

Napa County

1195 THIRD STREET
SUITE 310
NAPA, CA 94559



Agenda

Tuesday, June 10, 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
Christopher DeNatale, City of Napa
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
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 May 13, 2025 and May 27, 2025 meetings. [25-899](#)

Attachments: [May 13, 2025](#)
[May 27, 2025](#)

4. PRESENTATIONS AND COMMENDATIONS

5. CONSENT ITEMS

- A. Approve and authorize Amendment No. 1 to Agreement No. 230009B (FC) with Suzanne Bontempo dba Plant Harmony, extending the term through June 30, 2026, with an option to be automatically renewed for one additional year at the end of fiscal year 2025-26. (Fiscal Impact: \$19,250 Expense; Flood District; Budgeted; Discretionary) [25-719](#)

Attachments: [Agreement](#)

- B. Approve a Budget Amendment to increase appropriations for Flood Project Maintenance - Measure A to fund maintenance charges for the Flood Project for Fiscal Year 2024-25. (Fiscal Impact \$125,000 Expense; Flood District Fund; Not Budgeted; Discretionary) [25-865](#)
[4/5 vote required]

- C. Award Construction Contract No. 260021B(FC) to Siteworks Construction for the Bale Slough-Bear Creek Restoration Project - Group C, FC 25-01 for their low bid of \$1,798,670.36. (Fiscal Impact: \$1,798,671 Expense; Flood District - Watershed Projects; Budgeted; Discretionary) [25-889](#)

- D. Approve and authorize Amendment No. 3 to Agreement No. 220322B (FC) with Associated Right of Way Services for the Napa River/ Napa Creek Flood Protection Project - Floodwalls North of the Bypass to fund the consultants for Real Estate acquisition for the Project through FY 2026-27. (No Fiscal Impact; Flood District - Flood Project; Not Budgeted; Discretionary) [25-954](#)

Attachments: [Agreement](#)

- E. Adopt a Resolution to amend the District Bylaws related to the Purchasing Policy for the Napa County Flood Control and Water Conservation District. (No Fiscal Impact; Discretionary) [25-1053](#)

Attachments: [Resolution and Amended Bylaws - Clean](#)
[Amended Bylaws - Redlined](#)

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. Discussion and nomination of two Flood District Board Members to sit on the Napa River Napa Creek Flood Protection Project Relocation Appeals Board. (No Fiscal Impact) [25-1072](#)

9. PUBLIC HEARINGS

- A. PUBLIC HEARING - Napa County Flood Control and Water Conservation District Budgets [25-820](#)

Adopt a Resolution with respect to the proposed Napa County Flood Control and Water Conservation District Fiscal Year 2025-26 budgets continued from May 27, 2025, Public Hearing. (Fiscal Impact: \$65,776,866 Expense; Napa County Flood Control District; Discretionary) [14 affirmative votes required]

Attachments: [Resolution](#)
[Budget Summary](#)
[Budget Sheets](#)

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** **[25-1056](#)**
(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
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v.
Gracia, David T. & Leslie Ann
Napa Superior Court Case No. 25CV000993
- B.** **CONFERENCE WITH REAL PROPERTY NEGOTIATOR** **[25-1058](#)**
(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
- CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))
Napa County Flood Control and Water Conservation District v.
Allan Nicholson and Connie Lee
Napa Superior Court Case No. 25CV000823

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-1059](#)

(Gov. Code § 54956.8)

Properties: APN 044-204-003

Negotiating Party: Richard Thomasser, Flood District Manager, California
Vacation Holdings Group, LLC Under Negotiation:

Price/Terms/Conditions of Payment

AND

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Gov. Code § 54956.9(d)(1))

Name of case: California Vacation Club, a California nonprofit mutual
benefit corporation, v. Napa County Flood Control and Water
Conservation District and California Vacation Holdings Group, LLC, a
Florida limited liability company, and DOES 1 through 10, inclusive. Case
No. 24CV001395. First Amended Verified Complaint for: (1) Breach of
Governing Documents, (2) Preliminary and Permanent Injunctions, and (3)
Declaratory Relief.

AND

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Name of Case: Napa County Flood Control and Water Conservation
District v. California Vacation Holdings Group LLC, et al. Napa Superior
Court Case No. 25CV000695

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-1060](#)

(Government Code section 54956.8)

Properties: APN 044-220-004

Negotiating Party: Richard Thomasser, Flood District Manager, Suzanne E
Murray 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.
Suzanne E Murray et al.

Napa Superior Court Case No. 24CV002128

E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-1061](#)

(Government Code section 54956.8)
Properties: APN 044-220-008
Negotiating Party: Richard Thomasser, Flood District Manager, 505
Lincoln Avenue Napa LLC
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.
505 Lincoln Avenue Napa LLC
Napa Superior Court Case No. 24CV002125

F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-1062](#)

(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

G. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-1103](#)

(Government Code Section 54956.8)
Properties: APN 044-314-007
Negotiating Party: Richard Thomasser, Flood District Manager, Maria
Vasilieva & Greghek Valdovinos
Under Negotiation: Price/Terms/Conditions of Payment

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, JULY 15, 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, JUNE 6, 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:** 6/10/2025

File ID #: 25-899

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 May 13, 2025 and May 27, 2025 meetings.

BACKGROUND

Clerk of the Board/Secretary of the District Board requests approval of minutes from the May 13, 2025 and May 27, 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
Christopher DeNatale, City of Napa
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
Belia Ramos, District 5
Pierre Washington, City of American Canyon

Tuesday, May 13, 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 Christopher DeNatale, Paul Dohring, Irais Lopez-Ortega, Amber Manfree, Marjorie Mohler, Belia Ramos and Pierre Washington. Directors Liz Alessio and Anne Cottrell were excused. The meeting was called to order by Chairperson Joelle Gallagher.

2. PLEDGE OF ALLEGIANCE

Vice-Chairperson Scott Sedgley led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

A. Approve minutes from the April 29, 2025 meeting.

[25-817](#)

Motion Text: Approve the Minutes.

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

Voting No: None

Recusals: None

Excused: Alessio and Cottrell

Result: Passed

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

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

6. Approve and authorize Purchase and Sale Agreement No. 250058B (FC) for the acquisition of one Flood Protection Levee Easement, one Slope Easement, and one Temporary Construction Easement on property located at 2408 Shoreline Drive (APN 044-314-006), Napa, California owned by Donald A Gomez and Shelley L Gomez, as Trustees of the Gomez Family Trust, Under Declaration of Trust dated February 2, 2000, for the Benefit of Donald A. Gomez And Shelley L. Gomez, at a price of \$61,000 and authorize the District Manager or District Engineer to sign related real estate documents on behalf of the District. (Fiscal Impact: \$61,000 Expense; Flood Project; Budgeted; Discretionary) [25-551](#)

Enactment No: A-250058B (FC)

- B. Approve and authorize Purchase and Sale Agreement No. 250370B (FC) for the acquisition of one Flood Protection Levee Easement and one Temporary Construction Easement on property located at 1600 Soscol Avenue (APN 044-250-033), Napa, California owned by WCH Napa LLC a Delaware Limited Liability Company, at a price of \$237,000 and authorize the District Manager or District Engineer to sign related real estate documents on behalf of the District. (Fiscal Impact: \$237,000 Expense; Flood Project; Budgeted; Discretionary) [25-656](#)

Enactment No: A-250370B (FC)

- C. Approve and authorize Purchase and Sale Agreement No. 250077B (FC) for the acquisition of one Flood Protection Levee Easement, one Slope Easement, and one Temporary Construction Easement on property located at 2418 Shoreline Drive (APN 044-314-002), Napa, California owned by Benjamin and Lisa Manley, Husband and Wife, as joint tenants, at a price of \$60,000 and authorize the District Manager or District Engineer to sign related real estate documents on behalf of the District. (Fiscal Impact: \$60,000 Expense; Flood Project; Budgeted; Discretionary) [25-809](#)

Enactment No: A-250077B (FC)

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

- A. Discussion and presentation of the Napa County Flood Control and Water Conservation District's (District) Stream Maintenance Program (SMP). (No Fiscal Impact) [25-756](#)

Watershed and Flood Control Operations Manager Jeremy Sarrow made presentation.

Discussion held.

Direction provided to staff.

9. PUBLIC HEARINGS

- A. Protest Hearing - Intention to Levy and collect assessments for Joint Zone Project 96-1 (Maintenance and Watershed management) [25-556](#)

Conduct a protest hearing on the proposed assessments for fiscal year 2025/2026 and adopt a Resolution to Levy and Collect Assessments for fiscal year 2025/2026 for Joint Zone Project 96-1 (Maintenance and Watershed Management). (Fiscal Impact: \$1,577,360 Revenue; Watershed Projects; Not Budgeted; Discretionary)

Chair Joelle Gallagher opened the public hearing.

Watershed and Flood Control Operations Manager Jeremy Sarrow made presentation.

Chair Joelle Gallagher closed the public hearing.

Motion Text: Adopt the Resolution.

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

Voting No: None

Recusals: None

Excused: Alessio and Cottrell

Result: Passed

Enactment No: R-2025-09 (FC)

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

None

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS

None

12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

[25-770](#)

(Government Code Section 54956.8)

Properties: APN 044-230-005

Negotiating Party: Richard Thomasser, Flood District Manager, Bess David W Etal

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.

14. ADJOURNMENT

ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, MAY 27, 2025 AT 9:00 AM.

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
Christopher DeNatale, City of Napa
Paul Dohring, City of St. Helena
Irais Lopez-Ortega, City of Calistoga
Amber Manfree, District 4
Marjorie Mohler, Town of Yountville
Belia Ramos, District 5
Pierre Washington, City of American Canyon

Tuesday, May 27, 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, Brando Cruz, Paul Dohring, Irais Lopez-Ortega, Marjorie Mohler, and Belia Ramos. Directors Christopher DeNatale and Pierre Washington were excused. Director Amber Manfree arrived during Item 7. The meeting was called to order by Chairperson Joelle Gallagher.

2. PLEDGE OF ALLEGIANCE

Chair Joelle Gallagher led the assembly in the Pledge of Allegiance.

3. APPROVAL OF MINUTES

None

4. PRESENTATIONS AND COMMENDATIONS

None

5. CONSENT ITEMS

None

6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR

None

7. PUBLIC COMMENT

None

8. ADMINISTRATIVE ITEMS

None

9. PUBLIC HEARINGS

A. PUBLIC HEARING - Fiscal Year 2025-26 Napa County Flood Control and Water Conservation District Budgets

[25-544](#)

Open Public Hearing to accept testimony on the Fiscal Year 2025-26 Recommended Budget for a total appropriation of \$65,776,866 and continue hearing for consideration to June 10, 2025, at 9:00 AM for adoption. (Fiscal Impact: \$20,816,755 net expense; Flood Control and Water Conservation District; Discretionary)

Chair Joelle Gallagher opened the public hearing.

District Engineer Richard Thomasser made presentation.

Flood District Staff Services Analyst Sarah Geiss made presentation.

Discussion held.

Direction provided to staff.

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

District Manager Richard Thomasser reported on returning to the Board at another meeting to discuss a complete financial update on the Flood Project. Thomasser also mentioned having the Storm Water Manager provide an update regarding Storm Water at a future meeting.

11. BOARD OF DIRECTORS REPORTS AND ANNOUNCEMENTS

Director Amber Manfree reported on touring numerous field sites with the Resource Conservation District.

12. BOARD OF DIRECTORS FUTURE AGENDA ITEMS

None

13. CLOSED SESSION

- A. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-911](#)
(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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))

Napa County Flood Control and Water Conservation District v.
Gracia David T. and Leslie Ann

Napa Superior Court Case No. [not yet assigned]

Correction Memorandum provided.

Closed Session held. No reportable action. Direction provided to staff.

- B. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-912](#)
(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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION
(Government Code section 54956.9(d)(1))

Napa County Flood Control and Water Conservation District v.
Allan Nicholson and Connie Lee

Napa Superior Court Case No. 25CV000823

Closed Session held. No reportable action. Direction provided to staff.

C. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

[25-710](#)

(Gov. Code § 54956.8)

Properties: APN 044-204-003

Negotiating Party: Richard Thomasser, Flood District Manager, California Vacation Holdings Group, LLC Under Negotiation: Price/Terms/Conditions of Payment

AND

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Gov. Code § 54956.9(d)(1))

Name of case: California Vacation Club, a California nonprofit mutual benefit corporation, v. Napa County Flood Control and Water Conservation District and California Vacation Holdings Group, LLC, a Florida limited liability company, and DOES 1 through 10, inclusive. Case No. 24CV001395. First Amended Verified Complaint for: (1) Breach of Governing Documents, (2) Preliminary and Permanent Injunctions, and (3) Declaratory Relief.

Closed Session held. No reportable action. Direction provided to staff.

D. CONFERENCE WITH REAL PROPERTY NEGOTIATOR

[25-907](#)

(Government Code section 54956.8)

Properties: APN 044-220-004

Negotiating Party: Richard Thomasser, Flood District Manager, Suzanne E Murray 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.

Suzanne E Murray et al.

Napa Superior Court Case No. 24CV002128

Closed Session held. No reportable action. Direction provided to staff.

- E. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-906](#)
(Government Code section 54956.8)
Properties: APN 044-220-008
Negotiating Party: Richard Thomasser, Flood District Manager, 505 Lincoln Avenue Napa LLC
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.
505 Lincoln Avenue Napa LLC
Napa Superior Court Case No. 24CV002125

Closed Session held. No reportable action. Direction provided to staff.

- F. CONFERENCE WITH REAL PROPERTY NEGOTIATOR [25-909](#)
(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. Direction provided to staff.

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, JUNE 10, 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:** 6/10/2025

File ID #: 25-719

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Supervising Staff Services Analyst
SUBJECT: Amendment No. 1 to Agreement No. 230009B (FC) with Suzanne Bontempo dba Plant Harmony

RECOMMENDATION

Approve and authorize Amendment No. 1 to Agreement No. 230009B (FC) with Suzanne Bontempo dba Plant Harmony, extending the term through June 30, 2026, with an option to be automatically renewed for one additional year at the end of fiscal year 2025-26. (Fiscal Impact: \$19,250 Expense; Flood District; Budgeted; Discretionary)

BACKGROUND

Our Water Our World (OWOW) is a public outreach program designed to reduce the use of pesticides by using a point of purchase program that educates and encourages nurseries and hardware stores to provide a less toxic product for their customers. The ultimate goal of the OWOW program is to bring about the reduction in pesticide related pollution in local creeks and rivers and contribute to a healthier environment for the public.

Plant Harmony shall implement the OWOW program in Napa County by direct interaction with the eight Napa County nurseries and hardware stores, who currently participate in the program to maintain the program in their business, encourage the public to reduce their use of conventional pesticide products and encourage the use of less toxic products around the home and garden.

