

Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559



Agenda

Tuesday, December 7, 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)
Irais Lopez-Ortega, 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 Flood Control and Water Conservation District Meetings

IN-PERSON ATTENDEES MUST WEAR A FACE MASK COVERING THE NOSE AND MOUTH INSIDE THE BOARD CHAMBERS AT ALL TIMES.

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

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

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

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

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

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

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

1. CALL TO ORDER; ROLL CALL
2. PLEDGE OF ALLEGIANCE
3. APPROVAL OF MINUTES
4. PRESENTATIONS AND COMMENDATIONS
5. CONSENT ITEMS

- A. District Manager and District Secretary request approval and adoption of the 2022 meeting calendar for the Board of Directors of the Napa County Flood Control and Water Conservation District (District) pursuant to District Bylaws. [21-1216](#)

Attachments: [Flood Board Calendar - 2022.pdf](#)

- B. District Manager requests approval of and authorization for the Chairperson to sign an amendment to Agreement 210249B (FC) with the Gasser Foundation and Burbank Housing Development Corporation increasing the maximum compensation to \$125,000 and extending the period of performance for the work. [21-1256](#)

Attachments: [Agreement](#)

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 presentation of, and seeks direction on, Napa countywide water supply and drought management website elements. [21-1264](#)

Attachments: [PowerPoint \(added after meeting\)](#)

- B. District Manager requests approval of a Resolution making findings and declaring its intent to continue remote teleconference meetings pursuant to Government Code section 54953 due to the Governor's Proclamation of State Emergency and state and local recommendations related to physical distancing due to the threat of COVID-19. [21-1302](#)

Attachments: [Resolution](#)

9. SET MATTERS OR PUBLIC HEARINGS
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

A. CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED
LITIGATION

[21-1062](#)

Initiation of litigation pursuant to Government Code Section 54956.9(d)
(4): (1 Case)

14. ADJOURNMENT

**ADJOURN TO THE NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT REGULAR MEETING, TUESDAY, JANUARY 4, 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, DECEMBER 3, 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.

Neha Hoskins (By e-signature)

NEHA HOSKINS, District Secretary



Napa County

1195 THIRD STREET
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NAPA, CA 94559

Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 12/7/2021

File ID #: 21-1216

TO: Board of Directors
FROM: Richard Thomasser - District Manager
REPORT BY: Richard Thomasser - District Manager
SUBJECT: Approval of 2022 Meeting Calendar

RECOMMENDATION

District Manager and District Secretary request approval and adoption of the 2022 meeting calendar for the Board of Directors of the Napa County Flood Control and Water Conservation District (District) pursuant to District Bylaws.

EXECUTIVE SUMMARY

The proposed 2022 Napa County Flood Control and Water Conservation District calendar follows District Bylaws and coincides with the Napa County Board of Supervisors' 2022 calendar on applicable Flood District meeting dates.

PROCEDURAL REQUIREMENTS

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

Pursuant to the District Bylaws, the District Board meets on the first Tuesday of each month if a regular meeting of the Napa County Board of Supervisors (BOS) is scheduled for the same date. If the first Tuesday meeting of the BOS has been rescheduled to a different date, the corresponding regular meeting date for the Flood Board shall be rescheduled automatically for the third Tuesday of that month as long as the BOS' regular meeting is scheduled for the same date. The BOS adopted its 2022 meeting calendar at its meeting on Tuesday, November 2nd. The attached Flood Board 2022 meeting calendar reflects the adopted BOS meeting calendar. Should there be any changes, staff will provide an update to the Board at a future meeting.

Special meetings may be considered throughout the course of the year as appropriate.

NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT 2022 MEETING CALENDAR

January						
S	M	T	W	TH	F	S
						1
2	3	4	5	6	7	8
9	10	11	12	13	14	15
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30	31					

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29	30	31				

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25	26	27	28	29	30	31

BUDGET HEARINGS

REGULAR MEETING

HOLIDAY/OFFICE CLOSED



Napa County

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Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 12/7/2021

File ID #: 21-1256

TO: Board of Directors

FROM: Richard Thomasser - District Manager

REPORT BY: Andrew Butler - District Engineer

SUBJECT: Amendment 1 to Agreement 210249B (FC) with Gasser Foundation and Burbank Housing Development Corporation to Fund Removal of Zerba Bridge on Salvador Creek

RECOMMENDATION

District Manager requests approval of and authorization for the Chairperson to sign an amendment to Agreement 210249B (FC) with the Gasser Foundation and Burbank Housing Development Corporation increasing the maximum compensation to \$125,000 and extending the period of performance for the work.

