

Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559



Agenda - Final

Tuesday, May 4, 2021

1:30 PM

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

Flood Control and Water Conservation District

Brad Wagenknecht, District 1 (Chairperson)
Scott Sedgley, City of Napa (Vice-Chairperson)
Chris Canning, City of Calistoga
Diane Dillon, District 3
John Dunbar, Town of Yountville
Geoff Ellsworth, City of St. Helena
Leon Garcia, City of American Canyon
Ryan Gregory, District 2
Beth Painter, City of Napa
Alfredo Pedroza, District 4
Belia Ramos, District 5

GENERAL INFORMATION

Except when otherwise specified in its adopted annual calendar, the Napa County Flood Control and Water Conservation District meets the first Tuesday of every month at 1:30 P.M. in regular session at 1195 Third Street, Suite 305, Napa, California 94559. The meeting room is wheelchair accessible. Assistive listening devices and interpreters are available through the Clerk of the Board of the Napa County Board of Supervisors. Requests for disability related modifications or accommodations, aids or services may be made to the Clerk of the Board's office no less than 72 hours prior to the meeting date by contacting (707) 253-4580.

The agenda is divided into three sections:

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

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

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

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

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

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

How to Watch or Listen to the Napa County Board of Supervisors Meetings

PLEASE NOTE: IN ACCORDANCE WITH NEW COVID-19 GUIDANCE FROM THE STATE OF CALIFORNIA AS OF 03/04/2021, IN-PERSON ATTENDANCE AT NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MEETINGS IS LIMITED. PLEASE SEE INSTRUCTIONS BELOW FOR VIRTUAL/TELEPHONIC ATTENDANCE.

The Napa County Flood Control and Water Conservation District will continue to meet pursuant to the adopted 2021 calendar available at the following link:

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

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

1. Watch on your TV - Napa Valley TV Channel 28 (programming subject to local pre-emption rules and schedules).
2. Listen on your cell phone via Zoom at 1-669-900-6833 then enter Meeting ID 842-343-169 once you have joined the meeting.
3. Watch via the Internet – view the Live Stream
 - a. via Zoom at the following link: <https://www.zoom.us/join> then enter Meeting ID 842-343-169.
 - b. via Granicus by clicking on the following link: http://napa.granicus.com/ViewPublisher.php?view_id=5
4. You may submit public comment for any item that appears on the agenda, or general public comment for any item or issue that does not appear on the agenda, as follows:
Via email: send your comment to the following email address:
publiccomment@countyofnapa.org. EMAILS WILL NOT BE READ ALOUD.

Emails received by 5:00 PM on Monday prior to Tuesday's meeting will be provided to the District. Emails received on Tuesday will be provided to the District after the meeting. All emails become part of the permanent record.

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

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

Please provide your name and the agenda item on which you are commenting. Calls will be placed on hold and heard in the order received. The above-identified measures exceed all legal requirements for participation and public comment, including those imposed by the Ralph M. Brown Act and Executive Order N-29-20 and N-33-20. If you have any questions, contact us via telephone at (707) 253-4421 or email clerkoftheboard@countyofnapa.org.

1. CALL TO ORDER; ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
4. PRESENTATIONS AND COMMENDATIONS
5. CONSENT ITEMS
6. DISCUSSION OF ITEMS REMOVED FROM THE CONSENT CALENDAR
7. PUBLIC COMMENT

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

8. ADMINISTRATIVE ITEMS

- A. District Manager requests review and discussion of a presentation on highlighted projects from the Maintenance and Watershed Management Program in Fiscal Year 2020-2021. [21-126](#)

Attachments: [Flood Board 5-4-21](#)

- B. 1. District Manager requests staff provide a presentation on the annual water supply outlook for Napa County and its communities. [21-127](#)
2. District Manager requests authorization for Chair of the Board to sign Dry Year Water Transfer Agreements upon approval by District Counsel.

Attachments: [PDF - 2021 Water Supply Outlook Presentation](#)

9. SET MATTERS OR PUBLIC HEARINGS

- A. PUBLIC HEARING 1:30 PM - 10 Minutes [21-122](#)
District Manager requests the following actions related to the Rutherford Reach Benefit Zone Assessment District 2008-1:

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2021- 2022 assessments; and

2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2021- 2022 on qualifying properties.

Attachments: [Resolution to Levy - Rutherford Reach Benefit Zone](#)

- B.** PUBLIC HEARING 1:30 PM - 10 Minutes [21-123](#)
PUBLIC HEARING 1:30 PM – 10 Minutes
District Manager requests the following actions in connection with Joint Zone Project 96-1:
1. Conduct a Protest Hearing on the proposed Fiscal Year 2021-2022 Assessments;
 2. Tally any written protests filed and not withdrawn by the end of the protest hearing by registered voters residing in, and owners of assessable property located within the three zones of the Joint Zone Project;
 3. If the tallied protests are
 - a. Less than 25% in each Zone The Board may adopt the proposed resolution:
 - i. Finding that the submission of proposed assessment to a vote by qualified electors is not required;
 - ii. Approving and levying the annual assessments for Fiscal Year 2021-2022 and
 - iii. Authorizing and directing the filing of the Fiscal Year 2021-2022 assessment roll with the Napa County Auditor for posting to the Fiscal Year 2021-2022 Napa County Property Tax Roll (Maintenance and Watershed Management Program Project No. 96-1).
 - b. 25% or greater in any of the Zones - The Board must either:
 - i. Abandon the assessment for that Zone; or
 - ii. Place the issue of the proposed assessments in that Zone before the voters in that Zone.

Attachments: [Resolution to Levy - Project 96-1](#)

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

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, JUNE 8, 2021 AT 1:30
P.M.**

I HEREBY CERTIFY THAT THE AGENDA FOR THE ABOVE STATED MEETING WAS POSTED AT A LOCATION FREELY ACCESSIBLE TO MEMBERS OF THE PUBLIC AT THE NAPA COUNTY ADMINISTRATIVE BUILDING, 1195 THIRD STREET, NAPA, CALIFORNIA ON FRIDAY, APRIL 30, 2021 BY 5:00 P.M. A HARDCOPY SIGNED VERSION OF THE CERTIFICATE IS ON FILE WITH THE DISTRICT SECRETARY AND AVAILABLE FOR PUBLIC INSPECTION.

Jose Luis Valdez (By e-signature)

JOSE LUIS VALDEZ, District Secretary



Napa County

Board Agenda Letter

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Flood Control and Water Conservation District **Agenda Date:** 5/4/2021

Agenda #: A.

TO: Board of Directors

FROM: Richard Thomasser - District Manager, Napa County Flood Control District

REPORT BY: Michael Gordon - Watershed and Flood Control Resources Specialist

SUBJECT: Stream Maintenance Program Highlights

RECOMMENDATION

District Manager requests review and discussion of a presentation on highlighted projects from the Maintenance and Watershed Management Program in Fiscal Year 2020-2021.

EXECUTIVE SUMMARY

Napa County Flood Control and Water Conservation District (District) staff will discuss highlighted projects from the Maintenance and Watershed Management Program in Fiscal Year 2020-2021.

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.

BACKGROUND AND DISCUSSION

The District undertakes a variety of important maintenance activities each year to fulfill the objectives of the Watershed Management Program. District staff will describe three biotechnical streambank stabilization projects that were conducted in 2020. The selected projects used similar techniques but involved three distinct forms of partnership and varying levels of direct District involvement. With these diverse approaches, the District is able to help constituents respond to a variety of complex stream related issues.

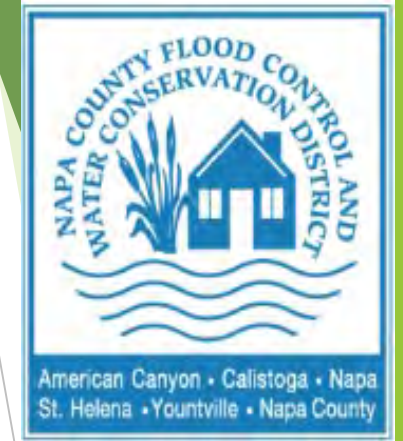
SUPPORTING DOCUMENTS

PDF - Maintenance and Watershed Management Program Highlights

District Manager Recommendation:

Reviewed By:

Napa County Flood Control and Water Conservation District



Maintenance and Watershed Management Program, Project No. 96-1
Highlighted projects from Fiscal Year 2020-2021

Biotechnical Streambank Stabilization

In 2020, the three projects described below all utilized vegetated soil lifts to stabilize eroding streambanks. The sites presented different levels of risk and the proposed solutions varied significantly in terms of cost. The District was able to support each project with a distinct approach appropriate to its unique scope and scale.

