff reports.
3. Public comment.
4. Close Public Hearing.
5. Tally any written protests filed and not withdrawn.
6. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Watershed Management: Org 8000500, NPDES: Org 8000501
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 1996, was to establish a mechanism to provide continued annual funding for certain categories of ongoing projects benefiting the residents and landowners within the District. This action renews the annual assessment needed to fund the Maintenance and Watershed Programs, Joint Zone Project 96-1, detailed in the Engineer’s Report approved at your April 4, 2023, meeting.
Is the general fund affected?	No
Future fiscal impact:	The assessment revenue funds the District’s Watershed Management Program for Fiscal Year 2023-2024.
Consequences if not approved:	This assessment is the main revenue source for Organization 8000500: Flood and Watershed Management. If not approved, no funding will be available for the various maintenance and watershed management programs for the Napa River watershed or District-wide programs included in the proposed Fiscal Year 2023-2024 budget.

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.

BACKGROUND AND DISCUSSION

On August 30, 1996, the Board adopted a Resolution which levied assessments for three zones previously created within the District (Joint Zone Project No. 96-1) to fund various aspects of the maintenance and watershed management program of the District. The Resolution also established an ongoing annual methodology for levying these assessments to reflect changes in the property characteristics of the assessed properties and adjustments for inflation. In accordance with this methodology, on April 4, 2023, the Board held a public hearing at the conclusion of which the Board adopted the Engineer’s Report for the program for the upcoming year and adopted a Resolution indicating its intention to levy assessments and directing notice to be given of a protest hearing to be held on May 2, 2023.

The protest hearing has been noticed in the manner provided by the District's governing statute. It is anticipated that the Board will open the hearing, hear the staff report, and receive any written protests filed prior to or at the hearing from registered voters residing in or the owners of assessable land located within the Joint Zone Project's three zones.

At the conclusion of the hearing, the Secretary of the District Board will tally any such protests which have been filed and not withdrawn. If the tally shows that signed protests were received by fewer than 25 percent of the registered voters residing within each affected Zone and/or by the owners of less than 25 percent of the area of land located within each affected Zone proposed to be subject to assessment for the Joint Zone Project for the 2023-2024 Fiscal Year, based upon those acreages shown on the latest Napa County assessment records, it is recommended that the Board adopt a Resolution (proposed Resolution attached) to:

1. Find that submission of the assessments to the voters is not required;
2. Levy the assessments for Fiscal Year 2023-2024 for Joint Zone Project 96-1; and
3. Authorize the Napa County Auditor-Controller to post the assessment roll to the 2023-2024 Napa County Property Tax Roll.

If a greater percentage of protests (by either registered voters or owners of assessable land) is received in any of the three Zones, the Board is required by the District's Act to either abandon the proposed assessments of that Zone or submit those assessments to the voters of that Zone for approval.

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2023-____ (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
FINDING THAT SUBMISSION OF PROPOSED ASSESSMENT TO VOTE
OF QUALIFIED ELECTORS IS NOT REQUIRED; APPROVING AND
LEVYING ANNUAL ASSESSMENTS FOR FISCAL YEAR 2023-2024;
AND AUTHORIZING AND DIRECTING FILING OF THE 2023-2024
ASSESSMENT ROLL WITH NAPA COUNTY AUDITOR FOR POSTING
TO 2023-2024 NAPA COUNTY PROPERTY TAX ROLL**

**(MAINTENANCE AND WATERSHED MANAGEMENT PROGRAMS –
JOINT ZONE PROJECT NO. 96-1)**

THE GOVERNING BOARD (“Board”) of the Napa County Flood Control and Water Conservation District (“District”), pursuant to the Napa County Flood Control and Water Conservation District Act, Chapter 61 of the Appendix to the Water Code (“Act”), **FINDS, DETERMINES, AND RESOLVES** as follows:

1. **Approval of Project and Assessment Methodology.** 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 in 1996 the zones for and approved that joint zone project entitled “Joint Zone Project No. 96-1: Maintenance and Watershed Management Programs” (“Project”). The Board gave notice of and held a public protest hearing on the Project, and, at the conclusion of the protest hearing, having received fewer protests 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 also approved an assessment methodology under which future assessments for the Project could be adjusted for inflation or deflation as well as changes in use of individual assessed properties without such adjustments being considered an assessment increase.