EXECUTIVE SUMMARY

On January 05, 2021, the Board approved Agreement 210249B (FC) with the Gasser Foundation and Burbank Housing Development Corporation. This agreement funds NCFCWCD to remove Zerba Bridge, an unused vehicular bridge over Salvador Creek. Due to circumstances outside either party's control, the removal was not allowed to move forward during the 2021 construction season. This amendment extends the period of performance to cover construction during 2022 and also increases the maximum compensation due to the higher cost construction environment.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No

Where is it budgeted?	Burbank would fund the cost of bridge removal estimated at \$125,000. The District will obtain competitive bids for the work and Burbank will reimburse the actual costs incurred. Costs for ongoing maintenance of the streambank restoration beyond the establishment period would be funded through the District's Watershed Management Program (Fund 8000 Organization 8000500).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Maintaining functional stream conditions throughout the watershed is the goal of the District's Countywide Watershed Management Program funded via direct parcel assessments. In this case, Burbank would provide funding to improve the stream function and stability of the streambanks such that the costs for long term maintenance is reduced.
Is the general fund affected?	No
Future fiscal impact:	The restoration work funded by Burbank would be completed in FY 2022-2023. The District would maintain the restored reach under the existing Watershed Management Program funding in the future. The costs for long term maintenance in this reach would be reduced as compared to other reaches of streams as a result of the restoration actions.
Consequences if not approved:	The unused bridge would not be removed and erosion and low quality stream conditions in this reach would not be restored.
Additional Information	N/A

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The bridge removal will be permitted under the District's Stream Maintenance Program for which a Mitigated Negative Declaration was completed.

BACKGROUND AND DISCUSSION

Gasser Foundation owns the property at 3700 Valle Verde Drive in Napa, a property that has been approved for an affordable housing project. The property is bounded on the east by a 200-foot long reach of Salvador Creek, which is immediately downstream of an existing District stream maintenance easement. This reach of the creek suffered from eroding streambanks and includes a small bridge crossing that is no longer in use. Gasser approached District staff for technical assistance in restoration of the streambank, and staff concurred that the reach would benefit from restorative actions to stabilize streambanks and improve habitat conditions. Staff worked with the Gasser Foundation to develop a revenue agreement, which was approved by the Board and provided the District funding for the restoration work. Implementation of this project is now complete and benefits the overall area surrounding this reach of Salvador Creek by improving stream function and habitat conditions. The agreement provides for long term maintenance access by the District that would ensure the value of the restoration investment over time.

This item pertains to consideration and approval of an amendment to the original agreement with Gasser and the developer, Burbank Housing Development Corporation to remove the bridge and restore the streambanks. This work will be funded by Burbank. Removal of the bridge will reduce maintenance issues in the creek and improve overall creek habitat.

**AMENDMENT NO. 1 OF
AGREEMENT TO FUND THE REMOVAL OF
THE ZERBA BRIDGE-SALVADOR CREEK
NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT
AGREEMENT NO. 210249B (FC)**

THIS AMENDMENT NO. 1 OF NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AGREEMENT NO. 210249B (FC) (“Agreement”) is made and entered by and between BURBANK HOUSING DEVELOPMENT CORPORATION (“BURBANK”), the GASSER FOUNDATION (“GASSER”) and NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, a special district of the State of California (the “DISTRICT”) as of _____, ____, 2021, (the “Effective Date”). The DISTRICT, GASSER, and BURBANK are sometimes referred to as “Parties” and may be individually referred to as “Party.”

RECITALS

WHEREAS, the Parties entered into the Agreement on January 5, 2021; and

WHEREAS, the Agreement provides for removal of the Zerba Bridge over Salvador Creek as more specifically described in Exhibit “A” to the Agreement (“Bridge Removal”); and

WHEREAS, the Agreement required DISTRICT to complete the Bridge Removal no later than October 30, 2021; and

WHEREAS, the Agreement required BURBANK to grant to DISTRICT an amount equal to the total actual construction cost plus a flat \$5,000 towards post-construction maintenance (“Construction Grant”) of the Bridge Removal which was estimated at \$70,000; and

WHEREAS, due to circumstances outside of their control, BURBANK and GASSER have requested that DISTRICT delay start of the Bridge Removal, causing DISTRICT to be unable to complete the Bridge Removal before the deadline of October 30, 2021; and

WHEREAS, due to recently received bids and the general state of construction costs in the area, the Parties believe that it is necessary to increase the estimated amount of the Construction Grant for the construction and post-project maintenance of the Bridge Removal; and

WHEREAS, the Parties wish to amend the Agreement in order to change the completion date for the Bridge Removal and increase the estimated amount of the Construction Grant.

TERMS

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

1. **Paragraph 1, Funding** is hereby amended to read in its entirety as follows:

1. Funding.

The Bridge Removal, as generally described in Exhibit “A” attached hereto and incorporated herein by this reference, is comprised of two components: the design of the project and the construction of the project. BURBANK shall grant to the DISTRICT an amount equal to the total actual cost (“Total Grant Amount”) of the Bridge Removal. The Total Grant Amount will be divided into the Design Grant and the Construction Grant. The Design Grant will be paid directly to a consultant retained by BURBANK to develop the design of the Bridge Removal in an amount estimated to be TWENTY-FIVE THOUSAND DOLLARS (\$25,000). The Construction Grant will be paid directly to the DISTRICT for construction of the Bridge Removal in an amount determined through DISTRICT’s competitive bidding process. DISTRICT shall obtain competitive bids for the Bridge Removal and award the work to the lowest responsive bidder, having shared the total amount of the base bid of the selected contractor (“Base Bid Amount”) with BURBANK prior to award. The total amount of the Construction Grant shall be the final cost of DISTRICT’s competitively bid construction project, including the cost of any change orders that, after consultation with BURBANK, DISTRICT finds reasonable and executes while carrying out the Bridge Removal, plus \$5,000 as a contribution towards vegetation establishment and post-project maintenance. The estimated amount of the Construction Grant is ONE HUNDRED, TWENTY-FIVE THOUSAND DOLLARS (\$125,000), which includes the post-project maintenance contribution.