- ▶ Conn Creek: Stream Maintenance Program project
 - ▶ Informal agreement, in-kind landowner contributions
- ▶ Salvador Creek: Stream Maintenance Program project
 - ▶ Unique funding agreement approved by Flood Board
- ▶ Lower Napa River: Non-District project, landowner holds permits
 - ▶ Cost-share program agreement

Stream Maintenance Program, District Project- *Conn Creek (District Easement)*



Conn Creek

- ▶ Citizen initiated emergency application for bank repair
- ▶ Resource agencies engaged Flood District
- ▶ District scoped project and coordinated with landowner
 - ▶ District contributions: Project management, permitting, design, contractor oversight, monitoring
 - ▶ Landowner contributions: Rock, willow material, irrigation water
- ▶ Napa RCD conducted channel cross sections
- ▶ District completed design drawings
- ▶ District included project in Stream Maintenance Program (SMP) Notification to CA Department of Fish and Wildlife and Water Board, and acquired permit authorization from US Army Corps of Engineers
- ▶ Contractor built project with landowner support in September 2020
- ▶ Cost \$84,400

Biotechnical Streambank Stabilization Public-Private Partnership *Salvador Creek: Valle Verde/Heritage House*



Salvador Creek

- ▶ Property owner requested District support to implement streambank stabilization and restoration project
- ▶ Property owner engaged private consultant to design project, District reviewed plans
- ▶ Consultant conducted channel cross sections and hydraulic analysis
- ▶ District and property owner entered into agreement for owner to reimburse District for contractor cost to implement project
- ▶ District included project in Stream Maintenance Program Notification to agencies, and acquired permit authorization from US Army Corps of Engineers
- ▶ District put project out for public bid and selected contractor
- ▶ Contractor implemented project in September 2020
- ▶ Cost \$142,198

Biotechnical Streambank Stabilization Cost-Share Program- *Napa River, HdV Winery*



Napa River, HdV Winery

- ▶ Property owner engaged private consultant to design project. District provided comments on design and permitting approach.
- ▶ Property owner secured project permits, provided evidence of multiple bids for project construction.
- ▶ District and property owner entered into cost-share agreement for District to reimburse owner for 75% of costs up to maximum \$30,000.
- ▶ Contractor implemented project August - October 2020.
- ▶ District reviewed completed project and issued payment.
- ▶ Private construction contract- \$872,349.

Other Annual Stream Maintenance Activities

- ▶ Downed tree management
- ▶ Vegetation management/channel clearing
- ▶ Sediment removal
- ▶ Trash clean-up
- ▶ Riparian restoration

... and District Roles and Responsibilities

- ▶ Survey, monitor and assess priority stream channels
- ▶ Respond to citizen concerns
- ▶ Support municipal partners on regulatory issues in streams
- ▶ Secure grant funding for projects



Homeless Encampment Trash Clean-up

- ▶ ArcGIS StoryMap by Leif Bryant to illustrate the District's recent efforts to address trash from homeless encampments:
- ▶ <https://storymaps.arcgis.com/stories/f8b5313dd588457db5fd70ce19d77e03>
- ▶ Any Questions?



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Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 5/4/2021

Agenda #: B.

TO: Board of Directors
FROM: Richard Thomasser - District Manager, Napa County Flood Control District
REPORT BY: Christopher Silke - Water Resources Engineering Manager
SUBJECT: Water Supply Update

RECOMMENDATION

1. District Manager requests staff provide a presentation on the annual water supply outlook for Napa County and its communities.
2. District Manager requests authorization for Chair of the Board to sign Dry Year Water Transfer Agreements upon approval by District Counsel.

EXECUTIVE SUMMARY

District staff will provide an update to the Board on the status of seasonal precipitation including an update on the State Water Project.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?

No

County Strategic Plan pillar addressed:

[Click or tap here to enter text.](#)

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

The State of California is in the midst of consecutive dry years similar to those experienced in 2014-2015. The so-called "Miracle March" with copious amounts of rainfall did not pan out this water year. Department of Water Resources and Water Boards are signaling severe drought type regulatory actions are necessary to preserve reservoir storage levels and maintain compliance with environmental permits into the fall months. Staff will brief the Board on latest climate, hydrology, storage levels, State Water Project allocations and what the implications are for Napa County in terms of water supply for the

remainder of this year. Participation in the State Water Project (SWP) Dry Year Transfer Program is necessary to offset a recently announced 5 percent Table A Allocation to Water Contractors by Department of Water Resources. Agreements will be ready for signatures in May to ensure SWP water deliveries over the summer months. Staff is requesting Board approval for the Chair to sign these agreements when they have been approved by District Counsel. The cost for water under these agreements will be reimbursed by the benefiting city through the SWP Agreement between the cities and the District.

SUPPORTING DOCUMENTS

PDF - 2021 Water Supply Outlook Presentation

District Manager Recommendation: Approve

Reviewed By:

2021 Napa County Water Supply Outlook



Christopher Silke, P.E.
Engineering Manager-Water Resources



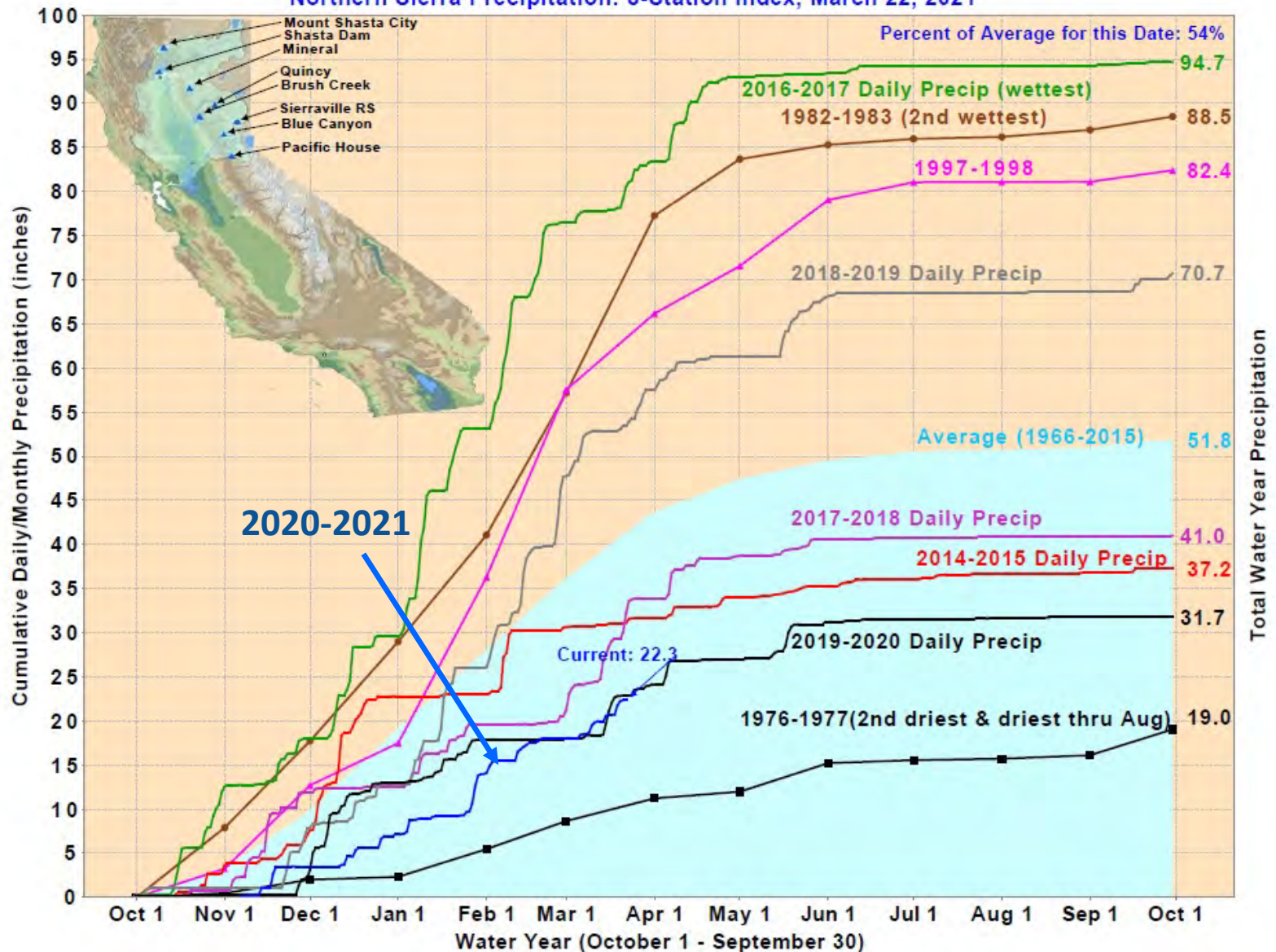
**It's A Dry Year.
Let's Work Together To
Save Our Water.**