Requested Actions:

1. Approve and authorize Amendment No. 1 to Agreement No. 230009B (FC) with Suzanne Bontempo dba Plant Harmony

FISCAL & STRATEGIC PLAN IMPACT

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

Where is it budgeted?	Flood District - National Pollutant Discharge Elimination System (NPDES) Stormwater Management, Subdivision 8000501, Account 52490
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The services to be performed by Suzanne Bontempo dba Plant Harmony are programmed tasks included in the Project Report for fiscal year 2025-2026 for the Countywide Stormwater Program.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	Staff would need to obtain these services from another resource to meet the goals set forth in the Project Report for FY 2025-26 for the Countywide Stormwater Program.

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.

**AMENDMENT NO. 1 TO
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT AGREEMENT NO. 230009B (FC)**

PROFESSIONAL SERVICES AGREEMENT

This AMENDMENT NO. 1 ("Amendment No. 1") to NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AGREEMENT NO. 230009B (FC) ("Agreement") is made and entered into effective as of June 21, 2022, by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California ("DISTRICT"), and Suzanne Bontempo, doing business as Plant Harmony, whose mailing address is 8917 Bodega Hwy, Sebastopol, CA 95472, hereinafter referred to as "CONTRACTOR."

RECITALS

WHEREAS, on June 21, 2022, DISTRICT entered into Napa County Flood Control and Water Conservation District Agreement No. 230009B (FC) (the "Agreement") with CONTRACTOR to obtain specialized services, as authorized by Government Code section 31000, in order to conduct the Our Water Our World (OWOW) public outreach program; and

WHEREAS, DISTRICT and CONTRACTOR now desire to amend the Agreement for time to increase the term of the Agreement; and

WHEREAS, CONTRACTOR is willing to continue to provide such specialized services to DISTRICT under the terms and conditions set forth herein.

TERMS

NOW, THEREFORE, DISTRICT and CONTRACTOR hereby agree to amend the Agreement as follows:

1. Paragraph 1, of the Agreement as to term of the agreement is hereby amended in full to read as follows:

Term of the Agreement. The term of this Agreement shall commence on the date first above written and shall expire on June 30, 2026, unless terminated earlier in accordance with Paragraphs 9 (Termination for Cause), 10 (Other Termination), or 23(a) (Covenant of No Undisclosed Conflict); except that the obligations of the parties under Paragraphs 7 (Insurance) and 8 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to DISTRICT shall also continue after said expiration date or early termination in relation to the obligations prescribed by Paragraphs 15 (Confidentiality), 20 (Taxes), and 21 (Access to Records/Retention). The term of this Agreement shall be automatically renewed for one additional year at the end of the fiscal year, under the terms and conditions then in

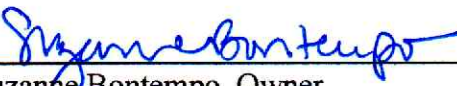
effect, unless either party gives the other party written notice of intention not to renew no less than thirty (30) days prior to the expiration of the then current term. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30 however, that such amounts shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered.

2. Except as provided in Paragraph 1, above, the terms and provisions of the Agreement shall remain in full force and effect as last approved.

3. This Amendment No. 1 may be executed in counterparts, which when taken together, shall constitute a single signed original as though all Parties had executed the same page.

IN WITNESS WHEREOF, this Amendment No. 1 is executed by DISTRICT and by CONTRACTOR through its duly authorized officers.

SUZANNE BONTEMPO, DOING BUSINESS AS
PLANT HARMONY

By 
Suzanne Bontempo, Owner

"CONTRACTOR"

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

"DISTRICT"

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: April 4, 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>
--	--	--



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:** 6/10/2025

File ID #: 25-865

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 Flood Project Maintenance - Measure A

RECOMMENDATION

Approve a Budget Amendment to increase appropriations for Flood Project Maintenance - Measure A to fund maintenance charges for the Flood Project for Fiscal Year 2024-25. (Fiscal Impact \$125,000 Expense; Flood District Fund; Not Budgeted; Discretionary)
[4/5 vote required]

BACKGROUND

This division was created in fiscal year 2018-19 upon the sunset of Measure A and acts as a non-operating special revenue fund which restricts the funds for the specific purpose of the Napa City and Vicinity Flood Project Maintenance. This Subdivision currently has a fund balance of approximately \$13.5 million, and funds are drawn upon as reimbursements are received within Subdivision 8001000 Flood District - Flood Project; in accordance with Amendment No. 1 of the Joint Powers Agreement, for the purpose of operations and maintenance of the Napa Flood Project.

During this fiscal year, the Flood Control District experienced higher-than-anticipated expenses due to several unforeseen maintenance issues. These included sediment removal, downed trees, and erosion control measures that became necessary following severe weather events. The increase in expenses for the District's maintenance fund was largely unforeseen, driven by the unexpected severity of recent storms.

The original budgeted amount for Flood Project Maintenance - Measure A is \$645,963.

Requested Actions:

1. Approval of Budget Amendment for the following (4/5 vote):
 - a. Increase revenue in the amount of \$125,000 for Intrafund Transfers-In within Flood Project Fund (Subdivision 8001000, Account 49900) and;
 - b. Increase appropriations in the amount of \$125,000 for Intrafund Transfers-Out within Flood Projects-

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 Operations is reimbursed for expenses from the Measure A Maintenance fund
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	The Flood District Operations subdivision would not be reimbursed for expenses from the Measure A Maintenance fund

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:** 6/10/2025

File ID #: 25-889

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Jeremy Sarrow - Watershed and Flood Control Operations Manger
SUBJECT: Award of the Bale Slough - Bear Creek Restoration Project - Group C, FC 25-01
Construction Contract No. 260021B(FC)

RECOMMENDATION

Award Construction Contract No. 260021B(FC) to Siteworks Construction for the Bale Slough-Bear Creek Restoration Project - Group C, FC 25-01 for their low bid of \$1,798,670.36. (Fiscal Impact: \$1,798,671 Expense; Flood District - Watershed Projects; Budgeted; Discretionary)

BACKGROUND

The Bale Slough - Bear Creek Restoration Project will continue restoration activities within the Napa River Watershed that were started with the Rutherford Reach Restoration Project and the recently completed Oakville to Oak Knoll Restoration Project. The 1.6-mile Project reach has been divided into three construction groups (A-C), encompassing fourteen (14) distinct restoration sites. The District has completed the environmental review of the Project as required by CEQA, and a Mitigated Negative Declaration was adopted. The project goals include reducing sediment loads and enhancing biological complexity throughout the river channel and riparian corridor. Construction of the Group A restoration sites was completed in 2023, and Group C will be completed in the summer of 2025 pending board approval of the construction contract. Construction of Group B is dependent on receiving additional grant funds which District staff plans to pursue as they become available.

Below are brief descriptions of the three groups in this restoration reach.

Group A (completed in 2023)

Group A consists of restoration sites 1-5 which is the initial construction group that currently has funding in place. Restoration will involve grading the creek channel to create diversity and to reconnect the waterway to its historic floodplain. The planned habitat structures and erosion protection will allow for a healthier ecosystem without creating additional risk to landowners in the area; work will be completed by the end of 2023.

Group B

Group B consists of restoration sites 6-11 which is unfunded. Restoration actions will be similar to Group A

involving grading the creek channel to create habitat diversity and to reconnect the waterway to its historic floodplain.

Group C (The subject of this agenda item)

Group C consists of restoration sites 12-14 which is unfunded. Restoration actions will be similar to Group A and B involving grading the creek channel to increase habitat diversity and to reconnect the waterway to the channels historic floodplain with the addition of the expansion of a large wetland feature just upstream Highway 29.

On June 2, 2025, bids were opened pursuant to the approved plans and specifications and the approval from the Board on April 29, 2025, to advertise the project. The Engineer's estimate for construction and monitoring of the base contract was \$2,566,700. The following are the three lowest bids received:

LOWEST BID CONTRACTOR - Siteworks Construction - \$1,798,670.36
SECOND LOWEST BID CONTRACTOR - Hanford ARC - \$2,184,700.00
THIRD LOWEST BID CONTRACTOR - Cats 4 U Inc. - \$2,305,657.00

Requested Actions:

1. Award Construction Contract No. 260021B(FC) to Siteworks Construction.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Subdivision 8000500. The project is funded by grants from the California Wildlife Conservation Board for \$1.6 million and the United States Environmental Protection Agency for \$1.4 million for construction monitoring of the project.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Construction of the Project is consistent with the direction from the Board to accomplish watershed restoration projects of this type.
Is the general fund affected?	No
Future fiscal impact:	The entire construction project is funded by grants. Long term maintenance is being funded by the OVOK Community Facilities District that was created by the Flood Control District.
Consequences if not approved:	If this item is not approved, potential loss of grant monies, landowner involvement, and continued degradation of the Napa River may occur.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The project is the subject of a Mitigated Negative Declaration (SCH No.20211090589), which was adopted by the Napa County Flood Control District on November 15, 2021. According to the Mitigated Negative Declaration, the proposed project would have, if mitigation measures are not included, potentially significant environmental impacts in the following areas: Aesthetics, Biological

Resources, Transportation/Traffic, Cultural Resources, and Air Quality. This project site is not on any of the lists of hazardous waste sites enumerated under Government Code section 65962.5.



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:** 6/10/2025

File ID #: 25-954

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser, District Manager
REPORT BY: Andrew Butler, District Engineer
SUBJECT: Amendment No 3. Agreement No. 220322B (FC) with Associated Right of Way Services

RECOMMENDATION

Approve and authorize Amendment No. 3 to Agreement No. 220322B (FC) with Associated Right of Way Services for the Napa River/ Napa Creek Flood Protection Project - Floodwalls North of the Bypass to fund the consultants for Real Estate acquisition for the Project through FY 2026-27. (No Fiscal Impact; Flood District - Flood Project; Not Budgeted; Discretionary)

BACKGROUND

Associated Right of Way Services (ARWS) has provided the District with support for its real estate acquisition activities since the beginning of the Flood Project in 1998. ARWS prepared a real estate acquisition plan to create a strategy for the property acquisition of the originally estimated 19 properties that were required to move forward with the Project. After the date of the original agreement with ARWS and after discussion with legal and land acquisition consultants, staff determined that the formal acquisition of all necessary rights-of-way for the flood protection improvements were required for a total of 46 properties.

The Napa County Flood Control and Water Conservation Board approved the original Agreement No. 220322B (FC) on May 3, 2022, Amendment No. 1 on August 22, 2023, and Amendment No 2. on June 18, 2024.

Requested Actions:

1. Approve and authorize Amendment No. 3 to Agreement No. 220322B with Associated Right of Way Services (ARWS).

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it currently budgeted?	No
Where is it budgeted?	Fund 8000 Subdivision 8001000
Is it Mandatory or Discretionary?	Discretionary

Is the general fund affected?	No
Future fiscal impact:	Funding for ARWS's efforts have been included in the FY 2025-26 budget
Consequences if not approved:	Without real estate acquisition support, the District would be unable to meet its commitments as local sponsor on the Flood Project jeopardizing construction of future flood protection infrastructure.

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The Napa River/Napa Creek Flood Protection Project was included in the Final Environmental Impact Report/Statement (FEIR/EIS). The FEIR was circulated twice for public comment, from December 19, 1997, to February 13, 1998, and again in October and November 1998 (although not required), then certified by the Board of Directors of the Napa County Flood Control and Water Conservation District on May 4, 1999. The U.S. Army Corps of Engineers certified the Final Supplemental Environmental Impact Statement (FSEIS) on June 9, 1999.

**AMENDMENT NO. 3 TO
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT AGREEMENT NO. 220322B (FC)**

PROFESSIONAL SERVICES AGREEMENT

This AMENDMENT NO. 3 (“Amendment No. 3”) to NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AGREEMENT NO. 220322B ("Agreement") is made and entered into effective as of this _____ day of _____, 2025, by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California ("DISTRICT"), and Associated Right of Way Services, INC. a California corporation, whose mailing address is 1255 Treat Blvd., suite 815, Walnut Creek, California 94597, hereinafter referred to as “CONTRACTOR.”

RECITALS

WHEREAS, on May 03, 2022, DISTRICT entered into Napa County Flood Control and Water Conservation District Agreement No. 220322B (the “Agreement”) with CONTRACTOR to obtain specialized services, as authorized by Government Code section 31000, in order to provide DISTRICT with services related to acquisition of interests in real property required for the implementation of the Napa River/Napa Creek Flood Protection Project; and

WHEREAS, DISTRICT and CONTRACTOR amended this agreement on August 22, 2023, to increase the maximum compensation and add additional parcels to the scope for acquisition; and

WHEREAS, DISTRICT and CONTRACTOR amended this agreement on June 18, 2024, to increase the maximum compensation and add additional parcels to the scope for acquisition; and

WHEREAS, DISTRICT and CONTRACTOR now desire to amend the Agreement to increase the term of the Agreement and amend the rates; and

WHEREAS, CONTRACTOR is willing to continue to provide such specialized services to DISTRICT under the terms and conditions set forth herein.

TERMS

NOW, THEREFORE, DISTRICT and CONTRACTOR hereby agree to amend the Agreement as follows:

1. Paragraph 1, of the Agreement as to term of the agreement is hereby amended in full to read as follows:

Term of the Agreement. The term of this Agreement shall commence on the date first above written and shall expire on June 30, 2027, unless terminated earlier in accordance

with Paragraphs 9 (Termination for Cause), 10 (Other Termination), or 23(a) (Covenant of No Undisclosed Conflict); except that the obligations of the parties under Paragraphs 7 (Insurance) and 8 (Indemnification) shall continue in full force and effect after said expiration date or early termination in relation to acts or omissions occurring prior to such dates during the term of the Agreement, and the obligations of CONTRACTOR to DISTRICT shall also continue after said expiration date or early termination in relation to the obligations prescribed by Paragraphs 15 (Confidentiality), 20 (Taxes), and 21 (Access to Records/Retention). The term of this Agreement shall be automatically renewed for one additional year at the end of the fiscal year, under the terms and conditions then in effect, unless either party gives the other party written notice of intention not to renew no less than thirty (30) days prior to the expiration of the then current term. For purposes of this Agreement, "fiscal year" shall mean the period commencing on July 1 and ending on June 30 however, that such amounts shall not be construed as guaranteed sums, and compensation shall be based upon services actually rendered.

2. Paragraph 3 (a), of the Agreement as to term of the agreement is hereby amended in full to read as follows:

Rates. Up to the effective date of this Agreement, in consideration of CONTRACTOR's fulfillment of the promised work, DISTRICT shall pay CONTRACTOR at the rates set forth in Exhibit "B," as attached to the Agreement. Beginning on the effective date of this Agreement, in consideration of CONTRACTOR's fulfillment of the promised work, DISTRICT shall pay CONTRACTOR at the rates set forth in Exhibit "B-1," as attached hereto and incorporated herein to this Amendment No. 3. CONTRACTOR will be allowed to submit an annual rate schedule adjustment each fiscal year based on the current Bay Area Construction Cost Index or another Index at the request of CONTRACTOR and approved by the DISTRICT ENGINEER in writing.

3. Except as provided in Paragraphs 1 and 2, above, the terms and provisions of the Agreement shall remain in full force and effect as last approved.
4. This Amendment No. 3 may be executed in counterparts, which when taken together, shall constitute a single signed original as though all Parties had executed the same page.

IN WITNESS WHEREOF, this Amendment No. 3 is executed by DISTRICT and by CONTRACTOR through its duly authorized officers.