2. **Paragraph 2, Payment Date** is hereby amended to read in its entirety:

2. Payment Date

A. Except as otherwise provided in sub-paragraph B, BURBANK shall transfer the Construction Grant to DISTRICT in three payments. The first payment, in the amount of \$25,000 was received by DISTRICT on 04/15/2021. The second payment, in an amount equal to the Base Bid Amount less \$25,000, shall be made within ten (10) days of the date DISTRICT awards the contract for Bridge Removal. The third payment, in the amount of the total cost of any and all change orders that, after consultation with BURBANK, DISTRICT found reasonable and executed while carrying out Bridge Removal, shall be made within ten (10) days of receiving the Notice of Completion for DISTRICT’s construction project.

B. Until the date of award for DISTRICT’s construction contract for Bridge Removal, BURBANK may terminate this Agreement and have no further responsibility for transferring any remaining amount of the Construction Grant if (i) the amount determined through DISTRICT’s competitive bidding process exceeds the estimated amount of the Construction Grant; or (ii) BURBANK notifies DISTRICT that sufficient funding to construct the Valle Verde project proposed for Property has not been secured.

3. **Paragraph 3, Permitting and Environmental Review** is hereby amended to read in its entirety:

3. Permitting and Environmental Review. BURBANK is not responsible for any permitting or environmental review associated with Bridge Removal, except approval of Bridge Removal from the California Department of Fish and Wildlife (CDFW) for the year 2022 work season. BURBANK provided the final design submittal for Bridge Removal to DISTRICT on 08/18/2021. DISTRICT will submit the design in its 2022 Stream Maintenance Program notification and obtain all resource agency approvals and applicable permitting for construction except those from CDFW.

4. **Paragraph 4, Performance and Maintenance of the Work** is hereby amended to read in its entirety:

4. Performance and Maintenance of the Work.

A. DISTRICT shall perform the Bridge Removal in accordance with all local, state, and federal laws. DISTRICT shall complete the work no later than August 15, 2022, assuming the design provided by BURBANK is approved by agencies having jurisdiction for the Bridge Removal through the DISTRICT's Stream Maintenance Program notification and the California Department of Fish and Wildlife approval provided through BURBANK's coordination. BURBANK will provide access for the bridge removal project and facilitate the DISTRICT in obtaining access to the private property where the eastern bridge abutment is located for the purpose of removing the bridge.

B. Upon completion, DISTRICT shall maintain the creek area where the bridge was removed. BURBANK shall grant DISTRICT an easement to allow District to maintain the Bridge Removal over that portion of the Property generally depicted on Exhibit A.

5. Exhibit A attached to the Agreement as originally approved, is hereby replaced in its entirety by Exhibit A-1, attached to this Amendment No. 1 and incorporated into the Agreement by reference.

6. Except as specifically provided in (1), (2), (3), (4), and (5) of this Amendment to the Agreement, all terms and provisions of the Agreement shall remain in full force and effect as originally adopted.

[REMAINDER OF PAGE LEFT BLANK INTENTIONALLY]

IN WITNESS WHEREOF, this Agreement was executed by the parties hereto as of the date first above written.

BURBANK HOUSING DEVELOPMENT CORP.

By: 
Lawrance Florin, Chief Executive Officer

“BURBANK”

PETER A. and VERNICE H. GASSER FOUNDATION, a
California non-profit corporation

By: 
Nancy Watt, Chief Executive Officer

“GASSER”

THE 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

“DISTRICT”

<p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley (e-sign)</u> Deputy District Counsel</p> <p>Date: <u>October 21, 2021</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____ Processed By: _____ _____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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Napa County

1195 THIRD STREET
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Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 12/7/2021

File ID #: 21-1264

TO: Board of Directors
FROM: Richard Thomasser - District Manager
REPORT BY: Christopher Silke - Water Resources Engineering Manager
SUBJECT: Presentation on Water Supply and Drought Management Dashboard Metrics

RECOMMENDATION

District Manager requests presentation of, and seeks direction on, Napa countywide water supply and drought management website elements.

EXECUTIVE SUMMARY

Staff will present proposed elements of a water supply and drought management "dashboard" that was requested during the November 2, 2021 District Board meeting.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

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

BACKGROUND AND DISCUSSION

District staff are involved in a variety of water supply and water resources functions. Notably, the District is the contracted entity for water imported into the county from the State Water Project. The District also is the entity in contract with the U.S. Bureau of Reclamation for water pumped from Lake Berryessa for use by lake area properties and special districts. District staff chairs the Water Technical Advisory Committee (TAC), a local staff-level committee of water supply staff at the cities and town, including staff within the county

involved in local water resource management. As requested during the November 2, 2022 District Board meeting, staff has developed concepts for a water supply and drought management dashboard. This dashboard would be presented on the County website to provide a public portal for providing updated water supply and resource status and drought management actions.