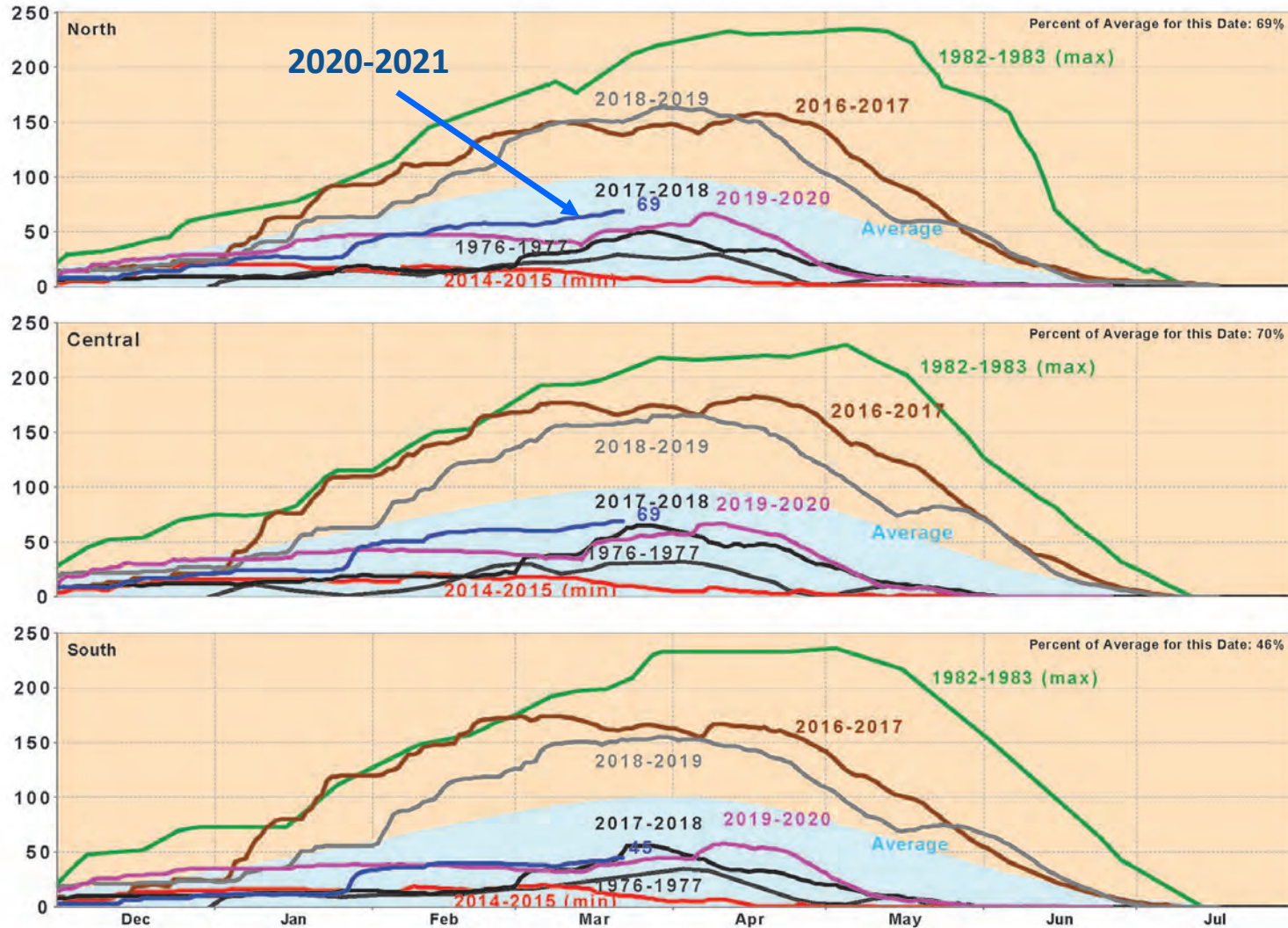
Presentation Topics

- Climate & Hydrology Statistics
- State Water Project Update
- Dry Year Water Supply Rebalance
- Countywide Reservoir Levels & Storage