2. **Approval of 2023-2024 Project Report and Resolution of Intention.** On or before March 18, 2023, the District Engineer filed with the Secretary of the District Board (“Clerk”) an updated Project Report (“Project Report for 2023-2024”) analyzing the status of the Project, applying the previously-approved assessment methodology to each non-exempt assessable property within the Project zones, and recommending that the Project be funded for the 2023-2024 Fiscal Year without a change in assessment methodology or increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology. At a duly-noticed public hearing on April 4, 2023, the Board approved the Project Report for 2023-2024, adopted a Resolution of Intention to Levy Assessments for the 2023-2024 Fiscal Year, and set a public protest hearing for May 2, 2023, on the proposed levy as required by the Act.

3. **Notice of Public Protest Hearing.** Notice of the public protest hearing on the proposed assessments for the Project for the 2023-2024 Fiscal Year, including a copy of Resolution of Intention adopted by the Board on April 4, 2023, was published pursuant to Section 6061 of the Government Code and mailed or personally delivered to the chief administrative officer of each city in which the Project or portions thereof or the assessable property are located. A Certificate of Mailing of Notice of Public Hearing establishing compliance with the legal requirements of the Act is on file with the Clerk.

4. **Conduct of Public Protest Hearing.** On May 2, 2023, the Board conducted the noticed public protest hearing, considered all testimony and evidence submitted, and tallied all written protests submitted and not withdrawn before the conclusion of the public protest hearing.

5. **Protest Tally Results.** The Board finds and determines that written protests filed during or before the public protest hearing held on May 2, 2023, and not withdrawn before the conclusion of that hearing, were signed by fewer than 25 percent of the registered voters residing within each affected zone and/or by the owners of less than 25 percent of the area of land located within each affected zone proposed to be subject to assessment for the Project for the 2023-2024 Fiscal Year based upon those acreages shown on the latest Napa County assessment records. Accordingly, the Board finds and determines that the Board has jurisdiction to proceed with levy of the 2023-2024 assessments for the Project within each of the Project zones created in 1996 without needing to submit the proposed assessments to the qualified electors in any of the zones.

6. **Exemption from Proposition 218.** Because the proposed assessments for the Project for Fiscal Year 2023-2024 are imposed exclusively to finance the capital costs or maintenance and operation expenses for water, flood control and/or drainage systems, and the amounts of the assessments are the same or less than the Project assessments approved for Fiscal Year 1996-97 (subject to automatic adjustments for change in use and construction cost inflation in the manner established by the assessment methodology approved on August 27, 1996 (prior to November 5, 1996), the Board hereby finds and determines that levy of the proposed assessments is exempt under Section 5(a) of Article 13D of the California Constitution from the requirements of Proposition 218 (California Constitution Article 13D) and is exempt from the mailed notice and public meeting requirements of Government Code Section 54954.6.

7. **Levy of 2023-2024 Assessments.** Based upon the foregoing findings and determinations, the Board hereby approves and levies the assessments as recommended and in the amounts set forth in the Project Report for 2023-2024 attached hereto and incorporated by reference herein. As provided in said Project Report and in compliance with Section 13.5, subd. (4)(a), of the Act, no assessment shall be levied upon a federal or state governmental agency or another local agency.

8. **Posting of Roll.** As provided by Section 13 of the Act, the Clerk is hereby authorized and directed to transmit the 2023-2024 Assessment Roll as prepared in accordance with this Resolution for Joint Zone Project No. 96-1 to the Napa County Auditor, together with a certified copy of this Resolution, for posting of said 2023-2024 Assessment Roll on the 2023-2024 property tax roll of the County of Napa. The Napa County Auditor is requested to provide that payment of the revenues collected on account of said 2023-2023 assessments by the Napa County Treasurer be credited separately to the three zones established for Project No. 96-1. This

Board shall thereafter control and order the expenditure of said revenues for the authorized purposes of each of said zones, as provided by subdivision (3) and the second paragraph of subdivision (4) of Section 13 of the Act.

9. **Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption.