Staff will present the concepts for the dashboard including graphical updates of levels at local water supply reservoirs and representative precipitation amounts as compared to historical averages. This data is maintained by various entities within the county but would be brought together in one place with the dashboard and updated regularly. At this time, it is recommended to update the summary information monthly and provide convenient links to existing other tools such as napa.onerain.com, which provides real time data on stream level and rainfall throughout the county. Accompanying the dashboard would be helpful information for the public to understand the water supply network in the county, e.g., “where does your water come from and how is it used?”. Additionally, in an effort to provide a central place to communicate countywide drought management actions, the dashboard will update each local community’s drought status as adopted by jurisdiction. Other water conservation information can also be added as appropriate in the future.

Staff will present the conceptual dashboard elements at the Board meeting and seeks feedback and direction on the content.

WATER SUPPLY AND DROUGHT MANAGEMENT DASHBOARD



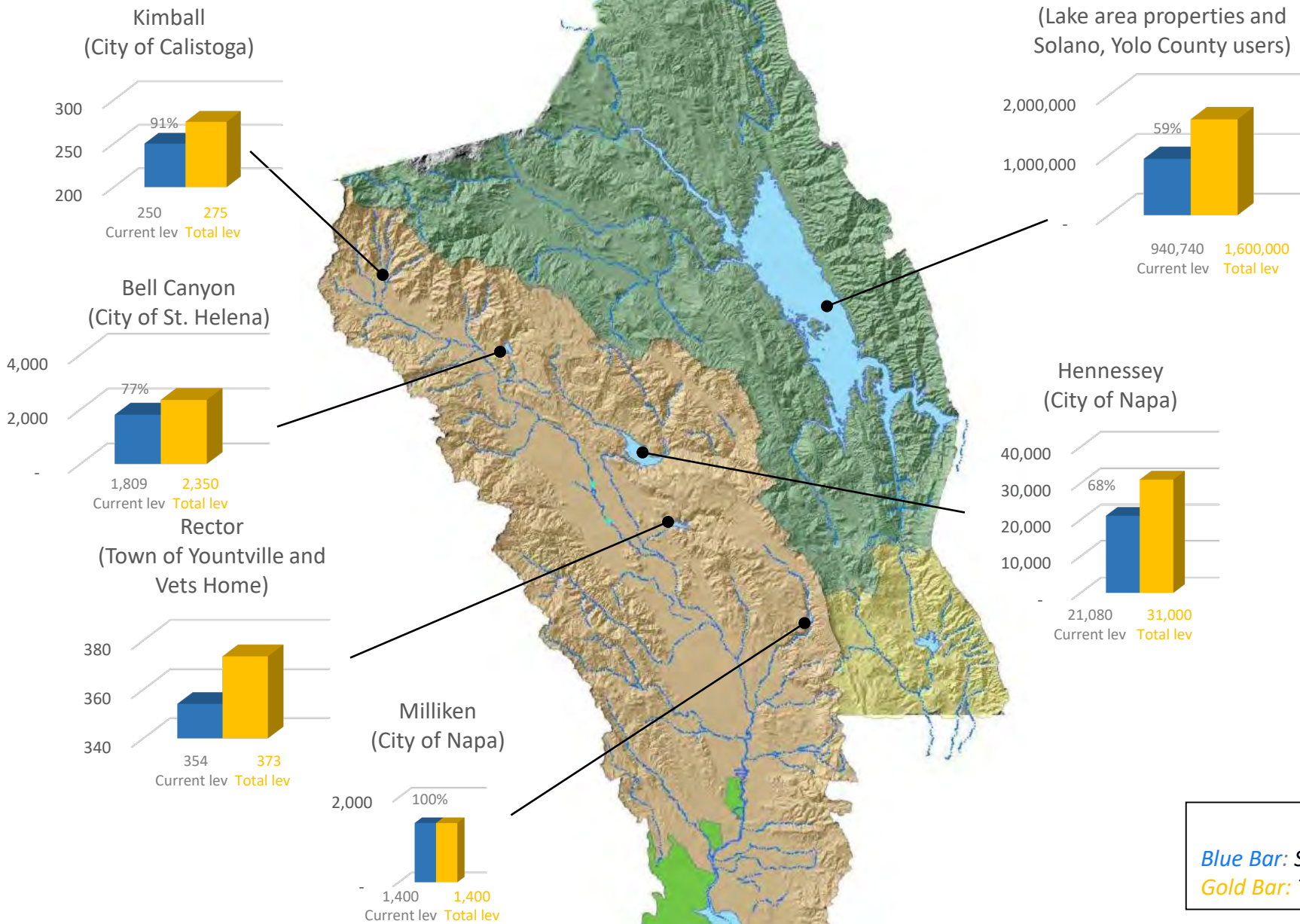
Napa County Flood Control and Water Conservation District
December 7, 2021 Board Meeting