Northern Sierra Precipitation: 8-Station Index, March 22, 2021

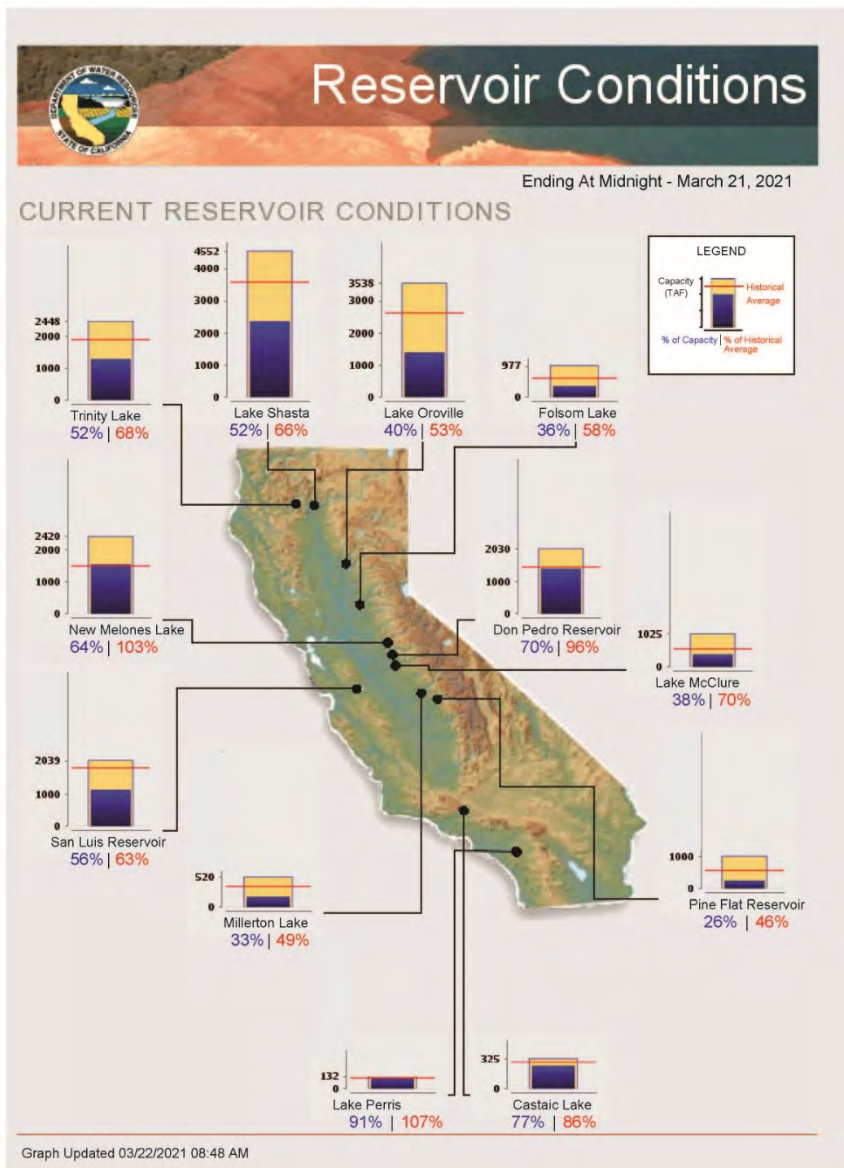


California Snow Water Content, March 22, 2021, Percent of April 1 Average



Statewide Percent of April 1: 63%

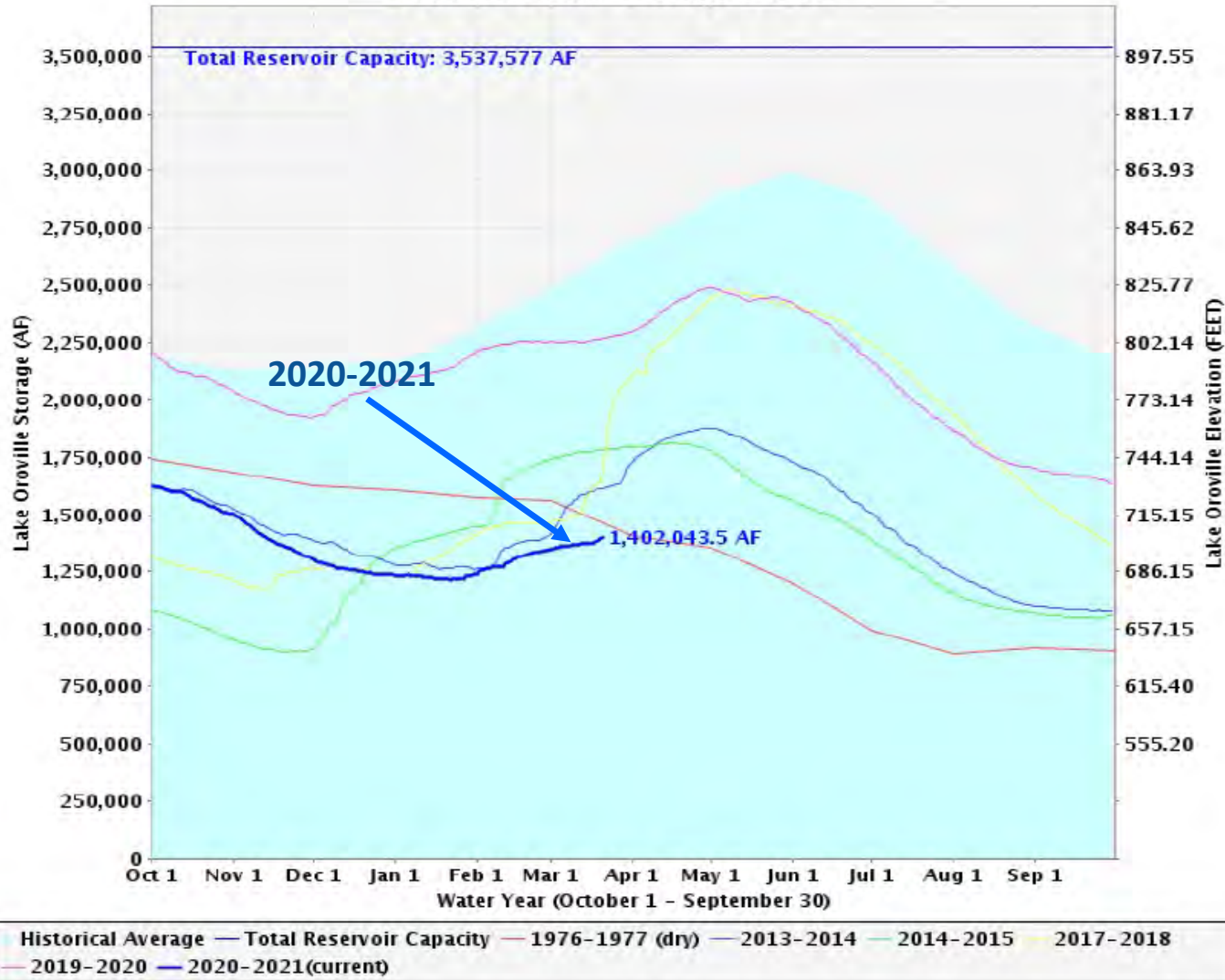
Statewide Percent of Average for Date: 64%



NorCal Reservoirs

- Below Historical Averages
- Oroville < 50% Capacity
- 900 kAF Fall Storage Goal
- BiOps & ITP Requirements

Lake Oroville Storage Levels




2021 STATE WATER PROJECT ALLOCATION
(ACRE-FEET)

SWP CONTRACTORS	TABLE A	INITIAL REQUEST	APPROVED ALLOCATION	PERCENT INITIAL REQUEST APPROVED
	(1)	(2)	(3)	(3)/(2) (4)
FEATHER RIVER				
County of Butte	27,500	27,500	3,000	11%
Plumas County FC&WCD	2,700	2,700	135	5%
City of Yuba City	9,600	9,600	480	5%
Subtotal	39,800	39,800	3,615	
NORTH BAY				
Napa County FC&WCD	29,025	29,025	1,451	5%
Solano County WA	47,756	47,756	2,388	5%
Subtotal	76,781	76,781	3,839	
SOUTH BAY				
Alameda County FC&WCD, Zone 7	80,619	80,619	4,031	5%
Alameda County WD	42,000	42,000	2,100	5%
Santa Clara Valley WD	100,000	100,000	5,000	5%
Subtotal	222,619	222,619	11,131	
SAN JOAQUIN VALLEY				
Oak Flat WD	5,700	5,700	285	5%
County of Kings	9,305	9,305	465	5%
Dudley Ridge WD	41,350	41,350	2,068	5%
Empire West Side ID	3,000	3,000	150	5%
Kern County WA	982,730	982,730	49,137	5%
Tulare Lake Basin WSD	87,471	87,471	4,374	5%
Subtotal	1,129,556	1,129,556	56,479	
CENTRAL COASTAL				
San Luis Obispo County FC&WCD	25,000	25,000	1,250	5%
Santa Barbara County FC&WCD	45,486	45,486	2,274	5%
Subtotal	70,486	70,486	3,524	
SOUTHERN CALIFORNIA				
Antelope Valley-East Kern WA	144,844	144,844	7,242	5%
Santa Clarita Valley WA	95,200	95,200	4,760	5%
Coachella Valley WD	138,350	138,350	6,918	5%
Crestline-Lake Arrowhead WA	5,800	5,800	290	5%
Desert WA	55,750	55,750	2,788	5%
Little Rock Creek ID	2,300	2,300	115	5%
Metropolitan WDSC	1,911,500	1,911,500	95,575	5%
Mojave WA	89,800	89,800	4,490	5%
Palm Dale WD	21,300	21,300	1,065	5%
San Bernardino Valley MWD	102,600	102,600	5,130	5%
San Gabriel Valley MWD	28,800	28,800	1,440	5%
San Geronimo Pass WA	17,300	17,300	865	5%
Ventura County WPD	20,000	20,000	1,000	5%
Subtotal	2,633,544	2,633,544	131,678	
TOTAL	4,172,786	4,172,786	210,266	

DWR Table A Allocation

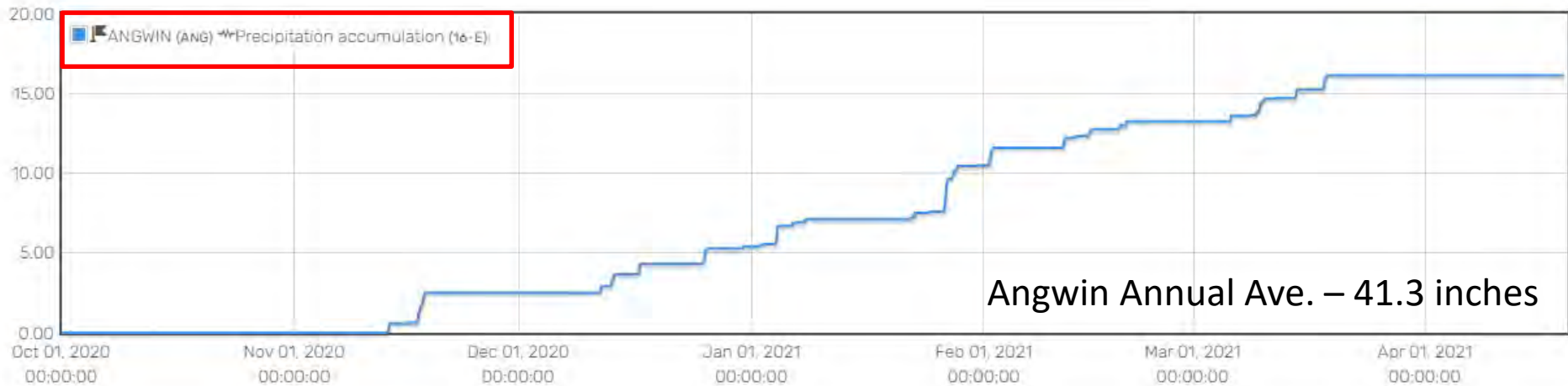
- Napa County FCD – 5%
- NOD Increment – 0%
- NBA Delivery – 12 kAF/yr
- Water Usage >> Allocation