ASSOCIATED RIGHT OF WAY SERVICES, INC.

DocuSigned by:
William S. Tannenbaum
By 2CC30B613F19481...
BILL TANNENBAUM, President

Signed by:
Matthew Schock
By E0C2A8057F0A471...
MATTHEW SCHOCK, Vice-President

“CONTRACTOR”

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

"DISTRICT"

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <i>Shana A. Bagley</i> Deputy County Counsel</p> <p>Date: May 16, 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 “B-1”
ASSOCIATED RIGHT OF WAY SERVICES, INC. (AR/WS) FEE SCHEDULE

CONSULTING CATEGORY	RATE
Principal Consultant	\$295.00
Managing Consultant	\$230.00
Consultant III	\$180.00
Consultant II	\$160.00
Consultant I	\$140.00
Right of Way Technician	\$110.00
Administrative Support	\$95.00
Appraisal Reports	Lump Sum
Appraiser III (MAI) (Hourly)	\$240.00
Appraiser II (Hourly)	\$215.00
Appraiser I (Hourly)	\$190.00
Subcontractors	Cost + 10%
Preparation for Expert Witness Testimony & Court Appearances	\$400.00
Court Attendance and Testimony at Depositions, Arbitrations, Mediations, Hearings, and Trial	\$500.00

Rates subject to a 3% annual escalation



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:** 6/10/2025

File ID #: 25-1053

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - District Analyst
SUBJECT: Adoption of a Resolution to Amend District Bylaws

RECOMMENDATION

Adopt a Resolution to amend the District Bylaws related to the Purchasing Policy for the Napa County Flood Control and Water Conservation District. (No Fiscal Impact; Discretionary)

BACKGROUND

The Napa County Flood Control and Water Conservation District (District) currently maintains its own purchasing policy as outlined in the District Bylaws. However, recent updates to the County of Napa's Purchasing Policy have provided more streamlined, efficient and accountable procedures for public procurement and contracting.

To enhance operational consistency, improve administrative efficiency and ensure compliance with updated procurement standards, staff recommends amending the District Bylaws be edited to align the District's purchasing procedures with those of the County of Napa.

The proposed Resolution amends Section XVI of the District Bylaws, adding to the current Purchasing Policy with language that defers to the Purchasing Policy of the County of Napa.

Requested Actions:

1. Adopt a Resolution to amend the District Bylaws related to the Purchasing Policy for the Napa County Flood Control and Water Conservation District. (No Fiscal Impact; Discretionary)

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	No
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	To improve administrative efficiency
Is the general fund affected?	No

ENVIRONMENTAL IMPACT

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

RESOLUTION NO. 2025- (FC)

**A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT AMENDING BOARD BYLAWS**

WHEREAS, pursuant to the Section XIX of Bylaws of the Napa County Flood Control and Water Conservation District (“District”), the Bylaws may only be amended by the Board of Directors of the District (“Board of Directors”); and

WHEREAS, the District wishes to clarify the Purchasing Policy to be compatible with the Purchasing Policy of the County of Napa; and

WHEREAS, a copy of the revisions to the Bylaws and Purchasing Policy of the District regarding the General Purchasing Policy is attached to this resolution as Exhibit “A” and is incorporated by reference herein.

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

1. The revision of the District’s Bylaws in section XVI amending the General Purchasing Policy; and
2. The Bylaws and Purchasing Policy as amended and attached as Exhibit “A” are adopted in the form submitted; and
3. This resolution shall be effective immediately upon adoption.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

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 ____ day of _____, 2025, by the following
 vote, with the number following the name of each voting Director indicating the number of votes
 cast by the Director:

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

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

By: _____
 JOELLE GALLAGHER, Chair of the
 Board of Directors

APPROVED AS TO FORM Office of District Counsel By: <u>Shana A. Bagley</u> Deputy County Counsel Date: May 28, 2025 [PL No. 132381]	APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Date: Processed by: _____ Deputy Secretary of the District Board	ATTEST: NEHA HOSKINS Secretary of the District Board By: _____
---	--	--

EXHIBIT “A”

BYLAWS OF THE BOARD OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

(as amended June 10, 2025)

Preamble

Effective January 1, 1997, the Napa County Flood Control and Water Conservation District Act (“the Act”) was amended by Sections 3 through 6 of Chapter 308 of the Statutes of 1996 to reorganize and expand the governing board of the District from a five-member board of directors comprised of the Napa County Board of Supervisors serving ex-officio to an eleven-member board of directors composed as follows: five directors who are members of the Napa County Board of Supervisors, serving ex-officio and having two votes each; one director who is the mayor of the City of Napa, serving ex-officio and having two votes; four directors who are the mayors of the Cities of Calistoga, St. Helena, and American Canyon, and the Town of Yountville, serving ex-officio and having one vote each; and one director who is a member of the Napa City Council, appointed annually by the Napa City Council and having one vote. Effective January 1, 2003, the Act was further amended by Chapter 283 of the Statutes of 2002 to provide for alternate members for each mayor and for two floating alternates for the members of the board of supervisors, as well as to increase the flexibility of the District Board in regard to certain administrative matters. These amended Bylaws are adopted to govern the conduct of the District Board as reorganized and expanded by these statutes.

Bylaws

I. OFFICERS

A. Chairperson and Vice-Chairperson.

1. **Election.** At its first meeting each calendar year, the Board shall elect a Chairperson and Vice-Chairperson from among the directors. Beginning in January 2002, the Vice-Chairperson for the previous year shall be elected as Chairperson unless they are no longer on the Board or decline to serve. In any given term, if the Chairperson is also a member of the Napa County Board of Supervisors, the Vice-Chairperson shall be selected from among the directors who are mayors or the director appointed to the District Board by the Napa City Council. If the Chairperson is also a mayor or the director appointed by the Napa City Council, then the Vice-Chairperson shall be selected from among the members of the Napa County Board of Supervisors. If both the Chairperson and Vice-Chairperson are absent, but the alternate for the Chairperson is present and serving on the Board, the alternate shall serve as Chairperson. If the alternate for the Chairperson is also absent, but the alternate for the Vice-

Chairperson is present and serving on the Board, that alternate shall serve as the Chairperson. If both officers and their respective alternates are absent, the Secretary shall call for the election of a temporary Chairperson by the members or their alternates who are serving and present.

2. **Term.** The term of the Chairperson and Vice-Chairperson shall not exceed one year except that they shall continue to serve thereafter until their successors are elected and assume office. The Chairperson and Vice-Chairperson shall not serve consecutive terms in the same office.
3. **Duties of the Chairperson and Vice-Chairperson.** The Chairperson of the Board or, in their absence, the Vice-Chairperson, shall act as the presiding officer of the Board and in that capacity shall preserve order and decorum, decide questions of order subject to being overruled by a four-fifths vote (14 votes) of the Board, and perform such other duties as are required by law. The Chairperson shall in addition have all the rights and duties enjoyed by any other director.
4. **Participation of the Chairperson.** The Chairperson of the Board, or in their absence the Vice-Chairperson, may make or second any motion and present and discuss any matter on the agenda in the same manner as any other director without having to step down from the Chair.

B. Ex-Officio Officers. The following officers and their assistants, deputies, clerks and employees of the County of Napa shall serve ex-officio as officers, assistants, deputies, clerks, and employees of the District:

1. **Legal Counsel.** The Legal Counsel for the District shall be the County Counsel for the County of Napa.
2. **Assessor.** The Assessor for the District shall be the Napa County Assessor.
3. **Treasurer/Tax Collector.** The Treasurer/Tax Collector for the District shall be the Napa County Treasurer-Tax Collector.
4. **Auditor-Controller.** The Auditor-Controller for the District shall be the Napa County Auditor-Controller.
5. **District Engineer.** The District Engineer for the District shall be the Napa County Public Works Director, their deputy, or any other qualifying county officer appointed by the Napa County Board of Supervisors.
6. **District Manager.** The District Manager for the District shall be the Napa County Deputy Director of Public Works for Flood and Water

Resources. The District Manager and District Engineer may be the same individual, when qualified.

7. **Secretary.** Unless otherwise approved by amendment of these Bylaws, the Secretary of the District Board shall be the Clerk of the Napa County Board of Supervisors. All references in the governing act of the District to the secretary or the clerk of the District shall mean the Secretary of the District Board.
8. **District Executive Officer.** Unless otherwise approved by amendment of these Bylaws, the District Executive Officer (also known as District Administrator) of the District shall be the Napa County Executive Officer.
9. **District Engineering Manager-Water Resources.** The District Engineering Manager – Water Resources, District Manager, and/or District Engineer may be the same individual, when qualified.

II. MEETINGS OF THE BOARD

- A. **Date of Regular Meetings.** Regular meetings of the Board shall be held once a month. All dates of regular meetings of the Board shall be shown on a calendar, which the Board shall adopt on or before its last meeting each calendar year to conform, in part, to the calendar of regular meetings adopted for the next year by the Napa County Board of Supervisors. Notwithstanding the foregoing, any regular meeting of the Board may be canceled by majority vote of the Board or, at any time, by the Chairperson (or in their absence the Vice-Chairperson) or the Secretary for lack of business or by the Secretary for lack of a quorum.
- B. **Time of Regular Meetings.** Regular meetings shall follow the adopted calendar, and continue until all agenda business is concluded unless adjourned earlier on motion of the Board for any reason or by the Secretary for lack of a quorum.
- C. **Location of Regular Meetings.** Unless specially noticed otherwise, regular meetings shall be held in the Meeting Room of the Napa County Board of Supervisors, Room 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California.
- D. **Emergency and Special Meetings.** Emergency or special meetings shall be called in conformance with the provisions of the Brown Act (Government Code section 54950 and following) and may be canceled in the same manner as provided in these Bylaws for cancellation of regular meetings.

III. AGENDAS

- A. **Posting.** The Secretary shall prepare, post, and otherwise give notice of the agenda for each meeting of the Board in accordance with the requirements of the Brown Act.
- B. **Inclusion on Agenda Required for Discussion or Action.** No matter may be considered or acted upon unless it is included on the posted agenda or a supplemental agenda.
- C. **Supplemental Agenda.** A supplemental agenda will be prepared and considered by the Board only under the following conditions:
 - 1. **Emergencies.** Upon a determination by the Board that an emergency situation exists, as defined in Section 54956.5 of the Government Code.
 - 2. **Need Arising after Posting.** Upon a determination by a two-thirds vote of the Board (12 votes), or, if less than two-thirds of the potential votes are present, a unanimous vote of those directors present, that there is a need to take immediate action and the need to take action came to the attention of the local agency subsequent to the regular agenda being posted.
 - 3. **Recently Continued Item.** The item was properly posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

IV. PLACING MATTERS BEFORE THE BOARD

- A. **Compliance with Board Forms and Policies.** Any matter to be considered by the Board shall first be properly filed in compliance with the policies, standards and procedures established by the Board. The Secretary shall not accept any matter for inclusion on the agenda and presentation to the Board unless the matter is set forth on the prescribed forms, if any, properly filled out with all required data attached.
- B. **Late Submission of Information.** Late submission (i.e., at a Board meeting or immediately prior to a Board meeting) of lengthy written reports or technical material by any person may be considered by the Chairperson as grounds for an automatic continuation to the Board's next regular meeting of the item to which the reports or materials relate.
- C. **Inclusion on Future Agenda.** Any matter that comes before the Board orally that is not shown on the agenda shall not be acted upon by the Board at that meeting unless included on a supplemental agenda in conformance with paragraph III. (C), above, and any questions or comments at that meeting

regarding the item shall be limited to the scope permitted by the second paragraph of Government Code section 54954.2(a).

- D. Withdrawal of Item.** A person who has requested that an item be placed before the Board, or their appointed representative, may withdraw the item at any time prior to the Board acting on such matter. If the request is oral, written confirmation of the request will be required.

V. CONDUCT OF MEETINGS

- A. Order of Business.** The regular order of business of the Board shall be:
1. Call to order and Pledge of Allegiance.
 2. Approval of the minutes of the previous meeting.
 3. Agenda of the Board.
 4. Adjournment.
- B. Parliamentary Procedure.** Unless otherwise provided by these Bylaws, all proceedings before the Board shall be conducted in accordance with and pursuant to the parliamentary procedure prescribed in the current version of the American Institute of Parliamentarians Standard Code of Parliamentary Procedure.
- C. Preservation of Order.** The Chairperson shall preserve order at all public hearings and shall decide business questions of order subject to being overruled by a four-fifths vote (14 votes) of the Board. Persons who become disruptive or abusive may be ejected from the hearing.
- D. Recording of Meetings.** Any meeting of the Board, other than a closed session permitted under the Brown Act, may be recorded by any person, unless the Board determines that such recording could constitute a disruption of the proceedings.

VI. RESOLUTIONS AND ORDINANCES

Except as specifically provided otherwise by these Bylaws or any law of the State of California, all ordinances and resolutions of the Board shall be adopted by the Board and certified, recorded and published in the same manner as ordinances or resolutions of the County of Napa.

VII. ORDER OF TESTIMONY

- A. Matters not involving a noticed public hearing.** Testimony and argument relative to any agenda item not requiring a noticed public hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order:

1. The Chairperson shall identify the matter and, if the matter is a public hearing, declare the public hearing open.
2. The staff report shall be presented.
3. Persons wishing to speak in favor of the matter.
4. Persons wishing to speak in opposition to the matter.
5. Rebuttal in the same order (if there is opposition).
6. Questions by the Board.
7. Board discussion.
8. Voting.

B. Matters Involving a Noticed Public Hearing. Proceedings that involve public hearings and can be heard only after notice of the public hearing has been given shall, unless otherwise ordered by the Chairperson, be conducted as follows:

1. The Chairperson shall identify the matter and declare the public hearing open.
2. If the Chairperson deems it necessary, all persons wishing to testify shall be sworn by the Secretary of the Board.
3. The staff report shall be presented.
4. A reasonable opportunity to present evidence and/or argument shall be afforded those persons entitled to notice or who may be affected or aggrieved by the decision.
5. A reasonable opportunity to cross-examine witnesses, including staff, shall be afforded those persons entitled to notice of the hearing or aggrieved by the decision, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses. All cross-examination shall be conducted through the Chairperson and not directly, unless otherwise directed by the Chairperson.
6. A reasonable opportunity for rebuttal of new material shall be afforded those persons entitled to notice of hearing or who may be affected or aggrieved by the decision.
7. Questions by the Board.

8. The Chairperson shall declare the public hearing closed.
9. Board discussion.
10. Voting.

VIII. PRESENTATIONS TO THE BOARD

- A. **Identification of Speaker.** Any person desiring to address the Board shall, when recognized by the Chairperson, give their name and address.
- B. **Limitations on Time.** The Chairperson may, in the interest of facilitating the business of the Board, set in advance of the presentation of testimony reasonable time limits for oral presentations. Persons may be required to submit written testimony in lieu of oral testimony if the Chairperson determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the hearing will be continued to a later date to allow a reasonable time for such submittals to occur.
- C. **No Testimony after Close of Hearing.** No testimony shall be accepted after the close of the public hearing, except that Legal Counsel and District staff may be consulted on legal issues or matters of clarification without reopening the public hearing. Objections alleging that counsel or staff are discussing or testifying as to factual matters shall be heard. If such objections are sustained, the Chairperson may reopen the hearing to permit such matters to be heard.