12/7/2021

WATER SUPPLY AND DROUGHT MANAGEMENT DASHBOARD

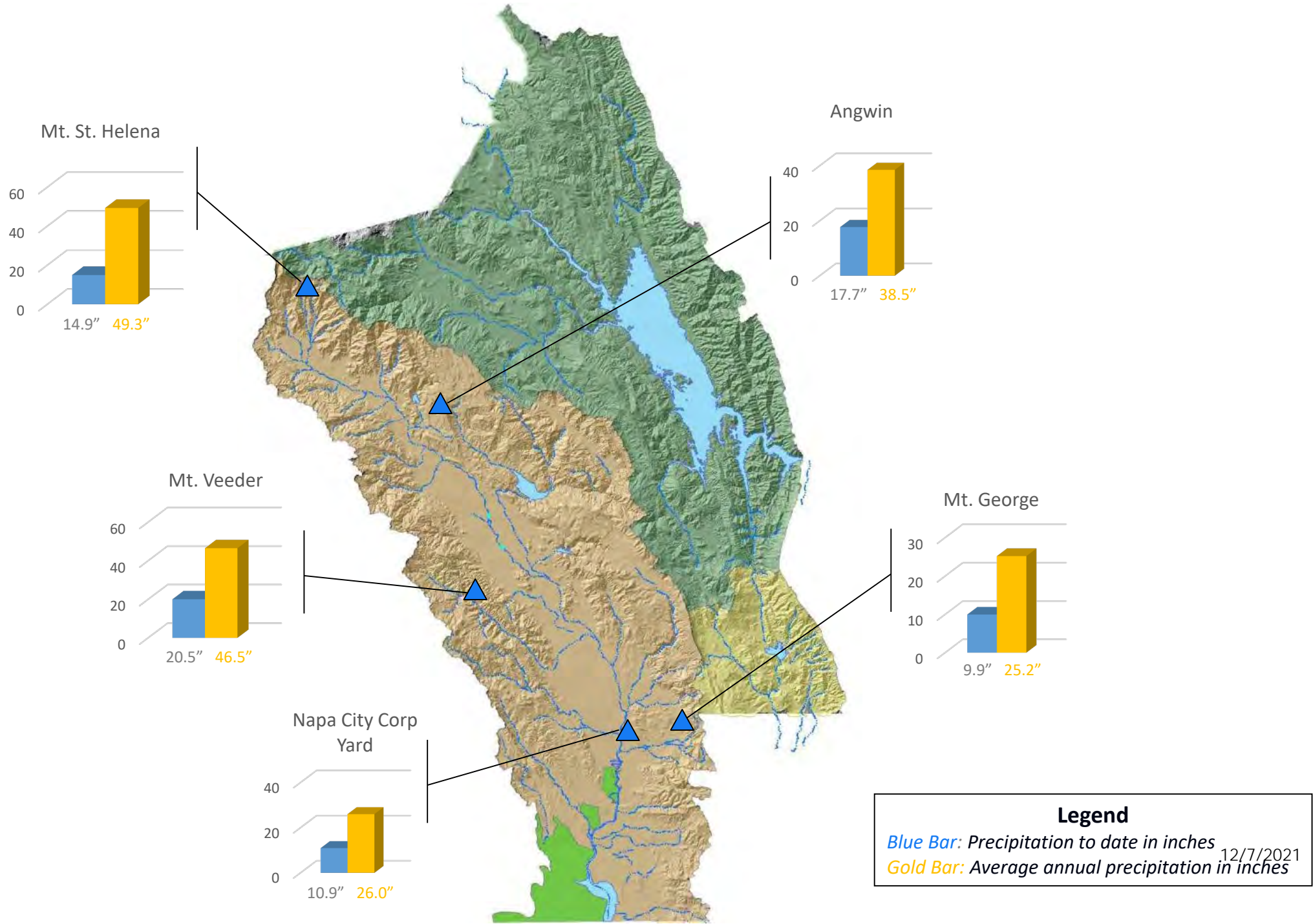
- Provide a countywide summary of key local water supply information
- Link to local water provider's water conservation and drought management actions such as water use restrictions
- Provide context for the public on local water sources and uses

WATER SUPPLY RESERVOIR LEVELS: November 2021



Data: City of Napa, City of Calistoga, City of St Helena, City of Yountville, Bureau of Reclamation