Dry Year Water Supply Rebalance 12,013 AF

- Table A Allocation – 1,451 AF
- Prior Year Carryover – 4,853 AF
- Groundwater Subs (DYTP) – 190 AF
- Yuba Accord Components 1 to 3 – 519 AF
- Advanced Table A – up to 5,000 AF

Regional Climate Data Snapshot



Site	Sensor	Group	15 Min	30 Min	1 Hour	3 Hour	6 Hour	12 Hour	24 Hour	7 Days	30 Days
ANGWIN	Precipitation increment (16-E)	All	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
City of Napa Corp Yard	Precipitation increment (2271)	All	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Hopper Creek at Hwy 29	Precipitation increment (0)	All	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00
Lake Hennessey	Precipitation increment (2334)	All	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00	0.00

Lake Berryessa Elevation

Lake Berryessa - Water Surface Elevation - 90 Day
Lake Spills @ 440 ft. (1002.502)

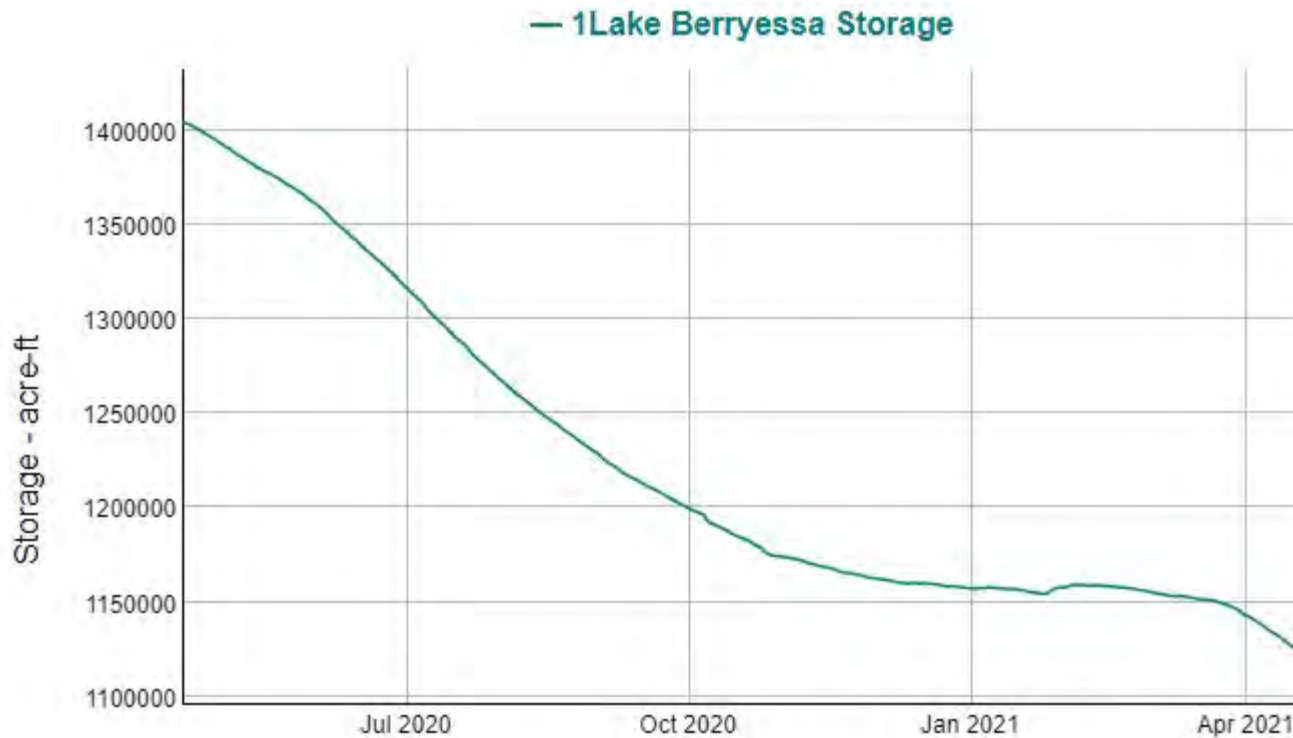
2021/04/19 01:00: 1Lake Berryessa WSE: 415.8



2014 / 2015 Dry Years Low Elevation – 395.8 ft

Lake Berryessa Storage

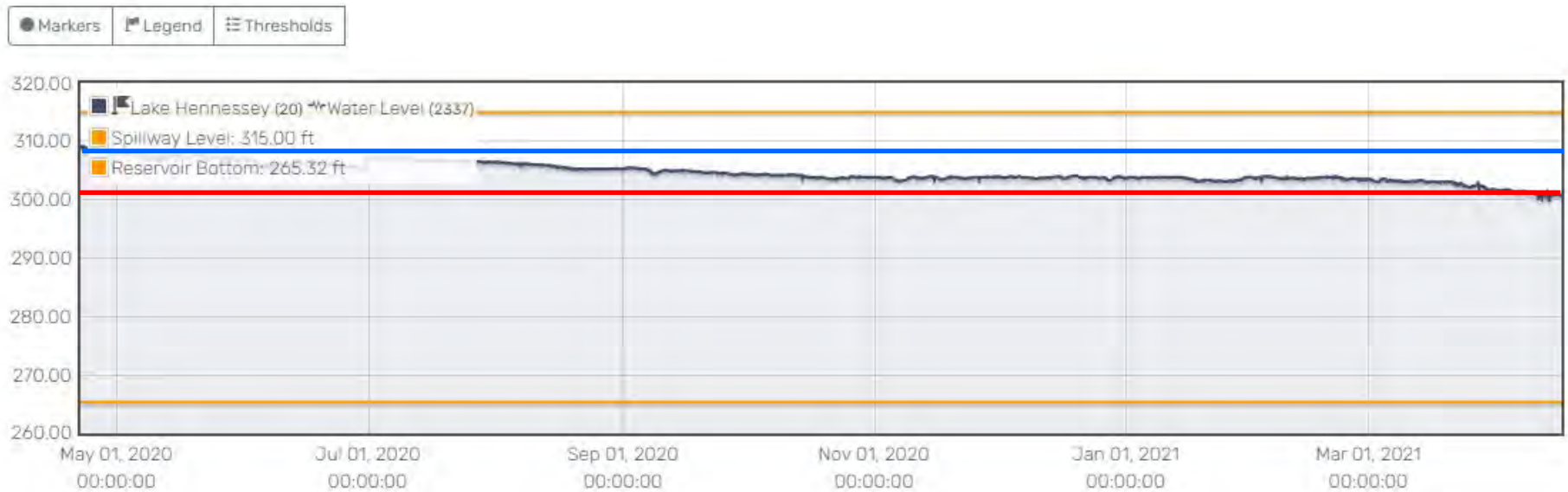
Lake Berryessa - Storage - 1/2 Year
(1002.504)



Full Pond Volume – 1,602,000 AF

70% Capacity April 20, 2021

Lake Hennessey Elevation



Full Pond Volume – 31,000 AF

November 2014 Dry Year Elevation Low – 301 ft

October 2015 Dry Year Elevation Low – 308 ft

Milliken Reservoir

Milliken Reservoir Storage Volume in Acre-Feet (AF) by Elevation (feet)