IX. EVIDENCE

- A. **Admission of Evidence.** Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. The Chairperson may determine not to receive cumulative, repetitious, immaterial, irrelevant, derogatory, or abusive testimony or other evidence, subject to the limitations in Government Code section 54954.3 (c). Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission of evidence shall not invalidate any action taken unless it is shown to have prejudiced the substantial rights of a party.
- B. **Exhibits.** All exhibits shall be marked upon submission to provide identification in the event the matter is litigated. All exhibits shall be retained by the Secretary until the expiration of the applicable statute of limitations, at which time they will be returned to the applicant. Unclaimed exhibits will be disposed of by the Secretary if not reclaimed by the applicant within ten days after the expiration of the applicable statute of limitations.

C. Consideration of Documentary Evidence.

- 1. Writings filed with the Secretary.** Letters, petitions or other documentary evidence (hereafter “writings”) filed with the Secretary shall be presented to the Board on or before the time of the public hearing. The Board shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Board’s file on the agenda item.
- 2. Distribution to the Public.** Writings distributed to the Board prior to commencement of a public meeting shall be made available for public inspection upon request prior to commencement of the meeting and shall be made available immediately at the commencement of and during their discussion at the meeting; except that this requirement shall not apply to writings distributed to the Board solely for use in connection with a closed session permitted by the Brown Act.

X. BURDEN OF PROOF

Except as otherwise provided by law, the applicant shall bear the burden of proof that the proposal is in compliance with applicable laws, standards, ordinances and policies, except that if the public hearing concerns an appeal, the appellant shall bear the burden of proving that the decision appealed was erroneous.

XI. EFFECT OF FAILURE TO COMPLY WITH BYLAWS

Failure to comply with any of these Bylaws shall invalidate an action only if it prejudices the substantial rights of the person alleging the error or if invalidation is required by statute. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person’s substantial rights.

XII. RECORDATION OF BOARD ACTIONS

All official actions or decisions by the Board shall be entered in the minute book of the Board. The vote or votes of each director on every question shall be recorded.

XIII. VOTING AND QUORUM

- A. Roll Call Vote.** A roll call vote may be required in voting upon any motion of the Board at the discretion of the Chairperson.
- B. Inaudible Votes.** Any director present who does not vote in an audible voice shall be recorded as voting “aye.”
- C. Quorum.** A quorum for the transaction of business shall exist only as long as a majority (6) of the eleven directors and a majority (9) of the seventeen total votes are present.

- D. Number of Votes Required for Action.** No action or recommendation of the Board shall be valid and binding unless at least nine (9) affirmative votes concur therein, except that matters relating to adoption or modification of the budget shall require at least 14 affirmative votes.
- E. Continuance Where Insufficient Votes Present.** In any case where, due to the absence of one or more directors, the number of affirmative votes required by 13 (D) cannot be obtained on a question before the Board, the Secretary of the Board shall automatically cause the matter to be placed on the next agenda for further consideration and vote. No motion shall be required to take such action.
- F. Voting Affected by Conflict of Interest.** As a general rule, no director shall participate as a director in any discussion or voting if to do so would constitute a conflict of interest. However, if a quorum cannot be achieved or the required number of affirmative votes for action obtained because conflicts of interest exists that prevents directors with conflicts from discussing or voting on the matter, and the conflicts are such that the directors with conflicts will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and the following rules shall apply.
- 1. Appeals.** If the matter involves an appeal, action shall be deemed taken by the Board to ensure that the circumstances as they existed prior to the decision of the approving officer or body will not be changed. Normally, if the decision being appealed was an approval, the appeal shall be deemed granted and the decision being appealed overturned; and if the decision being appealed was a denial, the appeal shall be deemed denied and the decision being appealed ratified. In unusual circumstances, where these actions would not preserve the *status quo*, the decision on the appeal shall be whatever action is necessary to maintain the *status quo*.
 - 2. Rule of Necessity (Appeal not Involved).** If the action does not involve an appeal, a sufficient number of the directors having conflicts of interest, selected by lot, shall be allowed to participate to provide enough votes for the Board to form a quorum and take affirmative action.
- G. Disclosure of Prior Information.** Any director who has received evidentiary information outside of a Board meeting or has viewed the property or site of a matter pending before the Board or is familiar with the property or site should publicly disclose the fact of such information, viewing, or familiarity with the site prior to the Board's final vote on the matter.

XIV. MOTION TO RECONSIDER

- A. At the Same Meeting.**

1. **Noticed Matters.** A final vote on any matter which required specific statutory notice in addition to the notice required by the Brown Act may be reconsidered during the meeting at which the vote was taken, provided all persons who were present when the matter was discussed, whether or not they spoke, are still present, and provided further that the motion to reconsider is made by a director who voted with the prevailing side.
 2. **All Other Matters.** In all other cases, the Board may reconsider a matter during the meeting at which the vote was taken, provided all directors who were present when the matter was discussed and voted upon are still present and provided further that the motion to reconsider is made by a director who voted with the prevailing side.
 3. **Precedence of Motion.** A motion for reconsideration made at the same meeting shall have precedence over every motion except a motion to adjourn.
- B. At a Later Meeting.** A final vote on any matter may be placed on the agenda for reconsideration by the Board upon motion of any director at any time or, up to ten calendar days after the action of the Board, upon a petition for reconsideration filed with the Secretary by any interested person. In either case, any director may make the motion to reconsider.
- C. Time of Reconsideration.** If the Board approves the motion for reconsideration, the Board may, in its discretion, reconsider the matter immediately or at a later date; except, if the matter required notice under any statute other than the Brown Act, notice shall be given and the matter shall be reconsidered on the date set forth in the notice.

XV. BUDGET

Unless otherwise provided by these Bylaws or by separate resolution of the Board, the budget for the District shall be prepared, presented, and approved by the Board in accordance with the procedures applicable to the budget of the County of Napa. Notwithstanding the foregoing, the Board shall commence the public hearing on the District's budgets on or before September 18 of each year and conclude such hearing within fourteen calendar days. After conclusion of the hearing, the Board shall by resolution adopt the proposed budget after any revisions of, deductions from, or increases or additions to the budget have been made. The Board shall adopt such resolution no later than October 2 of that fiscal year. In years in which the state budget is enacted after July 1, the Board may adopt the District budget by resolution no later than October 2 of that year or a period not to exceed 60 days from the date of the enactment of the state budget, whichever is later.

XVI. PURCHASING POLICY

The District Executive Officer, the District Engineer, District Manager, Engineering Manager – Water Resources, or their respective written designees may act as Purchasing Agent for the District within the scope and in accordance with the procedures prescribed in the Purchasing Policy attached hereto as Attachment “A” (amended June 10, 2025) and incorporated by reference herein. Additional Board policies relating to purchase and disposition of property are also described in the Purchasing Policy in Attachment “A.”

XVII. AUTHORIZATION FOR DISTRICT ENGINEER TO EXECUTE RIGHT-OF-ENTRY AGREEMENTS

The District Engineer, District Manager, or their written designee may execute right-of-entry agreements granting the officers, employees, agents, and contractors of the District access to any properties involved or affected by approved District projects or granting other persons, agencies, or entities access to property owned or controlled by District for purposes compatible with such projects.

XVIII. ALTERNATE MEMBERS

- A. City Alternates.** A member of the city or town council of American Canyon, Napa, Yountville, St. Helena, or Calistoga who has been duly designated in writing by the council to serve as vice-mayor or mayor pro tempore (mayor pro tem), and the member of the city council of the City of Napa who has been duly designated in writing by the council to serve as the alternate for the City’s second director on the District Board, may sit, vote, and otherwise fully participate as a director on the District Board in the absence of the mayor, or the second director from the City of Napa, with the right to cast the same number of votes as absent director being temporarily replaced, as long as a certified copy of the council’s action designating the member as vice-mayor, mayor pro tempore, or alternate for the City of Napa’s second director has been filed with the Secretary of the District.
- B. County Floating Alternates.** In the absence from the Board of Directors of up to two members of the Napa County Board of Supervisors, the floating alternates (if up to two have been appointed by the Board of Supervisors pursuant to Section 7(a)(1)(A) of the District Act from among members of the public residing within the District) may sit, vote, and otherwise fully participate as directors on the Board of the District in place of the absent members, serving in order of their priority as specified by the Board of Supervisors.

XIX. CHANGES TO BYLAWS

The provisions of these Bylaws may be altered, amended, or repealed only by resolution of the Board.

ATTACHMENT “A”

PURCHASING POLICY

(Amended June 10, 2025)

1. **In General.** Except where otherwise prescribed by the Bylaws of the District Board, the Purchasing Policy for the District shall be the same as described by the County of Napa in its current Purchasing Policy, Napa County Policy Manual Part I Section 39. Except where otherwise prescribed by the Bylaws of the District Board, the Purchasing Agent for the District shall have the same duties and powers as prescribed by the laws of the State of California for the county purchasing agent in a county with population of 200,000 or less. The Purchasing Agent shall furnish the governing board (“Board”) of the District and the officers and employees thereof with such reports and information as the Board may from time to time require and shall establish methods, procedures, and regulations necessary for the proper functioning of the Purchasing Agent. The Purchasing Agent shall be the District Executive Officer or their designee except where this Attachment specifically authorizes the District Engineer and/or the District Manager or their designees to serve as Purchasing Agent.

2. **Deputies.** The Purchasing Agent may appoint such deputies to perform in their stead, as they deem necessary, except that no such deputy shall be appointed or employed without the approval of the Board unless such deputy is already an officer, deputy of an officer, or an employee of the District.

3. **Specific Duties.** The Purchasing Agent may, within the constraints of the approved District budget:

(a) Purchase for the District and the officers, employees, and, where they deem appropriate, contractors of the District when engaged in District business, all materials, supplies, furnishings, equipment, livestock, and other personal property of whatever kind and nature. Except in cases of emergency as hereinafter provided or in cases where the Board or this Policy has made other specific provision, no purchase of personal property by any person or entity other than the Purchasing Agent or the Board shall be binding upon the District or constitute a lawful charge against District funds. Unless otherwise provided by law or these Bylaws, the Purchasing Agent may make such purchases of personal property without notice, advertising, or the securing of competitive bids or quotations, but if any individual item (as distinct from the total contract) costing more than \$5,000 is purchased without securing competitive bids or quotations or if any item costing more than \$500 is purchased from other than the lowest responsible bidder when competitive bids or quotations have been solicited, then the Purchasing Agent shall report such action to the Board with their reasons therefore.

(b) Rent furnishings, equipment, or livestock for the District.

(c) Sell any personal property belonging to the District and found by the Board not to be required for public use. Notice of sale of surplus personal property shall be posted for not less than five (5) business days preceding the day of sale in the Napa County Courthouse, the office of the Purchasing Agent, or such other public place within the jurisdiction of the District as the

Purchasing Agent may deem advisable. In the disposition of surplus personal property, the Purchasing Agent may purchase advertising space and advertise the proposed sale or other disposition of the personal property in such newspapers, magazines, periodicals, or other media (including electronic media) as the Purchasing Agent judges will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Subject to any limitation imposed by the Board, the Purchasing Agent shall decide upon the amount, nature, makeup, and content of the advertising. When purchasing property the Purchasing Agent may, without regard to the foregoing procedures, accept advantageous trade-in allowances for District personal property which is not further required for public use.

(d) Engage independent contractors to perform services for the District (other than the services described in (E) or (F)), with or without the furnishing of material, when the term of services does not exceed three years in length and when the aggregate cost per District fiscal year (July 1 through June 30) does not exceed Sixty-Nine Thousand Nine Hundred Dollars (\$69,900), except that this amount shall be adjusted annually by any increase in the California Consumer Price Index. Service contracts shall be consolidated whenever feasible to avoid incremental contracting and contracts shall not be split, in dollar amount or duration, to avoid Purchasing Agent review, Board of Directors' review, or to bypass bidding requirements.

(e) Engage state-licensed independent contractors to construct, repair, or furnish any building or structure enumerated in Section 20121 of the Public Contract Code of the State of California, when the estimated cost thereof, including the cost of materials, furnishings, and supplies, does not exceed Six Thousand Five Hundred Dollars (\$6,500), except as otherwise provided by law.

(f) Execute agreements with landowners to share the cost of streambank repair completed by or at the request of such landowners, where the cost to the District for each such repair is Thirty Thousand Dollars \$30,000 or less. The District Engineer or District Manager may act as Purchasing Agent for the execution of such agreements.

(g) Accept, on behalf of the District, any gift or donation of personal property. Any such gift or donation of personal property that exceeds \$10,000 in value shall be reported by the Purchasing Agent to the Board no later than the next regular meeting of the Board. The Purchasing Agent is not authorized to accept any gift or donation of real property or an interest in real property, but shall immediately transmit any offer thereof to the Board no later than the next regular meeting of the Board for consideration of acceptance by the Board.

(h) Perform such other services as the Board may from time to time require by resolution or ordinance.

4. **Emergency Purchases.** Emergency purchases of materials or supplies may be made by any District officer or employee authorized by the Purchasing Agent to sign requisitions whenever the Purchasing Agent or their deputies are not immediately available and the items or services so purchased are immediately necessary for the operation of the District function involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent or, if the

Purchasing Agent refuses such confirmation, may be approved and confirmed by a 4/5 vote of the Board. Unless such emergency purchases are so approved and confirmed by either the Purchasing Agent or the Board, the cost thereof shall not constitute a legal charge against the District.

5. **Revolving Funds.** With the concurrence of the District Auditor, the Purchasing Agent may establish from the unappropriated funds of the District one or more revolving funds in such amounts as the Board may from time to time by resolution establish. The Purchasing Agent may purchase supplies and materials in quantity for the District as needed, and shall make payments therefore out of such revolving fund. As such supplies and materials are issued to the utilizing officer, employee, or contractor, the fund shall be reimbursed from the budgeted funds of the requisitioning officer or employee. The Auditor shall certify the availability of funds in the appropriate budget account before the purchase orders are processed.

6. **Purchasing Procedure.** All requests for purchases, rentals, and contracts shall be made only upon properly written requisitions, the forms of which shall be supplied by the Purchasing Agent to the officers, employees, and contractors of the District. Each District officer is hereby authorized to withdraw requisitions for purchases to be used in connection with the duties of such officer in accordance with current budget accounts. Each such officer may delegate this authority to one or more of the officer's deputies, assistants, or employees by filing a written authorization therefore with the Purchasing Agent and the District Auditor.

7. **Inspection of Procedural Regulations.** A copy of the Policy and of any purchasing regulations developed by the Purchasing Agent under this Policy shall be made available in the office of the Purchasing Agent and open to the public for inspection during regular business hours.