RAINFALL TOTALS:
November 2021



WATER SUPPLY AND USAGE – *Where does your water come from?*

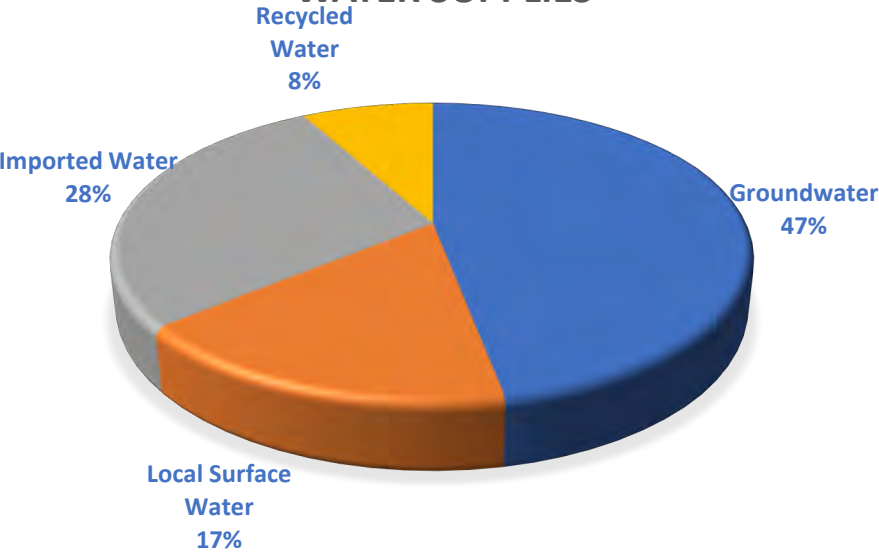
Legend

Water Supply Facilities

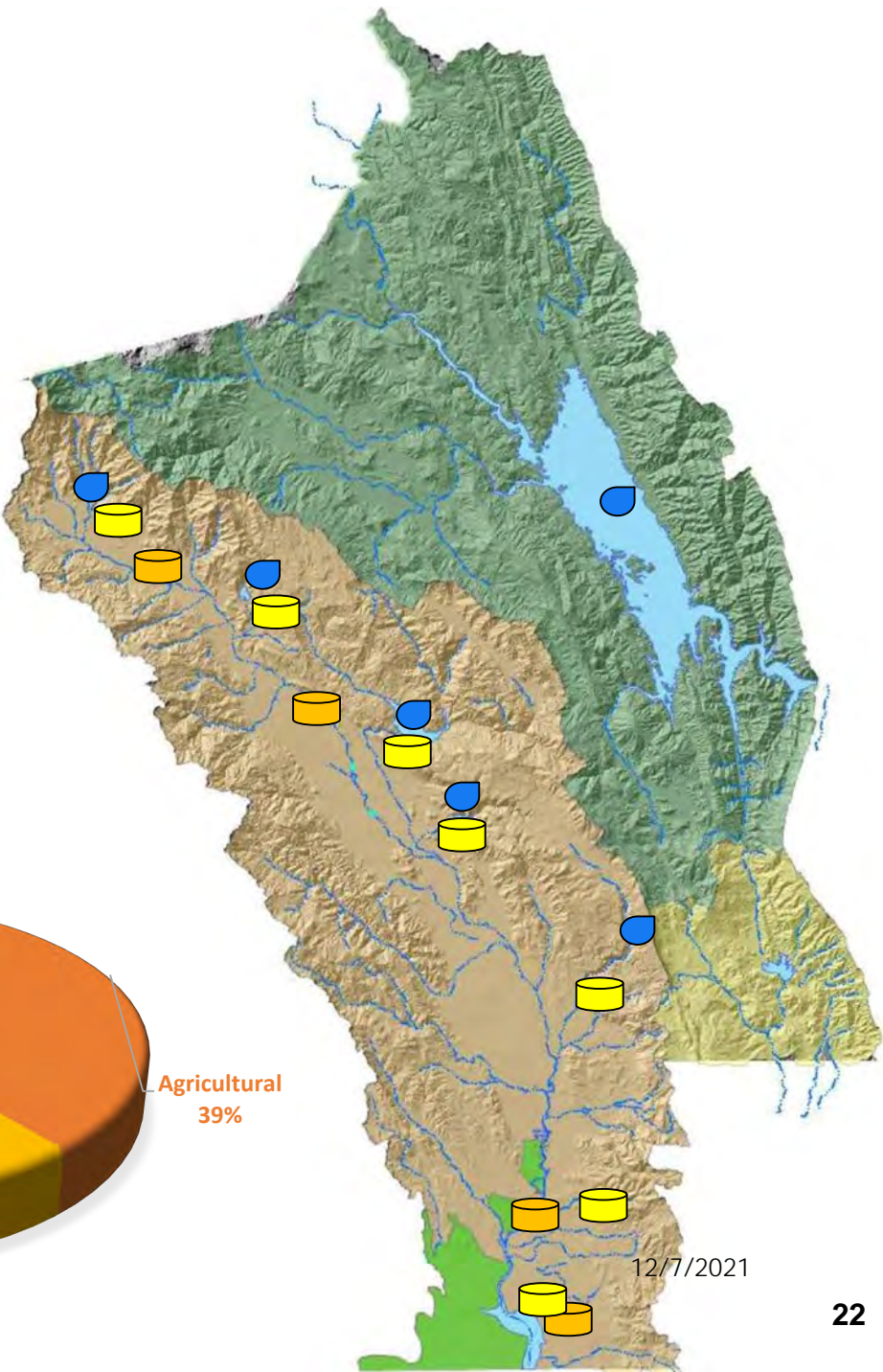
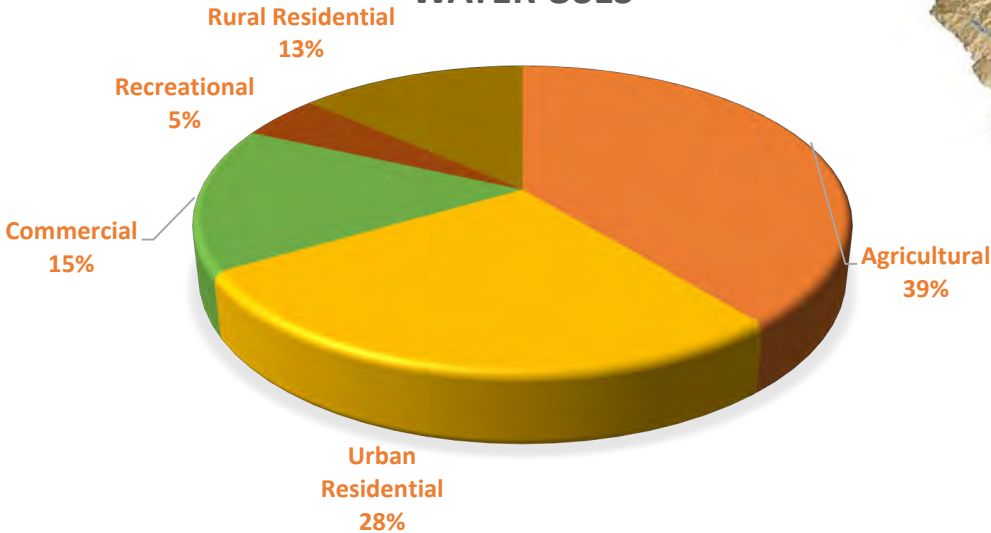
- Surface Water Reservoir
- Water Treatment Plant
- Wastewater Recycling Plant