1 AF = 325,851 Gallons

Elevation (feet)	0.90	0.80	0.70	0.60	0.50	0.40	0.30	0.20	0.10	0.00	Elevation (feet)	Percent of Storage Capacity at each 1.0 feet
923.00										1,986	923.00	142.88%
922.00	1,982	1,978	1,974	1,970	1,966	1,961	1,957	1,953	1,949	1,945	922.00	139.93%
921.00	1,941	1,937	1,933	1,929	1,925	1,920	1,916	1,912	1,908	1,904	921.00	136.98%
920.00	1,900	1,896	1,892	1,888	1,884	1,879	1,875	1,871	1,867	1,863	920.00	134.03%
919.00	1,860	1,856	1,852	1,848	1,844	1,840	1,836	1,833	1,829	1,825	919.00	131.29%
918.00	1,821	1,818	1,814	1,810	1,806	1,802	1,798	1,795	1,791	1,787	918.00	128.56%
917.00	1,783	1,779	1,776	1,772	1,768	1,764	1,760	1,757	1,753	1,749	917.00	125.83%
916.00	1,745	1,741	1,738	1,734	1,730	1,726	1,722	1,719	1,715	1,711	916.00	123.09%
915.00	1,707	1,703	1,700	1,696	1,692	1,688	1,684	1,681	1,677	1,673	915.00	120.36%
914.00	1,670	1,666	1,663	1,659	1,655	1,652	1,648	1,644	1,641	1,637	914.00	117.77%
913.00	1,633	1,629	1,626	1,622	1,618	1,615	1,611	1,607	1,604	1,600	913.00	115.11%
912.00	1,597	1,593	1,589	1,586	1,582	1,578	1,575	1,571	1,568	1,564	912.00	112.52%
911.00	1,560	1,556	1,553	1,549	1,545	1,542	1,538	1,534	1,531	1,527	911.00	109.86%
910.00	1,524	1,520	1,516	1,513	1,509	1,505	1,502	1,498	1,495	1,491	910.00	107.27%
909.00	1,488	1,485	1,481	1,478	1,474	1,471	1,467	1,464	1,460	1,457	909.00	104.82%
908.00	1,454	1,450	1,447	1,443	1,440	1,437	1,433	1,430	1,426	1,423	908.00	102.37%
907.00	1,420	1,417	1,413	1,410	1,407	1,403	1,400	1,397	1,393	1,390	907.00	100.00%
906.00	1,367	1,363	1,360	1,357	1,354	1,350	1,347	1,344	1,340	1,337	906.00	97.63%
905.00	1,353	1,350	1,347	1,343	1,340	1,337	1,333	1,330	1,326	1,323	905.00	95.18%
904.00	1,321	1,317	1,314	1,311	1,308	1,305	1,301	1,298	1,295	1,292	904.00	92.95%
903.00	1,269	1,265	1,262	1,259	1,256	1,253	1,250	1,246	1,243	1,240	903.00	90.68%
902.00	1,257	1,254	1,251	1,248	1,245	1,241	1,238	1,235	1,232	1,229	902.00	88.42%
901.00	1,226	1,222	1,219	1,216	1,213	1,210	1,207	1,203	1,200	1,197	901.00	86.12%
900.00	1,194	1,191	1,188	1,185	1,182	1,178	1,175	1,172	1,169	1,166	900.00	83.88%
899.00	1,164	1,161	1,158	1,155	1,152	1,149	1,146	1,143	1,140	1,137	899.00	81.80%
898.00	1,134	1,131	1,128	1,125	1,123	1,120	1,117	1,114	1,111	1,108	898.00	79.71%
897.00	1,106	1,103	1,100	1,097	1,094	1,091	1,088	1,086	1,083	1,080	897.00	77.70%
896.00	1,077	1,074	1,071	1,068	1,065	1,063	1,060	1,057	1,054	1,051	896.00	75.61%
895.00	1,048	1,045	1,042	1,039	1,036	1,034	1,031	1,028	1,025	1,022	895.00	73.53%
894.00	1,020	1,017	1,014	1,011	1,009	1,006	1,003	1,000	998	995	894.00	71.58%
893.00	992	990	987	984	982	979	976	973	971	968	893.00	69.64%
892.00	965	963	960	957	955	952	949	946	944	941	892.00	67.70%
891.00	938	936	933	930	928	925	922	919	917	914	891.00	65.76%
890.00	911	909	906	903	901	898	895	892	890	887	890.00	63.81%
889.00	885	882	880	877	875	872	870	867	865	862	889.00	62.01%
888.00	860	857	855	852	850	847	845	842	840	837	888.00	60.22%
887.00	834	832	829	826	824	821	819	816	814	811	887.00	58.35%
886.00	809	806	804	801	799	796	794	791	789	786	886.00	56.55%
885.00	784	781	779	776	774	771	769	766	764	761	885.00	54.75%
884.00	759	757	754	752	750	747	745	743	740	738	884.00	53.09%
883.00	735	733	731	728	726	724	721	719	716	714	883.00	51.37%

Feb 2021
→

Full Pond Volume – 1,400 AF

Bell Canyon Reservoir

April 2020

Date	Elevation	Storage (acre-feet)	Computed Inflow (cfs)	7 Day Average Inflow (cfs)	Actual Release (cfs)
4/1/2020	411.17	1608.006	0.692	0.625	0.84
4/2/2020	411.13	1605.398	0.705	0.661	0.83
4/3/2020	411.11	1604.094	0.802	0.658	0.81
4/4/2020	411.10	1603.442	0.569	0.626	0.81
4/5/2020	411.14	1606.050	0.336	0.569	0.86
4/6/2020	411.14	1606.050	0.666	0.621	1.60
4/7/2020	411.14	1606.050	1.134	0.701	1.53
4/8/2020	411.11	1604.094	1.028	0.749	1.02
4/9/2020	411.09	1602.790	0.761	0.757	0.97
4/10/2020	411.08	1602.138	0.799	0.756	0.91
4/11/2020	411.07	1601.486	0.864	0.798	0.89
4/12/2020	411.06	1600.834	0.744	0.857	0.80
4/13/2020	411.04	1599.530	0.621	0.850	0.86
4/14/2020	411.02	1598.226	0.760	0.797	0.88
4/15/2020	410.98	1595.618	0.820	0.767	0.84
4/16/2020	410.95	1593.662	0.920	0.790	0.91
4/17/2020	410.93	1592.358	0.587	0.759	0.84
4/18/2020	410.91	1591.054	0.517	0.710	0.82
4/19/2020	410.89	1589.750	0.512	0.677	0.83
4/20/2020	410.87	1588.446	0.503	0.660	0.83
4/21/2020	410.85	1587.142	0.568	0.632	0.83
4/22/2020	410.83	1585.838	0.615	0.603	0.84
4/23/2020	410.81	1584.534	0.720	0.575	0.84
4/24/2020	410.76	1581.274	0.597	0.576	0.84
4/25/2020	410.72	1578.666	0.865	0.626	0.84
4/26/2020	410.68	1576.058	0.844	0.673	0.86
4/27/2020	410.64	1573.449	0.843	0.722	0.81

April 19, 2021 Elevation – 402 ft
43% Capacity – 1,011 AF

April 2014

Date	Elevation	Storage (acre-feet)	Computed Inflow (cfs)	7 Day Average Inflow (cfs)	Actual Release (cfs)
3/24/2014	415.10	1874.787	0.737	1.037	0.93
3/25/2014	415.06	1871.957	0.764	0.993	0.91
3/26/2014	415.10	1874.787	1.018	0.904	1.03
3/27/2014	415.09	1874.079	0.808	0.912	1.02
3/28/2014	415.07	1872.664	1.003	0.932	1.06
3/29/2014	415.16	1879.032	1.552	0.997	1.02
3/30/2014	415.91	1932.092	27.825	4.815	1.01
3/31/2014	416.08	1944.292	8.327	5.900	1.05
4/1/2014	416.71	1990.224	22.108	8.949	1.04
4/2/2014	418.78	2141.924	75.128	19.536	1.04
4/3/2014	419.44	2190.702	26.560	23.215	1.03
4/4/2014	419.75	2213.613	12.621	24.875	1.02
4/5/2014	420.11	2240.428	14.848	26.774	1.06
4/6/2014	420.30	2254.830	9.564	24.165	1.05
4/7/2014	420.40	2262.410	6.234	23.866	1.01
4/8/2014	420.45	2266.200	4.165	21.303	1.01
4/9/2014	420.49	2269.232	3.967	11.137	1.01
4/10/2014	420.49	2269.232	2.376	7.682	1.04
4/11/2014	420.49	2269.232	2.308	6.209	1.01
4/12/2014	420.49	2269.232	1.421	4.291	1.02
4/13/2014	420.49	2269.232	1.537	3.144	1.05
4/14/2014	420.48	2268.474	1.266	2.434	1.04
4/15/2014	420.45	2266.200	1.059	1.991	1.12
4/16/2014	420.41	2263.168	0.885	1.550	1.15
4/17/2014	420.37	2260.136	1.011	1.355	1.19
4/18/2014	420.33	2257.104	1.049	1.175	1.15
4/19/2014	420.28	2253.314	0.871	1.097	1.17
4/20/2014	420.23	2249.524	0.757	0.985	1.12
4/21/2014	420.18	2245.734	0.880	0.930	1.11
4/22/2014	420.14	2242.702	0.984	0.920	1.03
4/23/2014	420.09	2238.911	0.643	0.885	0.91