8. **Emergency Contracts to Abate Flood Damage under EWP Cost-Share Grants.** Notwithstanding anything to the contrary in this Attachment "A" or in any other District Bylaw, the District Engineer and District Manager are hereby designated and authorized, pursuant to subsections (4) and (5) of Section 5 and subsections (b) and (c) of Section 9 of the Napa County Flood Control and Water Conservation District Act, to enter into the following types of contracts, acting as Purchasing Agent for the District during a declared flood emergency, to enable the District to act as local sponsor under the U.S.D.A.'s Emergency Watershed Protection (EWP) federally-funded cost-share grant program to abate or mitigate threats to property or the safety of persons, where the local share will be fully funded from sources other than the District:

(a) Contracts with the Natural Resources Conservation Service to obtain the federal share under the EWP Program; and

(b) Contracts with affected public or private property owners or agencies to provide the local share and any required rights of entry; and

(c) Contracts with engineers, contractors, and suppliers to provide the materials and/or services needed for the project, with the District Engineer and District Manager further authorized to enter into such contracts on an emergency basis under Public Contract Code

section 21171(b) pursuant to the procedures set forth in Public Contract Code sections 20134 and 22050.

9. **Sale or Disposal of Unneeded Property.** The Board adopts the procedures for the sale and disposition of unneeded/surplus real property pursuant to the laws of the State of California with the following exceptions:

(a) The value limits required for property to be sold at a private sale as set forth in California Government Code section 25363 shall be modified to not exceed \$25,000 for the value of the property and shall not exceed \$1,500 for the monthly rental value; and

(b) Auction sale or lease of unneeded property pursuant to California Government Code section 25363 shall be made by a majority vote of members of the Board rather than by a four-fifths vote of the members of the Board; and

(c) Conveyance or exchange of property pursuant to California Government Code section 25365 shall be made by a majority vote of members of the Board rather than by a four-fifths vote of the members of the Board; and

(d) In the case of properties to be sold by the sealed bid procedure set forth in California Government Code section 25525, et seq., the time set forth for final acceptance of bids in section 25533 shall be modified to allow the Board to either accept at the same session where bids were opened or at the next scheduled Board meeting; and

(e) In the case of properties to be sold by the sealed bid procedure set forth in Government Code section 25525, the resolution declaring the Board's intention to sell or lease real property shall be made by a majority vote of members of the Board rather than by a two-thirds vote of the members of the Board.

10. **Agreements with Experts or Consultants Necessary for Eminent Domain.** County Counsel may, within the constraints of the approved District budget, enter into agreements with any appraisers or consultants needed to conduct eminent litigation.

11. **Contracting with Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms.** As required, whenever a grant of federal funds is utilized, the District shall ensure compliance with the procurement requirements set forth in 44 Code of Federal Regulations (CFR) Section 13.36(e). This includes, but is not limited to, taking all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used by the District and any of the District's subcontractors when possible as set forth in 44 CFR 13.36 (e)(1)-(2).

12. **Federal Funding Contract Provisions.** As required, whenever a grant of federal funds is utilized, the District shall ensure its contracts contain the provisions in 44 CFR 13.36(i)(1) through (i)(13).

13. **Contract Monitoring.** Once a contract has been approved and services commenced, contract monitoring will provide periodic review of the basic units of service, costs, and analysis

of quality, as well as basic contract compliance. As a regular part of the contract monitoring, evaluations should be conducted on all contracts and will consist of: (a) routine reviews at the time claims for payment are submitted to assure compliance with the contract; and (b) special reviews caused by changes in program or funding requirements, concerns regarding performance of or requirement for services, or as otherwise deemed necessary.

14. **Change Order Authority.** The Board of Directors grants to the District Engineer authority to approve changes to work in the process of accomplishing public works projects, as follows:

The District Engineer and District Manager are authorized to order individual change orders to public construction contracts up to the maximum amounts permitted under Section 20142 of the Public Contract Code.

This section shall not permit the District Engineer or District Manager to authorize: (a) change orders in excess of the amount budgeted by the Board of Directors (i.e. available funding sources) for a given project or (b) any change order that would result in aggregate changes in excess of 25% of the original contract price. (*See Public Contract Code Section 20145.*)

15. **Notices of Completion.** The District Engineer or their designee is authorized and directed to accept projects and sign and record Notices of Completion for construction projects that are administered by the District.

16. **Award of Contracts under the UPCCAA.** Pursuant to Ordinance No. 2(FC), the District Engineer is authorized to award informal contracts in the amount not to exceed the amount set forth in Section 22032(b) of the Public Contract Code as amended from time to time. The District Engineer is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under section 22032(a) of the Public Contract Code as may be amended from time to time. The District shall adhere to the procedures set forth in Ordinance No. 2(FC) when awarding the informal contracts.

17. **State Water Project and Solano Water Project.** The District Engineer, District Manager, or District Engineering Manager-Water Resources, or their designee, may within the constraints of the approved District budget and the limits of the County Purchasing Policy, act and sign on behalf of the District as follows:

- (a) Department of Water Resources Tolling and Waiver Agreements; and
- (b) Lower Yuba River Accord Water Purchase Requests and Agreements; and
- (c) Dry Year Transfer Program Requests and Agreements; and
- (d) Water supply contracts for customers receiving water from Lake Berryessa under the Solano Water Project.

EXHIBIT “A”

BYLAWS OF THE BOARD OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

(as amended June 10, 2025)

Formatted: Font color: Text 1, Not Highlight

Formatted: Font color: Text 1

Preamble

Effective January 1, 1997, the Napa County Flood Control and Water Conservation District Act (“the Act”) was amended by Sections 3 through 6 of Chapter 308 of the Statutes of 1996 to reorganize and expand the governing board of the District from a five-member board of directors comprised of the Napa County Board of Supervisors serving ex-officio to an eleven-member board of directors composed as follows: five directors who are members of the Napa County Board of Supervisors, serving ex-officio and having two votes each; one director who is the mayor of the City of Napa, serving ex-officio and having two votes; four directors who are the mayors of the Cities of Calistoga, St. Helena, and American Canyon, and the Town of Yountville, serving ex-officio and having one vote each; and one director who is a member of the Napa City Council, appointed annually by the Napa City Council and having one vote. Effective January 1, 2003, the Act was further amended by Chapter 283 of the Statutes of 2002 to provide for alternate members for each mayor and for two floating alternates for the members of the board of supervisors, as well as to increase the flexibility of the District Board in regard to certain administrative matters. These amended Bylaws are adopted to govern the conduct of the District Board as reorganized and expanded by these statutes.

Bylaws

I. OFFICERS

A. Chairperson and Vice-Chairperson.

1. **Election.** At its first meeting each calendar year, the Board shall elect a Chairperson and Vice-Chairperson from among the directors. Beginning in January 2002, the Vice-Chairperson for the previous year shall be elected as Chairperson unless they are no longer on the Board or decline to serve. In any given term, if the Chairperson is also a member of the Napa County Board of Supervisors, the Vice-Chairperson shall be selected from among the directors who are mayors or the director appointed to the District Board by the Napa City Council. If the Chairperson is also a mayor or the director appointed by the Napa City Council, then the Vice-Chairperson shall be selected from among the members of the Napa County Board of Supervisors. If both the Chairperson and Vice-Chairperson are absent, but the alternate for the Chairperson is present and serving on the Board, the alternate shall serve as Chairperson. If the alternate for the Chairperson is also absent, but the alternate for the Vice-

Formatted: Font: 10 pt

Formatted: Font: 10 pt

Chairperson is present and serving on the Board, that alternate shall serve as the Chairperson. If both officers and their respective alternates are absent, the Secretary shall call for the election of a temporary Chairperson by the members or their alternates who are serving and present.

2. **Term.** The term of the Chairperson and Vice-Chairperson shall not exceed one year except that they shall continue to serve thereafter until their successors are elected and assume office. The Chairperson and Vice-Chairperson shall not serve consecutive terms in the same office.
3. **Duties of the Chairperson and Vice-Chairperson.** The Chairperson of the Board or, in their absence, the Vice-Chairperson, shall act as the presiding officer of the Board and in that capacity shall preserve order and decorum, decide questions of order subject to being overruled by a four-fifths vote (14 votes) of the Board, and perform such other duties as are required by law. The Chairperson shall in addition have all the rights and duties enjoyed by any other director.
4. **Participation of the Chairperson.** The Chairperson of the Board, or in their absence the Vice-Chairperson, may make or second any motion and present and discuss any matter on the agenda in the same manner as any other director without having to step down from the Chair.

B. Ex-Officio Officers. The following officers and their assistants, deputies, clerks and employees of the County of Napa shall serve ex-officio as officers, assistants, deputies, clerks, and employees of the District:

1. **Legal Counsel.** The Legal Counsel for the District shall be the County Counsel for the County of Napa.
2. **Assessor.** The Assessor for the District shall be the Napa County Assessor.
3. **Treasurer/Tax Collector.** The Treasurer/Tax Collector for the District shall be the Napa County Treasurer-Tax Collector.
4. **Auditor-Controller.** The Auditor-Controller for the District shall be the Napa County Auditor-Controller.
5. **District Engineer.** The District Engineer for the District shall be the Napa County Public Works Director, their deputy, or any other qualifying county officer appointed by the Napa County Board of Supervisors.
6. **District Manager.** The District Manager for the District shall be the Napa County Deputy Director of Public Works for Flood and Water

Resources. The District Manager and District Engineer may be the same individual, when qualified.

7. **Secretary.** Unless otherwise approved by amendment of these Bylaws, the Secretary of the District Board shall be the Clerk of the Napa County Board of Supervisors. All references in the governing act of the District to the secretary or the clerk of the District shall mean the Secretary of the District Board.
8. **District Executive Officer.** Unless otherwise approved by amendment of these Bylaws, the District Executive Officer (also known as District Administrator) of the District shall be the Napa County Executive Officer.
9. **District Engineering Manager-Water Resources.** The District Engineering Manager – Water Resources, District Manager, and/or District Engineer may be the same individual, when qualified.

II. MEETINGS OF THE BOARD

- A. **Date of Regular Meetings.** Regular meetings of the Board shall be held once a month. All dates of regular meetings of the Board shall be shown on a calendar, which the Board shall adopt on or before its last meeting each calendar year to conform, in part, to the calendar of regular meetings adopted for the next year by the Napa County Board of Supervisors. Notwithstanding the foregoing, any regular meeting of the Board may be canceled by majority vote of the Board or, at any time, by the Chairperson (or in their absence the Vice-Chairperson) or the Secretary for lack of business or by the Secretary for lack of a quorum.
- B. **Time of Regular Meetings.** Regular meetings shall follow the adopted calendar. and continue until all agendaized business is concluded unless adjourned earlier on motion of the Board for any reason or by the Secretary for lack of a quorum.
- C. **Location of Regular Meetings.** Unless specially noticed otherwise, regular meetings shall be held in the Meeting Room of the Napa County Board of Supervisors, Room 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California.
- D. **Emergency and Special Meetings.** Emergency or special meetings shall be called in conformance with the provisions of the Brown Act (Government Code section 54950 and following) and may be canceled in the same manner as provided in these Bylaws for cancellation of regular meetings.

III. AGENDAS

- A. **Posting.** The Secretary shall prepare, post, and otherwise give notice of the agenda for each meeting of the Board in accordance with the requirements of the Brown Act.
- B. **Inclusion on Agenda Required for Discussion or Action.** No matter may be considered or acted upon unless it is included on the posted agenda or a supplemental agenda.
- C. **Supplemental Agenda.** A supplemental agenda will be prepared and considered by the Board only under the following conditions:
 - 1. **Emergencies.** Upon a determination by the Board that an emergency situation exists, as defined in Section 54956.5 of the Government Code.
 - 2. **Need Arising after Posting.** Upon a determination by a two-thirds vote of the Board (12 votes), or, if less than two-thirds of the potential votes are present, a unanimous vote of those directors present, that there is a need to take immediate action and the need to take action came to the attention of the local agency subsequent to the regular agenda being posted.
 - 3. **Recently Continued Item.** The item was properly posted for a prior meeting of the Board occurring not more than five calendar days prior to the date action is taken on the item, and at the prior meeting the item was continued to the meeting at which action is being taken.

IV. PLACING MATTERS BEFORE THE BOARD

- A. **Compliance with Board Forms and Policies.** Any matter to be considered by the Board shall first be properly filed in compliance with the policies, standards and procedures established by the Board. The Secretary shall not accept any matter for inclusion on the agenda and presentation to the Board unless the matter is set forth on the prescribed forms, if any, properly filled out with all required data attached.
- B. **Late Submission of Information.** Late submission (i.e., at a Board meeting or immediately prior to a Board meeting) of lengthy written reports or technical material by any person may be considered by the Chairperson as grounds for an automatic continuation to the Board's next regular meeting of the item to which the reports or materials relate.
- C. **Inclusion on Future Agenda.** Any matter that comes before the Board orally that is not shown on the agenda shall not be acted upon by the Board at that meeting unless included on a supplemental agenda in conformance with paragraph III. (C), above, and any questions or comments at that meeting

4.

Formatted: Font: 10 pt

Formatted: Font: 10 pt

regarding the item shall be limited to the scope permitted by the second paragraph of Government Code section 54954.2(a).

- D. Withdrawal of Item.** A person who has requested that an item be placed before the Board, or their appointed representative, may withdraw the item at any time prior to the Board acting on such matter. If the request is oral, written confirmation of the request will be required.

V. CONDUCT OF MEETINGS

- A. Order of Business.** The regular order of business of the Board shall be:

1. Call to order and Pledge of Allegiance.
2. Approval of the minutes of the previous meeting.
3. Agenda of the Board.
4. Adjournment.

- B. Parliamentary Procedure.** Unless otherwise provided by these Bylaws, all proceedings before the Board shall be conducted in accordance with and pursuant to the parliamentary procedure prescribed in the current version of the American Institute of Parliamentarians Standard Code of Parliamentary Procedure.

- C. Preservation of Order.** The Chairperson shall preserve order at all public hearings and shall decide business questions of order subject to being overruled by a four-fifths vote (14 votes) of the Board. Persons who become disruptive or abusive may be ejected from the hearing.

- D. Recording of Meetings.** Any meeting of the Board, other than a closed session permitted under the Brown Act, may be recorded by any person, unless the Board determines that such recording could constitute a disruption of the proceedings.

VI. RESOLUTIONS AND ORDINANCES

Except as specifically provided otherwise by these Bylaws or any law of the State of California, all ordinances and resolutions of the Board shall be adopted by the Board and certified, recorded and published in the same manner as ordinances or resolutions of the County of Napa.

VII. ORDER OF TESTIMONY

- A. Matters not involving a noticed public hearing.** Testimony and argument relative to any agenda item not requiring a noticed public hearing shall, unless otherwise ordered by the Chairperson, be presented in the following order:

§

Formatted: Font: 10 pt

Formatted: Font: 10 pt

1. The Chairperson shall identify the matter and, if the matter is a public hearing, declare the public hearing open.
2. The staff report shall be presented.
3. Persons wishing to speak in favor of the matter.
4. Persons wishing to speak in opposition to the matter.
5. Rebuttal in the same order (if there is opposition).
6. Questions by the Board.
7. Board discussion.
8. Voting.