Note
Data presented here are provisional for illustration purposes and subject to revision.

WATER SUPPLIES



WATER USES





Water Conservation In Napa County

Water is a precious and limited resource, especially in drought-prone Napa County.

As a result, water conservation and the efficient use of Napa County's water supply are major priorities for the County.

We encourage all resident in Napa County to embrace wise water use as a daily habit, whether we are experiencing a year of heavy or meager rain. Start by clicking on one of the links below, which provides water conservation resources, rebates, tips and information regarding your local water agency, including water use restrictions. You can also visit [Save Our Water](#) for additional resources and ideas on how to conserve water.

Municipal and State Water Conservation Links

- [City of Napa](#)
- [City of American Canyon](#)
- [Town of Yountville](#)
- [City of St. Helena](#)
- [City of Calistoga](#)
- [CA Department of Water Resources](#)

Drought and Water Conditions Links

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Water





Napa County

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559

Board Agenda Letter

Flood Control and Water Conservation District **Agenda Date:** 12/7/2021

File ID #: 21-1302

TO: Board of Directors
FROM: Richard Thomasser - District Manager
REPORT BY: Shana A. Bagley - District Counsel
SUBJECT: Teleconference Public Meetings

RECOMMENDATION

District Manager requests approval of a Resolution making findings and declaring its intent to continue remote teleconference meetings pursuant to Government Code section 54953 due to the Governor's Proclamation of State Emergency and state and local recommendations related to physical distancing due to the threat of COVID-19.

EXECUTIVE SUMMARY

The Napa County Public Health Officer and the County Executive Officer recommended measures that relate to physical distancing that warrant holding meetings remotely. Newly enacted amendments to the Brown Act under Assembly Bill 361 allow for the continued use of teleconferencing for District Board meetings if there is state of emergency, a local order recommending physical distancing, and that a majority of the members vote to continue to meet via teleconference after considering the state of emergency and the local recommendation.

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The recommended action described in this agenda report is not subject to CEQA, pursuant to CEQA Guidelines Section 15378.

BACKGROUND AND DISCUSSION

Due to the health and safety risks of the pandemic and under the Governor's Executive Orders, the District Board has been meeting via teleconference and making the meetings accessible via telephone and electronically in compliance with the Executive Orders. Assembly Bill ("AB") 361 was enacted, amending the Brown Act (Government Code § 54950 et seq.) to allow local legislative bodies to continue to allow remote meetings during a proclaimed state of emergency, if state or local officials have recommended measures related to physical distancing that warrant holding meetings remotely. On September 27, 2021, the Napa County Executive Officer and Public Health Officer issued a local order recommending that boards and commissions continue to meet remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19.

AB 361 requires an ongoing finding, by majority vote, every 30 days that it has reconsidered the circumstances of the state of emergency and that the state emergency continues to impact the ability to "meet safely in person," or that state or local officials continue to recommend measures to promote social distancing. (Gov. Code § 54953, subd. (e)(3).)

The District Board can take action every 30 days, or at each regular meeting, (whichever comes first) and make continued findings and direct staff to notice the next meeting as a remote meeting unless the state emergency or local order is terminated. However, should the District wish to continue reconsidering meeting via teleconference under AB 361 and the time between meetings is longer than 30 days (such as the December 7, 2021 meeting), it is recommended that the District hold a special meeting via teleconference prior to the expiration of the 30 days to take action to remain in compliance with AB 361.

Should the District Board hold any meeting through teleconferencing under AB 361, the following requirements of the Brown Act are suspended:

The physical presence of members, the clerk, or other personnel of the body, or the public, as a condition of participation in or quorum for a public meeting.

Each teleconference location from which a member will be participating in a public meeting or proceeding be identified in the notice and agenda of the public meeting or proceeding.

Each teleconference location be accessible to the public.

Members of the public may address the state body at each teleconference conference location.

Post agendas at all teleconference locations.

At least one member of the state body be physically present at the location specified in the notice of the meeting.

Should the District Board hold any meeting through teleconferencing under AB 361, the following requirements must be met:

Give notice of the meeting and post agendas as otherwise required.

The agenda shall identify and include an opportunity for all persons to attend via a call-in option or an internet-based service option.