Full Pond Volume – 2,350 AF

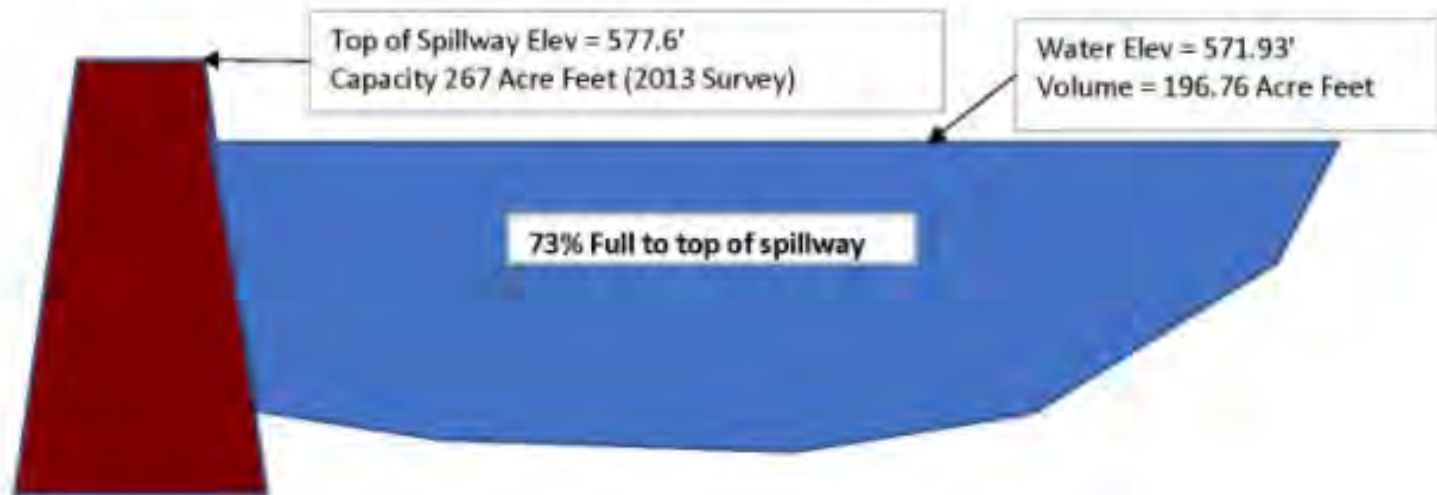
Kimball Reservoir

Kimball Reservoir Supply Status

Last Update: 4/12/2021

Seasonal Rainfall Total = 16.32"

Average Rainfall Total = 38"



Full Pond Volume – 275 AF

Rector Reservoir



Full Pond Volume – 4,535 AF

Questions / Comments



**It's A Dry Year.
Let's Work Together To
Save Our Water.**



Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559

Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 5/4/2021

Agenda #: A.

TO: Board of Directors

FROM: Richard Thomasser - District Manager, Napa County Flood Control District

REPORT BY: Jeremy Sarrow - Watershed and Flood Control Resources Specialist

SUBJECT: Public Hearing to Consider any Objections or Protests, and to Adopt a Resolution to Levy Assessments for Rutherford Reach Benefit Zone Assessment District

RECOMMENDATION

PUBLIC HEARING 1:30 PM - 10 Minutes

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

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2021- 2022 assessments; and
2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2021- 2022 on qualifying properties.

EXECUTIVE SUMMARY

In 2008, the Assessment District was created and the voters in that District authorized an assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach, an approximately 4.5-mile reach of the Napa River south of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south. At the April 6, 2021 meeting, the Board approved the Engineer's Report for the Assessment District for Fiscal Year 2021-2022, adopted a Resolution of Intent to levy assessments, and set May 4, 2021 as the date for the required protest hearing. This public hearing is to consider objections or protests to the proposed assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach for Fiscal Year 2021-2022 verifying properties.

PROCEDURAL REQUIREMENTS

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

4. Close Public Hearing.
5. Tally any written protests filed and not withdrawn.
6. Motion, second, discussion and vote on the item.

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Rutherford Maintenance - Fund 8000, Division 80005, Subdivision 8000502
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 2008, was to establish a mechanism to provide continued annual funding for maintenance benefiting the residents and landowners within the Assessment District. This action renews the annual assessment needed to fund the Assessment District detailed in the Engineer's Report and approved at the April 6, 2021 Flood Board meeting.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	This assessment is the main revenue source for maintenance needs in the Assessment District. If not approved, no funding will be available for routine maintenance activities in the FY 2021-2022.
County Strategic Plan pillar addressed:	Click or tap here to enter text.
Additional Information:	Click or tap here to enter text.

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

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

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

A maintenance program has been developed by the Napa County Flood Control and Water Conservation District, in

consultation with the Rutherford Landowner Advisory Committee, to proactively address streambank erosion, to protect properties in the Assessment District, and to maintain features constructed as part of the Restoration Project that collectively will result in a more stable streambank for the benefit of the property owners.

Each year, an Engineer's Report is prepared to verify parcels subject to the assessment, ownership information, and amount of the assessment for each parcel. The proposed assessments are based upon an allocation of program costs over all properties subject to assessment in the Assessment District, which may vary slightly from year to year. The Engineer's Report recommends the levy of an assessment for Fiscal Year 2021-2022 in the amount of \$98,160 up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of property frontage on the Rutherford Reach.

SUPPORTING DOCUMENTS

A. Resolution to Levy - Rutherford Reach Benefit Zone

District Manager Recommendation: Approve

Reviewed By:

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2021-____ (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT AUTHORIZING AND
LEVYING ASSESSMENTS FOR THE RUTHERFORD REACH BENEFIT ZONE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2021-2022**

(RUTHERFORD REACH BENEFIT ZONE ASSESSMENT DISTRICT 2008-1)

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

WHEREAS, the Board desires to continue to provide for the activities of the Assessment District during Fiscal Year 2021-2022 and to continue to fund such services through the assessment rate methodology and special benefit analysis approved in 2008 by the Board following compliance with the public notice and hearing requirements of Government Code sections 53753 and 54954.6 and approved by the owners of the parcels of real property within the Assessment District pursuant to the requirements of Article XIII D of the California Constitution; and

WHEREAS, pursuant to Article XIII D of the California Constitution and Government Code section 53753, a written Engineer’s Report (“Report”) was prepared at the request of the Board, by a registered professional engineer certified by the State of California, which sets forth the individual assessments for the affected properties necessary to fund the activities of the Assessment District for Fiscal Year 2021-2022; and

WHEREAS, upon filing the Report with the Board on April 6, 2021, the Board fixed May 4, 2021, at 1:30 p.m. in the Board of Supervisors’ Meeting Room, Suite 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California, as the time, date, and place for public hearing on the Report and for the filing of any objections or protests thereto; and

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

WHEREAS, further notice is not required by Proposition 218 because the proposed assessments are calculated using the same rate and benefit methodology as that approved by property owners in 2008 and are therefore not considered, under Government Code section 53750 to be “increased” or “new” assessments as that term is used in Proposition 218; and

WHEREAS, on May 4, 2021, at the time and place noted above, the Board held a public hearing at which the Board heard and considered all objections and protests filed with respect to imposition of the assessments proposed in the Report; and

WHEREAS, the Board, having considered the Report and all of the information submitted by the public, believes it is in the best interests of the Assessment District and the affected property owners to levy for Fiscal Year 2021-2022 the assessments as calculated in the Report; and

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

1. The Board hereby finds and determines that the above recitals are true and correct.
2. The Board hereby confirms the contents and recommendations of the Report and levies an assessment, for up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach of the Napa River for those qualifying properties within the Assessment District for Fiscal Year 2021-2022 as more particularly set forth in the Engineer's Report dated March 2021 and orders collection of the assessments.
3. For each assessment levied for Fiscal Year 2021-2022, the assessments shall be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting thereof on May 5, 2021, 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: _____
BRAD WAGENKNECHT, Chairperson of the
Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A. Bagley (e-sign)</u> County Counsel</p> <p>Date: <u>April 9, 2021</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Secretary of the District Board</p> <p>By: _____</p>
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Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559

Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 5/4/2021

Agenda #: B.