B. Matters Involving a Noticed Public Hearing. Proceedings that involve public hearings and can be heard only after notice of the public hearing has been given shall, unless otherwise ordered by the Chairperson, be conducted as follows:

1. The Chairperson shall identify the matter and declare the public hearing open.
2. If the Chairperson deems it necessary, all persons wishing to testify shall be sworn by the Secretary of the Board.
3. The staff report shall be presented.
4. A reasonable opportunity to present evidence and/or argument shall be afforded those persons entitled to notice or who may be affected or aggrieved by the decision.
5. A reasonable opportunity to cross-examine witnesses, including staff, shall be afforded those persons entitled to notice of the hearing or aggrieved by the decision, provided that right is asserted at the first reasonable opportunity. Staff similarly shall be entitled to reasonable cross-examination of witnesses. All cross-examination shall be conducted through the Chairperson and not directly, unless otherwise directed by the Chairperson.
6. A reasonable opportunity for rebuttal of new material shall be afforded those persons entitled to notice of hearing or who may be affected or aggrieved by the decision.
7. Questions by the Board.

6

Formatted: Font: 10 pt

Formatted: Font: 10 pt

8. The Chairperson shall declare the public hearing closed.
9. Board discussion.
10. Voting.

VIII. PRESENTATIONS TO THE BOARD

- A. **Identification of Speaker.** Any person desiring to address the Board shall, when recognized by the Chairperson, give their name and address.
- B. **Limitations on Time.** The Chairperson may, in the interest of facilitating the business of the Board, set in advance of the presentation of testimony reasonable time limits for oral presentations. Persons may be required to submit written testimony in lieu of oral testimony if the Chairperson determines that a reasonable opportunity for oral presentations has been provided, and in such a case, the hearing will be continued to a later date to allow a reasonable time for such submittals to occur.
- C. **No Testimony after Close of Hearing.** No testimony shall be accepted after the close of the public hearing, except that Legal Counsel and District staff may be consulted on legal issues or matters of clarification without reopening the public hearing. Objections alleging that counsel or staff are discussing or testifying as to factual matters shall be heard. If such objections are sustained, the Chairperson may reopen the hearing to permit such matters to be heard.

IX. EVIDENCE

- A. **Admission of Evidence.** Evidence shall be admissible if it is of a type commonly relied upon by reasonable and prudent persons in the conduct of serious affairs. The Chairperson may determine not to receive cumulative, repetitious, immaterial, irrelevant, derogatory, or abusive testimony or other evidence, subject to the limitations in Government Code section 54954.3 (c). Evidence may be received subject to a later ruling regarding its admissibility. Erroneous admission of evidence shall not invalidate any action taken unless it is shown to have prejudiced the substantial rights of a party.
- B. **Exhibits.** All exhibits shall be marked upon submission to provide identification in the event the matter is litigated. All exhibits shall be retained by the Secretary until the expiration of the applicable statute of limitations, at which time they will be returned to the applicant. Unclaimed exhibits will be disposed of by the Secretary if not reclaimed by the applicant within ten days after the expiration of the applicable statute of limitations.

7

C. Consideration of Documentary Evidence.

- 1. Writings filed with the Secretary.** Letters, petitions or other documentary evidence (hereafter “writings”) filed with the Secretary shall be presented to the Board on or before the time of the public hearing. The Board shall consider such material in deciding any issue before it. All documentary evidence shall become part of the Board’s file on the agenda item.
- 2. Distribution to the Public.** Writings distributed to the Board prior to commencement of a public meeting shall be made available for public inspection upon request prior to commencement of the meeting and shall be made available immediately at the commencement of and during their discussion at the meeting; except that this requirement shall not apply to writings distributed to the Board solely for use in connection with a closed session permitted by the Brown Act.

X. BURDEN OF PROOF

Except as otherwise provided by law, the applicant shall bear the burden of proof that the proposal is in compliance with applicable laws, standards, ordinances and policies, except that if the public hearing concerns an appeal, the appellant shall bear the burden of proving that the decision appealed was erroneous.

XI. EFFECT OF FAILURE TO COMPLY WITH BYLAWS

Failure to comply with any of these Bylaws shall invalidate an action only if it prejudices the substantial rights of the person alleging the error or if invalidation is required by statute. Persons alleging procedural error shall have the burden of proof as to whether the error occurred and whether the error has prejudiced the person’s substantial rights.

XII. RECORDATION OF BOARD ACTIONS

All official actions or decisions by the Board shall be entered in the minute book of the Board. The vote or votes of each director on every question shall be recorded.

XIII. VOTING AND QUORUM

- A. Roll Call Vote.** A roll call vote may be required in voting upon any motion of the Board at the discretion of the Chairperson.
- B. Inaudible Votes.** Any director present who does not vote in an audible voice shall be recorded as voting “aye.”
- C. Quorum.** A quorum for the transaction of business shall exist only as long as a majority (6) of the eleven directors and a majority (9) of the seventeen total votes are present.

8

Formatted: Font: 10 pt

Formatted: Font: 10 pt

- D. Number of Votes Required for Action.** No action or recommendation of the Board shall be valid and binding unless at least nine (9) affirmative votes concur therein, except that matters relating to adoption or modification of the budget shall require at least 14 affirmative votes.
- E. Continuance Where Insufficient Votes Present.** In any case where, due to the absence of one or more directors, the number of affirmative votes required by 13 (D) cannot be obtained on a question before the Board, the Secretary of the Board shall automatically cause the matter to be placed on the next agenda for further consideration and vote. No motion shall be required to take such action.
- F. Voting Affected by Conflict of Interest.** As a general rule, no director shall participate as a director in any discussion or voting if to do so would constitute a conflict of interest. However, if a quorum cannot be achieved or the required number of affirmative votes for action obtained because conflicts of interest exists that prevents directors with conflicts from discussing or voting on the matter, and the conflicts are such that the directors with conflicts will be unable to vote at a later date even if the matter is continued, the matter shall not be continued and the following rules shall apply.
- 1. Appeals.** If the matter involves an appeal, action shall be deemed taken by the Board to ensure that the circumstances as they existed prior to the decision of the approving officer or body will not be changed. Normally, if the decision being appealed was an approval, the appeal shall be deemed granted and the decision being appealed overturned; and if the decision being appealed was a denial, the appeal shall be deemed denied and the decision being appealed ratified. In unusual circumstances, where these actions would not preserve the *status quo*, the decision on the appeal shall be whatever action is necessary to maintain the *status quo*.
 - 2. Rule of Necessity (Appeal not Involved).** If the action does not involve an appeal, a sufficient number of the directors having conflicts of interest, selected by lot, shall be allowed to participate to provide enough votes for the Board to form a quorum and take affirmative action.
- G. Disclosure of Prior Information.** Any director who has received evidentiary information outside of a Board meeting or has viewed the property or site of a matter pending before the Board or is familiar with the property or site should publicly disclose the fact of such information, viewing, or familiarity with the site prior to the Board's final vote on the matter.

XIV. MOTION TO RECONSIDER

A. At the Same Meeting.

1. **Noticed Matters.** A final vote on any matter which required specific statutory notice in addition to the notice required by the Brown Act may be reconsidered during the meeting at which the vote was taken, provided all persons who were present when the matter was discussed, whether or not they spoke, are still present, and provided further that the motion to reconsider is made by a director who voted with the prevailing side.
2. **All Other Matters.** In all other cases, the Board may reconsider a matter during the meeting at which the vote was taken, provided all directors who were present when the matter was discussed and voted upon are still present and provided further that the motion to reconsider is made by a director who voted with the prevailing side.
3. **Precedence of Motion.** A motion for reconsideration made at the same meeting shall have precedence over every motion except a motion to adjourn.

B. At a Later Meeting. A final vote on any matter may be placed on the agenda for reconsideration by the Board upon motion of any director at any time or, up to ten calendar days after the action of the Board, upon a petition for reconsideration filed with the Secretary by any interested person. In either case, any director may make the motion to reconsider.

C. Time of Reconsideration. If the Board approves the motion for reconsideration, the Board may, in its discretion, reconsider the matter immediately or at a later date; except, if the matter required notice under any statute other than the Brown Act, notice shall be given and the matter shall be reconsidered on the date set forth in the notice.

XV. BUDGET

Unless otherwise provided by these Bylaws or by separate resolution of the Board, the budget for the District shall be prepared, presented, and approved by the Board in accordance with the procedures applicable to the budget of the County of Napa. Notwithstanding the foregoing, the Board shall commence the public hearing on the District's budgets on or before September 18 of each year and conclude such hearing within fourteen calendar days. After conclusion of the hearing, the Board shall by resolution adopt the proposed budget after any revisions of, deductions from, or increases or additions to the budget have been made. The Board shall adopt such resolution no later than October 2 of that fiscal year. In years in which the state budget is enacted after July 1, the Board may adopt the District budget by resolution no later than October 2 of

10

that year or a period not to exceed 60 days from the date of the enactment of the state budget, whichever is later.

XVI. PURCHASING POLICY

The District Executive Officer, the District Engineer, District Manager, Engineering Manager – Water Resources, or their respective written designees may act as Purchasing Agent for the District within the scope and in accordance with the procedures prescribed in the Purchasing Policy attached hereto as Attachment “A” (amended ~~February 20, 2024~~ June 10, 2025) and incorporated by reference herein. Additional Board policies relating to purchase and disposition of property are also described in the Purchasing Policy in Attachment “A.”

XVII. AUTHORIZATION FOR DISTRICT ENGINEER TO EXECUTE RIGHT-OF-ENTRY AGREEMENTS

The District Engineer, District Manager, or their written designee may execute right-of-entry agreements granting the officers, employees, agents, and contractors of the District access to any properties involved or affected by approved District projects or granting other persons, agencies, or entities access to property owned or controlled by District for purposes compatible with such projects.

XVIII. ALTERNATE MEMBERS

- A. City Alternates.** A member of the city or town council of American Canyon, Napa, Yountville, St. Helena, or Calistoga who has been duly designated in writing by the council to serve as vice-mayor or mayor pro tempore (mayor pro tem), and the member of the city council of the City of Napa who has been duly designated in writing by the council to serve as the alternate for the City’s second director on the District Board, may sit, vote, and otherwise fully participate as a director on the District Board in the absence of the mayor, or the second director from the City of Napa, with the right to cast the same number of votes as absent director being temporarily replaced, as long as a certified copy of the council’s action designating the member as vice-mayor, mayor pro tempore, or alternate for the City of Napa’s second director has been filed with the Secretary of the District.
- B. County Floating Alternates.** In the absence from the Board of Directors of up to two members of the Napa County Board of Supervisors, the floating alternates (if up to two have been appointed by the Board of Supervisors pursuant to Section 7(a)(1)(A) of the District Act from among members of the public residing within the District) may sit, vote, and otherwise fully participate as directors on the

Board of the District in place of the absent members, serving in order of their priority as specified by the Board of Supervisors.

XIX. CHANGES TO BYLAWS

The provisions of these Bylaws may be altered, amended, or repealed only by resolution of the Board.

ATTACHMENT “A”

PURCHASING POLICY

(Amended ~~February 20, 2024~~ June 10, 2025)

1. **In General.** Except where otherwise prescribed by the Bylaws of the District Board, the Purchasing Policy for the District shall be the same as described by the County of Napa in its current Purchasing Policy, Napa County Policy Manual Part I Section 39. Except where otherwise prescribed by the Bylaws of the District Board, the Purchasing Agent for the District shall have the same duties and powers as prescribed by the laws of the State of California for the county purchasing agent in a county with population of 200,000 or less. The Purchasing Agent shall furnish the governing board (“Board”) of the District and the officers and employees thereof with such reports and information as the Board may from time to time require and shall establish methods, procedures, and regulations necessary for the proper functioning of the Purchasing Agent. The Purchasing Agent shall be the District Executive Officer or their designee except where this Attachment specifically authorizes the District Engineer and/or the District Manager or their designees to serve as Purchasing Agent.

2. **Deputies.** The Purchasing Agent may appoint such deputies to perform in their stead, as they deem necessary, except that no such deputy shall be appointed or employed without the approval of the Board unless such deputy is already an officer, deputy of an officer, or an employee of the District.

3. **Specific Duties.** The Purchasing Agent may, within the constraints of the approved District budget:

(a) Purchase for the District and the officers, employees, and, where they deem appropriate, contractors of the District when engaged in District business, all materials, supplies, furnishings, equipment, livestock, and other personal property of whatever kind and nature. Except in cases of emergency as hereinafter provided or in cases where the Board or this Policy has made other specific provision, no purchase of personal property by any person or entity other than the Purchasing Agent or the Board shall be binding upon the District or constitute a lawful charge against District funds. Unless otherwise provided by law or these Bylaws, the Purchasing Agent may make such purchases of personal property without notice, advertising, or the securing of competitive bids or quotations, but if any individual item (as distinct from the total contract) costing more than \$5,000 is purchased without securing competitive bids or quotations or if any item costing more than \$500 is purchased from other than the lowest responsible bidder when competitive bids or quotations have been solicited, then the Purchasing Agent shall report such action to the Board with their reasons therefore.

(b) Rent furnishings, equipment, or livestock for the District.

(c) Sell any personal property belonging to the District and found by the Board not to be required for public use. Notice of sale of surplus personal property shall be posted for not less than five (5) business days preceding the day of sale in the Napa County Courthouse, the office of the Purchasing Agent, or such other public place within the jurisdiction of the District as the

1.

Purchasing Agent may deem advisable. In the disposition of surplus personal property, the Purchasing Agent may purchase advertising space and advertise the proposed sale or other disposition of the personal property in such newspapers, magazines, periodicals, or other media (including electronic media) as the Purchasing Agent judges will best publicize the proposed sale or other disposition to those persons most likely to bid for or purchase the personal property. Subject to any limitation imposed by the Board, the Purchasing Agent shall decide upon the amount, nature, makeup, and content of the advertising. When purchasing property the Purchasing Agent may, without regard to the foregoing procedures, accept advantageous trade-in allowances for District personal property which is not further required for public use.

(d) Engage independent contractors to perform services for the District (other than the services described in (E) or (F)), with or without the furnishing of material, when the term of services does not exceed three years in length and when the aggregate cost per District fiscal year (July 1 through June 30) does not exceed Sixty-Nine Thousand Nine Hundred Dollars (\$69,900), except that this amount shall be adjusted annually by any increase in the California Consumer Price Index. Service contracts shall be consolidated whenever feasible to avoid incremental contracting and contracts shall not be split, in dollar amount or duration, to avoid Purchasing Agent review, Board of Directors' review, or to bypass bidding requirements.

(e) Engage state-licensed independent contractors to construct, repair, or furnish any building or structure enumerated in Section 20121 of the Public Contract Code of the State of California, when the estimated cost thereof, including the cost of materials, furnishings, and supplies, does not exceed Six Thousand Five Hundred Dollars (\$6,500), except as otherwise provided by law.

(f) Execute agreements with landowners to share the cost of streambank repair completed by or at the request of such landowners, where the cost to the District for each such repair is Thirty Thousand Dollars \$30,000 or less. The District Engineer or District Manager may act as Purchasing Agent for the execution of such agreements.