In the event of a disruption which prevents the public agency from broadcasting the meeting to

members of the public using the call-in option or internet-based service option, or in the event of a disruption within the local agency's control which prevents members of the public from offering public comments using the call-in option or internet-based service option, the body shall take no further action on items appearing on the meeting agenda until public access to the meeting via the call-in option or internet-based service option is restored.

The legislative body shall not require public comments to be submitted in advance of the meeting.

The legislative body must provide an opportunity for the public to address the legislative body and offer comment in real time.

RESOLUTION NO. 2021-09 (FC)

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT MAKING FINDINGS IN ACCORDANCE WITH AB 361 AND GOVERNMENT CODE SECTION 54953, AUTHORIZING REMOTE TELECONFERENCE MEETINGS

WHEREAS, all meetings of Napa County Flood Control and Water Conservation District's ("District") Board of Directors meetings are open and public, as required by the Ralph M. Brown Act (Cal. Gov. Code 54950 – 54963), so that any member of the public may attend, participate, and watch the District's legislative bodies conduct their business; and

WHEREAS, Governor Newsom signed Assembly Bill ("AB") 361, amending the Brown Act, including Government Code section 54953, subd. (e), that makes provisions for remote teleconferencing participation in meetings by members of a legislative body, without compliance with the requirements of Government Code section 54953, subd.(b)(3), subject to the existence of certain conditions; and

WHEREAS, a required condition of AB 361 is that a state of emergency is declared by the Governor pursuant to Government Code section 8625, proclaiming the existence of conditions of disaster or of extreme peril to the safety of persons and property within the state caused by conditions as described in Government Code section 8558; and

WHEREAS, on March 4, 2020, Governor Newsom issued a Proclamation of State of Emergency in response to the COVID-19 pandemic; and,

WHEREAS, the proclaimed state of emergency remains in effect; and,

WHEREAS, California Department of Public Health and the Federal Center for Disease Control and Prevention caution that the Delta variant of COVID- 19, currently the dominant strain of COVID-19 in the country, is more transmissible than prior variants of the virus, may cause more severe illness, and that even fully vaccinated individuals can spread the virus to others resulting in rapid and alarming rates of COVID-19 cases and hospitalizations (<https://www.cdc.gov/coronavirus/2019-ncov/variants/delta-variant.html>); and,

WHEREAS, on September 27, 2021, the Napa County Executive Officer and Public Health Officer jointly recommended measures to promote social distancing, including that all boards and commissions may continue meeting remotely, in whole or in part, in order to help minimize the spread and transmission of COVID-19; and

WHEREAS, the District is committed to preserving and nurturing public access and participation in meetings of the District Board and to protecting the health, welfare, and safety of the participants; and

WHEREAS, the District Board does hereby find that it has considered the circumstances of the state of emergency due to COVID-19 and that state or local officials continue to

recommend measures to promote social distancing and, therefore, intends that all District-related legislative bodies as well as subcommittees of the District Board subject to the Ralph M. Brown Act continue meeting via teleconference and to invoke the provisions of AB 361 related to teleconferencing as provided in Government Code section 54953, subd. (e).

**NOW, THEREFORE, THE DISTRICT BOARD OF THE NAPA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT DO HEREBY
RESOLVE AS FOLLOWS:**

1. Recitals set forth above are true and correct and are incorporated into this Resolution by this reference.
2. The District Board finds that in consideration of the recitals set forth above, the continued state of emergency, and recommended measures by state or local officials to promote social distancing, that meeting in person would present imminent risks to the health or safety of attendees and that all meetings of all District-related legislative bodies subject to the Ralph M. Brown Act continue to meet via teleconference.
3. Staff and legislative bodies of the Napa County Flood Control and Water Conservation District are hereby authorized and directed to take all actions necessary to carry out the intent and purpose of this Resolution including conducting open and public meetings in accordance with Government Code section 54953, subd. (e), and other applicable provisions of the Brown Act.
4. Staff is further directed to continue to monitor the health and safety conditions related to COVID-19, the status of the Governor's state of emergency, the state regulations related to social distancing, and the local orders related to health and safety, and present to the Board for consideration at each regularly scheduled meeting the related information and recommendations for remote only meetings so long as the state of emergency continues to directly impact the ability of the members to meet safely in person, or state or local officials continue to impose or recommend measures to promote social distancing, pursuant to Government Code section 54953, subd. (e)(3).

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THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at its regular meeting held on the 7th day of December 2021, by the following vote:

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

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

By: _____
BRAD WAGENKNECHT, Chair of the
Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: <u>November 22, 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: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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Napa County

Board Agenda Letter

1195 THIRD STREET
THIRD FLOOR
NAPA, CA 94559

Flood Control and Water Conservation District **Agenda Date:** 12/7/2021

File ID #: 21-1062

TO: Board of Directors
FROM: Richard Thomasser - District Manager
REPORT BY: Shana Bagley - County Counsel
SUBJECT: Closed Session

RECOMMENDATION

CONFERENCE WITH LEGAL COUNSEL - ANTICIPATED LITIGATION

Initiation of litigation pursuant to Government Code Section 54956.9(d)(4): (1 Case)

EXECUTIVE SUMMARY

N/A

FISCAL IMPACT

Is there a Fiscal Impact? No

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: N/A

BACKGROUND AND DISCUSSION

N/A