TO: Board of Directors

FROM: Richard Thomasser - District Manager, Napa County Flood Control District

REPORT BY: Michael Gordon - Watershed and Flood Control Resources Specialist

SUBJECT: Public Hearing to Consider any Objections or Protests, and to Adopt a Resolution to Levy Assessments for Project 96-1

RECOMMENDATION

PUBLIC HEARING 1:30 PM - 10 Minutes

District Manager requests the following actions in connection with Joint Zone Project 96-1:

1. Conduct a Protest Hearing on the proposed Fiscal Year 2021-2022 Assessments;
2. Tally any written protests filed and not withdrawn by the end of the protest hearing by registered voters residing in, and owners of assessable property located within the three zones of the Joint Zone Project;
3. If the tallied protests are
 - a. Less than 25% in each Zone The Board may adopt the proposed resolution:
 - i. Finding that the submission of proposed assessment to a vote by qualified electors is not required;
 - ii. Approving and levying the annual assessments for Fiscal Year 2021-2022 and
 - iii. Authorizing and directing the filing of the Fiscal Year 2021-2022 assessment roll with the Napa County Auditor for posting to the Fiscal Year 2021-2022 Napa County Property Tax Roll (Maintenance and Watershed Management Program Project No. 96-1).
 - b. 25% or greater in any of the Zones - The Board must either:
 - i. Abandon the assessment for that Zone; or
 - ii. Place the issue of the proposed assessments in that Zone before the voters in that Zone.

EXECUTIVE SUMMARY

At its April 6, 2021 meeting, the Board approved the Engineer's Reports for the Napa County Flood Control and Water Conservation District's (District) Maintenance and Watershed Programs for Fiscal Year 2021-2022, adopted a Resolution of Intent to Levy Assessments and set May 4, 2021 as the date for the required protest hearing. The Board will conduct the protest hearing and take action on the proposed assessments.

PROCEDURAL REQUIREMENTS

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

FISCAL & STRATEGIC PLAN IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Watershed Management: Subdivision 8000500 NPDES: Subdivision 8000501
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 1996, was to establish a mechanism to provide continued annual funding for certain categories of ongoing projects benefiting the residents and landowners within the District. This action renews the annual assessment needed to fund the Maintenance and Watershed Programs, Joint Zone Project 96-1, detailed in the Engineer's Report approved at your April 6, 2021 meeting.
Is the general fund affected?	No
Future fiscal impact:	The assessment revenue funds the District's Watershed Management Program for Fiscal Year 2021-2022.
Consequences if not approved:	This assessment is the main revenue source for Sub-Division 8000500: Flood and Watershed Management. If not approved, no funding will be available for the various maintenance and watershed management programs for the Napa River watershed or District-wide programs included in the proposed Fiscal Year 2021-2022 budget.
County Strategic Plan pillar addressed:	Click or tap here to enter text.
Additional Information:	Click or tap here to enter text.

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

On August 30, 1996, the Board adopted a Resolution which levied assessments for three zones previously created within the District (Joint Zone Project No. 96-1) to fund various aspects of the maintenance and watershed management program of the District. The Resolution also established an ongoing annual methodology for levying these assessments to reflect changes in the property characteristics of the assessed properties and adjustments for inflation. In accordance with this methodology, on April 6, 2021 the Board held a public hearing at the conclusion of which the Board adopted the Engineer's Report for the program for the upcoming year and adopted a Resolution indicating its intention to levy assessments and directing notice to be given of a protest hearing to be held on May 4, 2021.

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

At the conclusion of the hearing, the Secretary of the District Board will tally any such protests which have been filed and not withdrawn. If the tally shows that signed protests were received by fewer than 25 percent of the registered voters residing within each affected Zone and/or by the owners of less than 25 percent of the area of land located within each affected Zone proposed to be subject to assessment for the Joint Zone Project for the 2021-2022 Fiscal Year, based upon those acreages shown on the latest Napa County assessment records, it is recommended that the Board adopt a Resolution (proposed Resolution attached) to:

1. Find that submission of the assessments to the voters is not required;
2. Levy the assessments for Fiscal Year 2021-2022 for Joint Zone Project 96-1; and
3. Authorize the Napa County Auditor-Controller to post the assessment roll to the 2021-2022 Napa County Property Tax Roll.

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

SUPPORTING DOCUMENTS

- A. Resolution to Levy - Project 96-1

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2021-____ (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
FINDING THAT SUBMISSION OF PROPOSED ASSESSMENT TO VOTE
OF QUALIFIED ELECTORS IS NOT REQUIRED; APPROVING AND
LEVYING ANNUAL ASSESSMENTS FOR FISCAL YEAR 2021-2022;
AND AUTHORIZING AND DIRECTING FILING OF THE 2021-2022
ASSESSMENT ROLL WITH NAPA COUNTY AUDITOR FOR POSTING
TO 2021-2022 NAPA COUNTY PROPERTY TAX ROLL**

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

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

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

2. **Approval of 2021-2022 Project Report and Resolution of Intention.** On or before March 22, 2021, the District Engineer filed with the Secretary of the District Board (“Clerk”) an updated Project Report (“Project Report for 2021-2022”) analyzing the status of the Project, applying the previously-approved assessment methodology to each non-exempt assessable property within the Project zones, and recommending that the Project be funded for the 2021-2022 Fiscal Year without a change in assessment methodology or increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology. At a duly-noticed public hearing on April 6, 2021, the Board approved the Project Report for 2021-2022, adopted a Resolution of Intention to Levy Assessments for the 2021-2022 Fiscal Year, and set a public protest hearing for May 4, 2021, on the proposed levy as required by the Act.

3. **Notice of Public Protest Hearing.** Notice of the public protest hearing on the proposed assessments for the Project for the 2021-2022 Fiscal Year, including a copy of Resolution of Intention adopted by the Board on April 6, 2021, was published pursuant to Section 6061 of the Government Code and mailed or personally delivered to the chief

administrative officer of each city in which the Project or portions thereof or the assessable property are located. A Certificate of Mailing of Notice of Public Hearing establishing compliance with the legal requirements of the Act is on file with the Clerk.

4. **Conduct of Public Protest Hearing.** On May 4, 2021, the Board conducted the noticed public protest hearing, considered all testimony and evidence submitted, and tallied all written protests submitted and not withdrawn before the conclusion of the public protest hearing.

5. **Protest Tally Results.** The Board finds and determines that written protests filed during or before the public protest hearing held on May 4, 2021, and not withdrawn before the conclusion of that hearing, were signed by fewer than 25 percent of the registered voters residing within each affected zone and/or by the owners of less than 25 percent of the area of land located within each affected zone proposed to be subject to assessment for the Project for the 2021-2022 Fiscal Year based upon those acreages shown on the latest Napa County assessment records. Accordingly, the Board finds and determines that the Board has jurisdiction to proceed with levy of the 2021-2022 assessments for the Project within each of the Project zones created in 1996 without needing to submit the proposed assessments to the qualified electors in any of the zones.

6. **Exemption from Proposition 218.** Because the proposed assessments for the Project for Fiscal Year 2021-2022 are imposed exclusively to finance the capital costs or maintenance and operation expenses for water, flood control and/or drainage systems, and the amounts of the assessments are the same or less than the Project assessments approved for Fiscal Year 1996-97 (subject to automatic adjustments for change in use and construction cost inflation in the manner established by the assessment methodology approved on August 27, 1996 (prior to November 5, 1996), the Board hereby finds and determines that levy of the proposed assessments is exempt under Section 5(a) of Article 13D of the California Constitution from the requirements of Proposition 218 (California Constitution Article 13D) and is exempt from the mailed notice and public meeting requirements of Government Code Section 54954.6.

7. **Levy of 2021-2022 Assessments.** Based upon the foregoing findings and determinations, the Board hereby approves and levies the assessments as recommended and in the amounts set forth in the Project Report for 2021-2022 attached hereto and incorporated by reference herein. As provided in said Project Report and in compliance with Section 13.5(4)(a) of the Act, no assessment shall be levied upon a federal or state governmental agency or another local agency.

8. **Posting of Roll.** As provided by Section 13 of the Act, the Clerk is hereby authorized and directed to transmit the 2021-2022 Assessment Roll as prepared in accordance with this Resolution for Joint Zone Project No. 96-1 to the Napa County Auditor, together with a certified copy of this Resolution, for posting of said 2021-2022 Assessment Roll on the 2021-2022 property tax roll of the County of Napa. The Napa County Auditor is requested to provide that payment of the revenues collected on account of said 2021-2022 assessments by the Napa County Treasurer be credited separately to the three zones established for Project No. 96-1. This Board shall thereafter control and order the expenditure of said revenues for the authorized purposes of each of said zones, as provided by subdivision (3) and the second paragraph of subdivision (4) of Section 13 of the Act.

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

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting thereof on May 4, 2021, 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: _____
BRAD WAGENKNECHT, Chairperson of the
Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A .Bagley (e-sign)</u> County Counsel</p> <p>Date: <u>April 9, 2021</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Secretary of the District Board</p> <p>By: _____</p>
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