(g) Accept, on behalf of the District, any gift or donation of personal property. Any such gift or donation of personal property that exceeds \$10,000 in value shall be reported by the Purchasing Agent to the Board no later than the next regular meeting of the Board. The Purchasing Agent is not authorized to accept any gift or donation of real property or an interest in real property, but shall immediately transmit any offer thereof to the Board no later than the next regular meeting of the Board for consideration of acceptance by the Board.

(h) Perform such other services as the Board may from time to time require by resolution or ordinance.

4. **Emergency Purchases.** Emergency purchases of materials or supplies may be made by any District officer or employee authorized by the Purchasing Agent to sign requisitions whenever the Purchasing Agent or their deputies are not immediately available and the items or services so purchased are immediately necessary for the operation of the District function involved or are immediately necessary for the preservation of life or property. Such emergency purchases shall be subsequently approved and confirmed by the Purchasing Agent or, if the

2

Purchasing Agent refuses such confirmation, may be approved and confirmed by a 4/5 vote of the Board. Unless such emergency purchases are so approved and confirmed by either the Purchasing Agent or the Board, the cost thereof shall not constitute a legal charge against the District.

5. **Revolving Funds.** With the concurrence of the District Auditor, the Purchasing Agent may establish from the unappropriated funds of the District one or more revolving funds in such amounts as the Board may from time to time by resolution establish. The Purchasing Agent may purchase supplies and materials in quantity for the District as needed, and shall make payments therefore out of such revolving fund. As such supplies and materials are issued to the utilizing officer, employee, or contractor, the fund shall be reimbursed from the budgeted funds of the requisitioning officer or employee. The Auditor shall certify the availability of funds in the appropriate budget account before the purchase orders are processed.

6. **Purchasing Procedure.** All requests for purchases, rentals, and contracts shall be made only upon properly written requisitions, the forms of which shall be supplied by the Purchasing Agent to the officers, employees, and contractors of the District. Each District officer is hereby authorized to withdraw requisitions for purchases to be used in connection with the duties of such officer in accordance with current budget accounts. Each such officer may delegate this authority to one or more of the officer's deputies, assistants, or employees by filing a written authorization therefore with the Purchasing Agent and the District Auditor.

7. **Inspection of Procedural Regulations.** A copy of the Policy and of any purchasing regulations developed by the Purchasing Agent under this Policy shall be made available in the office of the Purchasing Agent and open to the public for inspection during regular business hours.

8. **Emergency Contracts to Abate Flood Damage under EWP Cost-Share Grants.** Notwithstanding anything to the contrary in this Attachment "A" or in any other District Bylaw, the District Engineer and District Manager are hereby designated and authorized, pursuant to subsections (4) and (5) of Section 5 and subsections (b) and (c) of Section 9 of the Napa County Flood Control and Water Conservation District Act, to enter into the following types of contracts, acting as Purchasing Agent for the District during a declared flood emergency, to enable the District to act as local sponsor under the U.S.D.A.'s Emergency Watershed Protection (EWP) federally-funded cost-share grant program to abate or mitigate threats to property or the safety of persons, where the local share will be fully funded from sources other than the District:

(a) Contracts with the Natural Resources Conservation Service to obtain the federal share under the EWP Program; and

(b) Contracts with affected public or private property owners or agencies to provide the local share and any required rights of entry; and

(c) Contracts with engineers, contractors, and suppliers to provide the materials and/or services needed for the project, with the District Engineer and District Manager further authorized to enter into such contracts on an emergency basis under Public Contract Code

3.

section 21171(b) pursuant to the procedures set forth in Public Contract Code sections 20134 and 22050.

9. **Sale or Disposal of Unneeded Property.** The Board adopts the procedures for the sale and disposition of unneeded/surplus real property pursuant to the laws of the State of California with the following exceptions:

(a) The value limits required for property to be sold at a private sale as set forth in California Government Code section 25363 shall be modified to not exceed \$25,000 for the value of the property and shall not exceed \$1,500 for the monthly rental value; and

(b) Auction sale or lease of unneeded property pursuant to California Government Code section 25363 shall be made by a majority vote of members of the Board rather than by a four-fifths vote of the members of the Board; and

(c) Conveyance or exchange of property pursuant to California Government Code section 25365 shall be made by a majority vote of members of the Board rather than by a four-fifths vote of the members of the Board; and

(d) In the case of properties to be sold by the sealed bid procedure set forth in California Government Code section 25525, et seq., the time set forth for final acceptance of bids in section 25533 shall be modified to allow the Board to either accept at the same session where bids were opened or at the next scheduled Board meeting; and

(e) In the case of properties to be sold by the sealed bid procedure set forth in Government Code section 25525, the resolution declaring the Board's intention to sell or lease real property shall be made by a majority vote of members of the Board rather than by a two-thirds vote of the members of the Board.

10. **Agreements with Experts or Consultants Necessary for Eminent Domain.** County Counsel may, within the constraints of the approved District budget, enter into agreements with any appraisers or consultants needed to conduct eminent litigation.

11. **Contracting with Small and Minority Firms, Women's Business Enterprise and Labor Surplus Area Firms.** As required, whenever a grant of federal funds is utilized, the District shall ensure compliance with the procurement requirements set forth in 44 Code of Federal Regulations (CFR) Section 13.36(e). This includes, but is not limited to, taking all necessary affirmative steps to assure that minority firms, women's business enterprises, and labor surplus area firms are used by the District and any of the District's subcontractors when possible as set forth in 44 CFR 13.36 (e)(1)-(2).

12. **Federal Funding Contract Provisions.** As required, whenever a grant of federal funds is utilized, the District shall ensure its contracts contain the provisions in 44 CFR 13.36(i)(1) through (i)(13).

13. **Contract Monitoring.** Once a contract has been approved and services commenced, contract monitoring will provide periodic review of the basic units of service, costs, and analysis

4

of quality, as well as basic contract compliance. As a regular part of the contract monitoring, evaluations should be conducted on all contracts and will consist of: (a) routine reviews at the time claims for payment are submitted to assure compliance with the contract; and (b) special reviews caused by changes in program or funding requirements, concerns regarding performance of or requirement for services, or as otherwise deemed necessary.

14. **Change Order Authority.** The Board of Directors grants to the District Engineer authority to approve changes to work in the process of accomplishing public works projects, as follows:

The District Engineer and District Manager are authorized to order individual change orders to public construction contracts up to the maximum amounts permitted under Section 20142 of the Public Contract Code.

This section shall not permit the District Engineer or District Manager to authorize: (a) change orders in excess of the amount budgeted by the Board of Directors (i.e. available funding sources) for a given project or (b) any change order that would result in aggregate changes in excess of 25% of the original contract price. *(See Public Contract Code Section 20145.)*

15. **Notices of Completion.** The District Engineer or their designee is authorized and directed to accept projects and sign and record Notices of Completion for construction projects that are administered by the District.

16. **Award of Contracts under the UPCCAA.** Pursuant to Ordinance No. 2(FC), the District Engineer is authorized to award informal contracts in the amount not to exceed the amount set forth in Section 22032(b) of the Public Contract Code as amended from time to time. The District Engineer is further authorized to award contracts without the necessity of informal bidding pursuant to the amounts and mechanisms set forth under section 22032(a) of the Public Contract Code as may be amended from time to time. The District shall adhere to the procedures set forth in Ordinance No. 2(FC) when awarding the informal contracts.

17. **State Water Project and Solano Water Project.** The District Engineer, District Manager, or District Engineering Manager-Water Resources, or their designee, may within the constraints of the approved District budget and the limits of the County Purchasing Policy, act and sign on behalf of the District as follows:

- (a) Department of Water Resources Tolling and Waiver Agreements; and
- (b) Lower Yuba River Accord Water Purchase Requests and Agreements; and
- (c) Dry Year Transfer Program Requests and Agreements; and
- (d) Water supply contracts for customers receiving water from Lake Berryessa under the Solano Water Project.

5



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:** 6/10/2025

File ID #: 25-1072

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Joseph Panchesson - Engineering Technician II
SUBJECT: Napa River Napa Creek Flood Protection Project Relocation Appeals Board

RECOMMENDATION

Discussion and nomination of two Flood District Board Members to sit on the Napa River Napa Creek Flood Protection Project Relocation Appeals Board. (No Fiscal Impact)

BACKGROUND

As part of the land acquisition process, the District is required to provide relocation assistance for any property owners, tenants or business owners displaced either temporarily or permanently due to project. Relocation assistance includes, but is not limited to, reimbursement of eligible costs related to the relocation. Relocation eligibility is dictated by Federal Regulations 49 CFR 24.

District relocation experts assess the eligibility of each property owner, tenant and business owner who own, reside and/or operate on property that is being impacted by the project's real estate acquisitions. Those who are determined eligible are provided with a Notice of Eligibility that includes a description of the resources available to them for relocation assistance. Reimbursement requests of eligible relocation costs are provided to the District staff in the form of a reimbursement claim. District staff and relocation experts review the claims to determine whether to approve, partially approve or deny the claim.

In the event there is a disagreement between the determination of District staff and the claimant, the claimant can appeal the determination. A property or business owner may also appeal their eligibility status prior to submitting a claim. The following is a description of the appeals process adopted by the Flood Board on July 18, 2000 (Resolution No. 00-11(FC)):

1. Requests for reconsideration (appeal) must be submitted to the District's Administrator, or designee (other than the person who made the determination in question), for review and determination. A determination will be made and communicated to the occupant.
2. If the request is denied by the District's Administrator (District Executive Officer) or designee, and the

occupant feels the response from the District is inadequate or incorrect, the occupant may write a letter detailing the reasons why.

3. The District's Administrator or designee shall again consider the appeal and shall respond to the occupant in writing within three weeks.

4. If the appeal is denied at this level, the occupant may request a meeting to discuss the claim with the District Administrator or designee. This meeting will be held within 15 days of receipt of such a request from the occupant.

5. If the appeal is again denied or if the occupant wishes to waive the meeting phase of the appeals process, the occupant may request an appeal hearing before the District's Relocation Appeals Board. The Relocation Appeals Board will then schedule an appeal hearing within 60 days.

6. The District's Relocation Appeals Board shall issue a written determination of review as soon as possible, but not later than six weeks from the date of the hearing, stating the decision on reconsideration of the claim. Also, the occupant will be notified that the administrative remedies, as outlined above, have been exhausted, and judicial review may be sought.

As dictated in steps 5 and 6, the District may need to assemble a Relocation Appeals Board in the event an appeal is not settled in the prior steps. District staff is recommending the Relocation Appeals Board consist of two Flood Board Members and one relocation expert.

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.



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:** 6/10/2025

File ID #: 25-820

TO: Napa County Flood Control and Water Conservation District
FROM: Richard Thomasser - District Manager
REPORT BY: Sarah Geiss - Supervising Staff Services Analyst
SUBJECT: Adopt Fiscal Year 2025-26 Budget

RECOMMENDATION

PUBLIC HEARING - Napa County Flood Control and Water Conservation District Budgets

Adopt a Resolution with respect to the proposed Napa County Flood Control and Water Conservation District Fiscal Year 2025-26 budgets continued from May 27, 2025, Public Hearing. (Fiscal Impact: \$65,776,866 Expense; Napa County Flood Control District; Discretionary)
[14 affirmative votes required]

BACKGROUND

The District opened a public hearing for the Fiscal Year 2025-26 Recommended Budget on May 27, 2025. Staff presented the budgets, and those budgets are now presented for adoption.

Requested Actions:

1. Receive additional presentations from staff and/or accept public testimony on the following budgets, including related policy items:

Fund 8000, Division 80005 Watershed Projects - \$5,499,224
Fund 8000, Division 80010 Flood Control - \$23,648,271
Fund 8000, Division 80011 Flood Project, Measure A - \$22,950,364
Fund 8000, Division 80012 Flood Project Maintenance - \$697,907
Fund 8000, Division 80015 Water Supply Contracts - \$12,823,100
Fund 8010, Division 80100 Oakville to Oak Knoll CFD - \$158,000

2. Close Fiscal Year 2025-26 budget hearing.

3. Adopt a Resolution adopting the Recommended Budget for the District for Fiscal Year 2025-26.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
Is it Mandatory or Discretionary?	Discretionary
Is the general fund affected?	No
Future fiscal impact:	This item establishes the appropriation authority for Fiscal Year 2025-26.
Consequences if not approved:	If the requested budget is not approved, the District will not have an adopted budget for fiscal year 2025-26 and, therefore, would not be able to perform its mission.

ENVIRONMENTAL IMPACT

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

RESOLUTION NO. 2025 _____ (FC)

**RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA
COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT ADOPTING THE RECOMMENDED BUDGETS FOR
THE DISTRICT FOR FISCAL YEAR 2025-2026**

WHEREAS, in accordance with the Napa County Flood Control and Water Conservation District Act (“Act”) section 7 subd. (c), California Government Code sections 29080 through 29092, and the Napa County Flood Control and Water Conservation District Bylaws section XV, the Board of Directors of the Napa County Flood Control and Water Conservation District (“District”) must begin the hearings on the new Fiscal Year budgets for the District no later than September 18 of each year and must conclude the hearings within 14 calendar days thereafter, and the recommended budgets for the new Fiscal Year must be adopted no later than October 2 of each year; and

WHEREAS, the proposed recommended budgets of the District for the Fiscal Year 2025-2026 were prepared, made available for distribution, and distributed according to law; and

WHEREAS, the District Board opened the hearing on the proposed recommended District budgets for Fiscal Year 2025-2026 on May 27, 2025, and continued the hearing by action of the Board until June 10, 2025, at which time the public hearing concluded by operation of law under Government Code section 29080; and

WHEREAS, the proposed recommended budgets are presently on file in writing with the Secretary of the District Board and adoption of such recommended budgets by the District Board has been duly scheduled and agendized in the manner required by law for the regular meeting of the District Board on June 10, 2025.

NOW, THEREFORE, BE IT RESOLVED AND ORDERED as follows:

1. The proposed District recommended budgets, including any changes adopted by the Board of Directors during the budget hearings and additions or increases to such budgets filed thereafter, are hereby adopted as the budgets of the District for Fiscal Year 2025-2026, including the approved appropriations by general class, fixed assets, reserves, and designations by funds and purpose, and the documents which by reference show in detail the approved appropriations, revenues, and other methods of financing in the budgets as finally determined are hereby approved and incorporated by reference herein.
2. The total financing requirements for Fiscal Year 2025-2026 are as follows:

Fund 8000, Division 80005	Watershed Projects	\$ 5,499,224
Fund 8000, Division 80010	Flood Control	\$ 23,648,271
Fund 8000, Division 80011	Flood Project, Measure A	\$ 22,950,364
Fund 8000, Division 80012	Flood Project Maintenance	\$ 697,907
Fund 8000, Division 80015	Water Supply Contracts	\$ 12,823,100
Fund 8010, Division 80100	Oakville to Oak Knoll CFD	\$ 158,000

3. Pursuant to Section 8 of the Act and California Government Code section 29125, the District Executive Officer is authorized to approve transfers and revisions of appropriations as detailed in the Napa County Policy for Budgetary Controls, with the following controlled by line item:

Information Technology Services-Exp

4. Any fixed asset(s) not authorized by the Board of Directors during the recommended budget hearing process for the District for Fiscal Year 2025-2026 will be presented to the Board of Directors for approval by the District.
5. Pursuant to the Act section 7 and California Government Code section 29093, a copy of the adopted budgets for the District for Fiscal Year 2025-2026 shall be filed with the Secretary of the District Board and the State Controller as required by law.