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 May 2, 2023, by the following vote, the number following each Director's name indicating the number of votes cast by that Director:

AYES: DIRECTORS _____
 NOES: DIRECTORS _____
 ABSTAIN: DIRECTORS _____
 ABSENT: DIRECTORS _____

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

By: _____
 RYAN GREGORY, Chairperson of the
 Board of Directors

<p>APPROVED AS TO FORM District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: March 9, 2023</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>
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Napa County

Board Agenda Letter

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

Flood Control and Water Conservation District **Agenda Date:** 5/2/2023

File ID #: 23-0452

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Jeremy Sarrow - Watershed and Flood Control Operations Manager
SUBJECT: Public Hearing to Consider any Objections or Protests, and to Adopt a Resolution to Levy Assessments for Rutherford Reach Benefit Zone Assessment District

RECOMMENDATION

PUBLIC HEARING 1:30 PM

District Manager requests the following actions related to the Rutherford Reach Benefit Zone Assessment District 2008-1:

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2023-2024 assessments; and
2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2023-2024 on qualifying properties.

EXECUTIVE SUMMARY

In 2008, the Assessment District was created and the voters in that District authorized an assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach, an approximately 4.5-mile reach of the Napa River south of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south. At the April 4, 2023, meeting, the Board approved the Engineer's Report for the Assessment District for Fiscal Year 2023-2024, adopted a Resolution of Intent to levy assessments, and set May 2, 2023, as the date for the required protest hearing. This public hearing is to consider objections or protests to the proposed assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach for Fiscal Year 2023-2024 verifying properties.

PROCEDURAL REQUIREMENTS

1. Open Public Hearing
2. Staff reports
3. Public comment
4. Close Public Hearing

- 5. Tally any written protests filed and not withdrawn
- 6. Motion, second, discussion and vote on the item

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Rutherford Maintenance - Fund 8000, Organization 8000502
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 2008, was to establish a mechanism to provide continued annual funding for maintenance benefiting the residents and landowners within the Assessment District. This action renews the annual assessment needed to fund the Assessment District detailed in the Engineer's Report and approved at the April 4, 2023, Flood Board meeting.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	This assessment is the main revenue source for maintenance needs in the Assessment District. If not approved, no funding will be available for routine maintenance activities in the FY 2023-2024.

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

On November 18, 2008, the Board adopted a Resolution to establish the formation of an Assessment District for the fixing of and the collection of certain maintenance charges to fund various aspects of maintenance activities within the Assessment District in conjunction with the Napa River Rutherford Reach Restoration Project (Restoration Project).

The Assessment District is comprised of 41 parcels located along both sides of the Rutherford Reach, an approximately 4.5- mile reach of the Napa River south of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south.

A maintenance program has been developed by the Napa County Flood Control and Water Conservation District, in consultation with the Rutherford Landowner Advisory Committee, to proactively address streambank erosion, to protect properties in the Assessment District, and to maintain features constructed as part of the Restoration Project that collectively will result in a more stable streambank for the benefit of the property owners.

Each year, an Engineer's Report is prepared to verify parcels subject to the assessment, ownership information, and amount of the assessment for each parcel. The proposed assessments are based upon an allocation of program costs over all properties subject to assessment in the Assessment District, which may vary slightly from year to year. The Engineer's Report recommends the levy of an assessment for Fiscal Year 2023-2024 in the amount of \$98,160 up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of property frontage on the Rutherford Reach.

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2023-04 (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT AUTHORIZING AND
LEVYING ASSESSMENTS FOR THE RUTHERFORD REACH BENEFIT ZONE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2023-2024**

(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 2023-2024 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 Fiscal Year 2023-2024; and

WHEREAS, upon filing the Report with the Board on April 4, 2023, the Board fixed May 2, 2023, at 1:30 p.m. in the Board of Supervisors’ Meeting Room, Suite 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California, as the time, date, and place for public hearing on the Report and for the filing of any objections or protests thereto; 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 the proposed assessments are calculated using the same rate and benefit methodology as that approved by property owners in 2008 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 May 2, 2023, 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 imposition of the assessments proposed 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 levy for Fiscal Year 2023-2024 the assessments as calculated 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.
2. The Board hereby confirms the contents and recommendations of the Report and levies an assessment, for up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach of the Napa River for those qualifying properties within the Assessment District for Fiscal Year 2023-2024 as more particularly set forth in the Engineer's Report dated March 2023 and orders collection of the assessments.
3. For each assessment levied for Fiscal Year 2023-2024, the assessments shall be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes.

[REMAINDER OF THIS 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 May 2, 2023, by the following vote, the number following each Director's name indicating the number of votes cast by that Director:

AYES: DIRECTORS _____

NOES: DIRECTORS _____

ABSTAIN: DIRECTORS _____

ABSENT: DIRECTORS _____

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

By: _____
 RYAN GREGORY, Chairperson of the Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: March 9, 2023</p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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