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 held on June 10, 2025, in Napa County, State of California, 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: _____
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: <u>May 21, 2025</u> [PL No 132090]</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>
---	--	--

FLOOD DISTRICT BUDGET 2025-2026

Fund	Division	Sub-division	Description	2025-2026 Proposed Appropriations	2025-2026 Proposed Revenues	(Use of)/Add to Fund Balance	Total Available Estimated Fund Balance as of June 30, 2026
8000	80005	8000500	Watershed Projects	\$ 4,570,454	\$ 4,747,360	\$ 176,906	\$ 3,620,000
8000	80005	8000501	NPDES Stormwater	\$ 593,470	\$ 593,470	\$ -	\$ -
8000	80005	8000502	Rutherford Maintenance	\$ 185,300	\$ -	\$ (185,300)	\$ 572,000
8000	80005	8000503	Oakville-Oak Knoll Maintenance	\$ 150,000	\$ 150,000	\$ -	\$ -
	80005		Total	\$ 5,499,224	\$ 5,490,830	\$ (8,394)	\$ 4,192,000
8000	80010	8001000	Flood Control	\$ 23,648,271	\$ 23,648,271	\$ -	\$ 2,500,000
8000	80011	8001100	Napa FLD Proj Measure A	\$ 22,950,364	\$ 2,200,000	\$ (20,750,364)	\$ 20,000,000
8000	80012	8001200	Flood Maint-Measure A	\$ 697,907	\$ 160,000	\$ (537,907)	\$ 12,500,000
8000	80015	8001500	Water Supply Contracts	\$ 12,823,100	\$ 13,340,000	\$ 516,900	\$ 1,300,000
8010	80100	8010000	Oakville-Oak Knoll CFD	\$ 158,000	\$ 121,010	\$ (36,990)	\$ 451,000
Total:				\$ 65,776,866	\$ 44,960,111		

COUNTYWIDE WATERSHED MANAGEMENT

Napa County Flood Control and Water Conservation District Fund 8000, Division 80005, Sub-division 8000500

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	3,040,241	4,471,962	4,396,071
53 - Supplies	63,992	68,200	54,950
54 - Other Charges	85,871	92,000	-
55 - Capital Assets	-	-	-
57 - Special Items	110,000	115,057	119,433
Total Appropriations	3,300,104	4,747,219	4,570,454

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
43 - Intergovernmental Revenues	1,718,242	3,050,000	3,000,000
44 - Fines, Forfeitures, and Penalties	5,408	-	-
45 - Revenue from Use of Money and Property	70,911	26,000	60,000
46 - charges for Services	1,569,874	1,589,563	1,687,360
47 - Grants	-	-	-
Total Revenue	3,364,435	4,665,563	4,747,360

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - Countywide Watershed	64,331	(81,656)	176,906
Totals	64,331	(81,656)	176,906

General Activities	Actual 2024	Adopted 2025	Requested 2026
ALERT	53,822	105,200	114,200
Maint of District Channels & Easements	82,265	444,100	451,100
Maintenance of Napa River & Tributaries	350,657	506,100	545,100
Maintenance - Dredging and Disposal Sites	234,593	40,000	40,000
Maintenance - Streambanks		100,000	100,000
NPDES Program	97,033	117,057	119,433
Grant Programs	6,089	25,000	
Groundwater Monitoring		5,000	5,000
Floodplain Management		5,000	5,000
Watershed Adjudication		5,000	5,000
Benefit Assessment Prog. Maintenance	21,545	36,000	36,000
Trunklines Maintenance		20,000	
Flood Studies	2,751	38,000	45,000
Program Administration	654,718	250,762	84,621
American Canyon Stream Maintenance	49,129	100,000	110,000
Bale Slough/Bear Creek	1,747,502	2,950,000	2,910,000
Total Expenditures	3,300,104	4,747,219	4,570,454

NPDES STORMWATER MANAGEMENT

Napa County Flood Control and Water Conservation District Fund 8000, Division 80005, Sub-division 8000501

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	418,220	554,369	580,620
53 - Supplies	11,146	11,600	12,850
55 - Capital Assets	-	-	-
Total Appropriations	429,366	565,969	593,470

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
43 - Intergovernmental Revenues	90,341	111,549	117,890
45 - Interest	(1,304)	-	-
46 - Charges for Services	231,247	339,363	356,147
49 - Special Items	109,528	115,057	119,433
Total Revenue	429,812	565,969	593,470

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - NPDES Stormwater Mgt	446	-	-
Totals	446	-	-

*\$446 surplus in FY24 for reimbursement not received in FY23

RUTHERFORD MAINTENANCE

Napa County Flood Control and Water Conservation District Fund 8000, Division 80005, Sub-division 8000502

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	60,990	96,861	184,000
53 - Supplies	797	1,300	1,300
55 - Capital Assets	-	-	-
Total Appropriations	61,787	98,161	185,300

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
41 - Other Taxes	-	-	-
45 - Revenue from Use of Money/Prop.	15,085	-	-
46 - Special Assessments	98,161	98,161	-
Total Revenue	113,246	98,161	-

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - Rutherford Maint.	51,459	-	(185,300)
Totals	51,459	-	(185,300)

Activities	Actual 2024	Adopted 2025	Requested 2026
Debris Removal and Relocation of Large Woody Debris		1,500	23,975
Vegetation Management	23,032	25,000	60,000
Streambank Erosion Control		5,000	
Repair & Maintenance of Streambank Stability Structures		5,500	61,300
Invasive Plants Removal and Revegetation	797	13,611	
Annual Surveys, Dev. of Work Plans, Assess. Mgmt	501	12,100	500
Monitoring	3,694	33,000	23,975
General	33,713	2,400	15,500
Benefit Assessment - Property Taxes	50	50	50
Total Expenditures	61,787	98,111	185,300

Oakville to Oak Knoll

Napa County Flood Control and Water Conservation District Fund 8000, Division 80005, Sub-division 8000503

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	90,700	110,950	149,000
53 - Supplies	152	1,000	1,000
55 - Capital Assets	-	-	-
Total Appropriations	90,852	111,950	150,000

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
45 - Revenue from Use of Money/Property	-	-	-
46 - Interfund Revenue	90,852	111,950	150,000
Total Revenue	90,852	111,950	150,000

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - OVOK MAINTENANCE	-	-	-
Totals	-	-	-

Activities	Actual 2024	Adopted 2025	Requested 2026
Debris Removal and Relocation of Large Woody Debris	-	2,000	2,000
Vegetation Management	-	12,000	12,000
Streambank Erosion Control	-	17,000	17,000
Maintenance of Created Vegetation Buffers	-	-	-
Repair and Maintenance of Streambank Stability Structures	-	-	-
Invasive Plants Removal and Revegetation	-	15,000	45,000
Annual Surveys, Development of Work Plans, Assess. Mgmt	1,500	8,000	8,000
Monitoring	-	7,000	7,000
General	59,567	22,200	24,000
Bear Creek Project	29,786	28,750	35,000
Special Project	-	-	-
Total Expenditures	90,852	111,950	150,000

FLOOD CONTROL PROJECT
Napa County Flood Control and Water Conservation District Fund 8000, Division 80010

DIVISION DETAIL

APPROPRIATIONS			
Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	5,947,247	7,069,192	18,579,771
53 - Supplies	45,170	83,500	68,500
54 - Other Charges	52,433	-	
55 - Capital Assets	-	13,015,000	5,000,000
Total Appropriations	6,044,850	20,167,692	23,648,271

REVENUE			
Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
43 - Intergovernmental Revenues	740,902	-	-
45 - Revenue from Use of Money/Property	119,960	70,000	-
47 -Miscellaneous	-	-	-
48 - Sale of Capital Assets	-	-	-
49 - Intrafund Transfer	598,173	20,167,692	23,648,271
Total Revenue	1,459,035	20,237,692	23,648,271

USE OF FUND BALANCE			
Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - Flood Control Project	(4,585,815)	70,000	-
Totals	(4,585,815)	70,000	-

Activities	Actual 2024	Adopted 2025	Requested 2026
Operations & Maintenance	466,020	645,963	697,907
State Revolving Loan-Principal	-	-	-
State Revolving Loan-Interest	-	-	-
Land Purchase/Relocation Assistance Payments	-	13,000,000	5,000,000
Land Acquisition Services	1,285,817	1,494,342	1,578,761
Utilities - Construction Mgmt	-	-	
Planning, Engineering & Design(PED)	177,039	5,027,387	4,983,785
District Construction	-	-	10,000,000
Federal Work	3,943,460	-	-
Building Repair (Flood Office Roof)	-	-	-
Lands & Damages Non Creditable	1,489	-	-
Planning, Engineering & Design(PED) Non Creditable	171,025		1,387,818
Total Expenditures	6,044,850	20,167,692	23,648,271

Napa Flood Project Measure A
Napa County Flood Control and Water Conservation District Fund 8000, Division 80011

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
57 - Intrafund Expenditures	172,500	19,521,729	22,950,364
Total Appropriations	172,500	19,521,729	22,950,364

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
43 - Other-Governmental Agencies	-	-	1,600,000
45 - Interest	1,163,446	600,000	600,000
Total Revenue	1,163,446	600,000	2,200,000

USE OF FUND BALANCE

Department Budget Unit	Actual 2024	Adopted 2025	Requested 2026
Napa FLD Project Measure A	990,947	(18,921,729)	(20,750,364)
Totals	990,947	(18,921,729)	(20,750,364)

Napa Flood Project Maintenance Measure A

Napa County Flood Control and Water Conservation District Fund 8000, Division 80012

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
57 - Intrafund Expenditures	425,674	645,963	697,907
Total Appropriations	425,674	645,963	697,907

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
45 - Interest	317,482	160,000	160,000
Total Revenue	317,482	160,000	160,000

USE OF FUND BALANCE

Department Budget Unit	Actual 2023	Adopted 2024	Requested 2025
Measure A Maintenance	(108,192)	(485,963)	(537,907)
Totals	(108,192)	(485,963)	(537,907)

Note: Division 80012 was created in FY 2019

WATER SUPPLY CONTRACTS

Napa County Flood Control and Water Conservation District Fund 8000, Division 80015

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	285,897.00	172,450	252,450
53 - Supplies	11,310,078.00	12,570,650	12,570,650
55 - Capital Assets		-	-
Total Appropriations	\$11,595,975	\$12,743,100	12,823,100

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
43 - Intergovernmental Revenues	312,000	-	-
45 - Revenue from Use of Money and Property	9,145	8,000	8,000
46 - Charges for Services	11,486,002	13,322,000	13,322,000
47 - Miscellaneous Revenues	1,011	10,000	10,000
Total Revenue	11,808,158	13,340,000	13,340,000

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
Flood District - Water Supply Contract	212,183	596,900	516,900
Totals	212,183	596,900	516,900

Activities	Actual 2024	Adopted 2025	Requested 2026
Administrative Services	-	500	500
Accounting/Auditing Services	15,329	15,000	15,000
ITS Records Mgmt	-	-	-
Legal Services	74,478	60,000	120,000
Engineering Services	55,445	40,000	40,000
Consulting Services	121,955	50,000	70,000
Communications/Telephone	132	500	500
Publications & Legal Notices	-	50	50
Training/Conference Expense	-	3,000	3,000
Business Travel/Mileage	-	3,000	3,000
Fleet Charges	-	400	400
Freight/Postage	9	150	150
Memberships/Certifications	-	70,000	70,000
Utilities - Water	11,310,069	12,500,000	12,500,000
Utilities - Water Exchange Payment	-	-	-
Special Departmental Expenses	-	-	-
Business Related Meals/Supplies	-	500	500
Total Expenditures	11,577,418	12,743,100	12,823,100

Oakville to Oak Knoll CFD

Napa County Flood Control and Water Conservation District Fund 8010, Division 80100

DIVISION DETAIL

APPROPRIATIONS

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
52 - Services	50	8,000	8,000
53 - Supplies		-	-
54 - Interfund Expenditures	90,852	111,950	150,000
Total Appropriations	90,902	119,950	158,000

REVENUE

Major Account Classification	Actual 2024	Adopted 2025	Requested 2026
41 - Other Taxes	112,486	120,010	120,010
44 - Fines, Forfeitures, and Penalties	627		
45 - Interest	8,180	1,000	1,000
Total Revenue	121,293	121,010	121,010

USE OF FUND BALANCE

Department Budget Units	Actual 2024	Adopted 2025	Requested 2026
OVOK CFD	30,391	1,060	(36,990)
Totals	30,391	1,060	(36,990)



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:** 6/10/2025

File ID #: 25-1056

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Napa County Flood Control and Water Conservation District v.
Gracia, David T. & Leslie Ann

Napa Superior Court Case No. 25CV000993



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:** 6/10/2025

File ID #: 25-1058

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

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION

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

Napa County Flood Control and Water Conservation District v.

Allan Nicholson and Connie Lee

Napa Superior Court Case No. 25CV000823



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:** 6/10/2025

File ID #: 25-1059

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

(Gov. Code § 54956.8)

Properties: APN 044-204-003

Negotiating Party: Richard Thomasser, Flood District Manager, California Vacation Holdings Group, LLC

Under Negotiation: Price/Terms/Conditions of Payment

AND

CONFERENCE WITH LEGAL COUNSEL- EXISTING LITIGATION

(Gov. Code § 54956.9(d)(1))

Name of case: California Vacation Club, a California nonprofit mutual benefit corporation, v. Napa County Flood Control and Water Conservation District and California Vacation Holdings Group, LLC, a Florida limited liability company, and DOES 1 through 10, inclusive. Case No. 24CV001395. First Amended Verified Complaint for: (1) Breach of Governing Documents, (2) Preliminary and Permanent Injunctions, and (3) Declaratory Relief.

AND

CONFERENCE WITH LEGAL COUNSEL - EXISTING LITIGATION (Government Code section 54956.9(d)(1))

Name of Case: Napa County Flood Control and Water Conservation District v. California Vacation Holdings Group LLC, et al. Napa Superior Court Case No. 25CV000695



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:** 6/10/2025

File ID #: 25-1060

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 044-220-004

Negotiating Party: Richard Thomasser, Flood District Manager, Suzanne E Murray 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.

Suzanne E Murray et al.

Napa Superior Court Case No. 24CV002128



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:** 6/10/2025

File ID #: 25-1061

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 044-220-008

Negotiating Party: Richard Thomasser, Flood District Manager, 505 Lincoln Avenue Napa LLC

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.

505 Lincoln Avenue Napa LLC

Napa Superior Court Case No. 24CV002125



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:** 6/10/2025

File ID #: 25-1062

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 044-230-006

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



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:** 6/10/2025

File ID #: 25-1103

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 044-314-007

Negotiating Party: Richard Thomasser, Flood District Manager, Maria Vasilieva & Greghek Valdovinos

Under Negotiation: Price/Terms/Conditions of Payment