



Agenda Date: 2/6/2007  
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## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Michael Stoltz for Robert Peterson - Director  
Public Works  
**REPORT BY:** Richard Thomasser, Watershed and Flood Control Operations Manager, (707)259-8657  
**SUBJECT:** Amendment No. 9 to Measure "A" Funding Agreement No. 4202 with NCFPWIA and Amendment No. 3 to Subgrant Agreement No. 6420 with NCRCD

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### **RECOMMENDATION**

Director of Public Works requests the following actions relating to the Rutherford Dust Restoration Project, an approved County unincorporated area Measure "A" project:

1. Approval of and authorization for the Chair to sign Amendment No. 9 to Revenue Agreement No. 4202 with the Napa County Flood Protection and Watershed Improvement Authority increasing the amount of Measure "A" funds by \$250,000 for the Rutherford Dust Restoration Project, for a new maximum of \$3,361,000 and extending the term through June 30, 2008 for all Napa County Measure "A" projects;
2. Approval of Budget Transfer No. 39 appropriating \$250,000 to fund Amendment No. 9 to Agreement No. 4202 in the Public Works Capital Improvement Budget with offsetting revenues from the County's share of Measure "A" funds; (4/5 vote required) and
3. Approval of and authorization for the Chair to sign Amendment No. 3 to Agreement No. 6420 with Napa County Resource Conservation District, to increase the subgrant by \$215,000 of Measure "A" funding for a new maximum of \$527,000, extending the term through June 30, 2008 for preparation and submittal of a Conditional Letter of Map Revision as required by the Federal Emergency Management Agency as part of the Preliminary Design of the Rutherford Dust Dust Restoration Project.

### **EXECUTIVE SUMMARY**

Amendment No. 9 to the Measure "A" Funding Agreement between the County and the Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) has been prepared to add \$250,000 of additional funding related to the existing Rutherford Dust Restoration Project. This project has previously received Board approval for funding. The additional funds will be used to:

1. Prepare and submit a Conditional Letter of Map Revision (CLOMR) as required by the Federal Emergency Management Agency (FEMA), so that the project design can meet County Floodplain Management Ordinance and Federal Flood Insurance Program requirements (\$215,000 via Amendment No. 3

of Subgrant Agreement No 6420 with NCRCD).

2. Funding to continue staff labor involved in coordination and review of the project (\$35,000).

A CLOMR was not previously included in the scope of work for Preliminary Design for this project. However, the results of design activities to date have resulted in the determination that a CLOMR is needed to address changes that have occurred in the floodplain and address updated modeling requirements since the original Flood Insurance Study was performed in 1977.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Measure A funds allocated to County.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Amendment 9 to the Measure "A" Funding Agreement authorizes an additional appropriation of \$250,000 for the approved Rutherford Dust Restoration Project. This project is consistent with the Measure "A" ordinance approved project types for the County unincorporated area.
Is the general fund affected?	No
Future fiscal impact:	The project is being implemented over multiple fiscal years. This amendment only commits funds for the current phase of work, which will be obligated during Fiscal Year 2006-2007 and extend into 2007-2008. While additional funding requests on this project are likely, no commitments beyond the the scope of work discussed in the amendment are being made.
Consequences if not approved:	Work cannot continue on the project without amending the Funding Agreement.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) which defines a project as an action which has the potential for resulting in either a direct physical change in the environment or a reasonably foreseeable indirect physical change. This administrative funding action will not result in a potentially significant physical impact on the environment, as the funds being appropriated in this action for budgetary purposes will be used for study and design activities. Upon completion of Preliminary Design, CEQA determinations shall be made on the project prior to entering into any agreement for construction activities. Accordingly, no additional CEQA review is required at this time.

### **BACKGROUND AND DISCUSSION**

## Measure A Background

In March, 1998, voters approved a half cent sales tax increase for flood control purposes known as Measure "A". The County and each City and Town are entitled to the proceeds from Measure "A" generated within their political boundaries for projects that were specified in the ballot measure. For the County, the measure reads:

### Unincorporated Areas of Napa County:

1. County unincorporated area flood damage reduction projects including elevating/relocating structures, including bridges, in the floodway and floodplain; and
2. Agricultural watershed and stormwater runoff management improvements planned jointly by the agricultural industry, the County, the Napa County Resource Conservation District and the Department of Fish and Game, including projects which will:
  - a. Reduce the amount of storm runoff and sediment in the Napa River System from agricultural lands; and
  - b. Increase flood storage of the River system by the setback of active land uses from river and tributary banks.

### Community of Angwin/Deer Park

1. Stabilization and enhancement of existing water reservoirs which shall be for the purpose of flood protection and water reliability; and
2. Stabilize water quality.

## Joint Powers Agreement

In November, 1998 a Joint Powers Agreement (JPA) was entered into by the County, Flood Authority, Flood District and each city. The purpose of this JPA was to set forth a whole host of operating policies and criteria regarding the equitable distribution of the sales tax revenues to each agency, debt financing for projects in the plan, and how to handle additional revenue in the event of sales tax growth, and the possibility of State flood control subventions for the Napa Flood Project. The JPA made specific arrangements for each agency to loan a portion of its Measure "A" funds in the first seven years to the City of Napa for use in constructing its flood control project, to be paid back with interest during the remaining 13 years of the tax. In addition, the County agreed to allocate all of its sales tax revenue from the vicinity of the City of Napa to the City's flood project with reimbursement to come only if additional revenues are available after the project is paid off. The "Napa Vicinity" allocation accounts for about 60% of the County's tax revenue.

## Revenues and Expenditures for all Approved Unincorporated Area Measure "A" Projects

In accordance with the JPA, the County share of sales tax distributions is 9.6%. Through the end of FY 2005-2006, the County share of accumulated sales taxes was \$3,036,427. During Fiscal Year 2006-2007, it is anticipated that the County will receive approximately \$1.5 million in additional sales tax revenues. Ultimately, the County should receive approximately \$25 million in Measure "A" tax revenues by the year 2018.

The JPA established a specific formula for allocating the County portion of the revenue to three different geographical areas based generally on the amount of revenue generated in those areas. They are:

1. Angwin/Deer Park - 17%

- | Berryessa Watershed - 7%
- | Balance of County - 76%

The County had expended \$1,216,767 through the end of FY 2005-2006. A summary of the expenditures and previously approved levels of funding by project is provided below:

Angwin/Deer Park Projects (\$4.25M Projected Available):

Angwin/Deer Park Water Supply Reliability Plan - \$36,957 in expenditures to date. This is an ongoing project, with total funding of \$429,000 authorized to date.

Berryessa Watershed Projects (\$1.75M Projected Available)

No projects conducted to date.

Balance of County Unincorporated Area (\$19M Projected Available)

Through the end of FY 2005-2006, a total of \$1,179,810 had been expended on the following projects:

St Helena Deer Park Road/Silverado Trail FS - \$178,839. This project is completed.

Lewelling Ave Outfall - \$797,600. This project is completed.

Millken-Sarco-Tulocay Recycled Water Plan - \$30,740 spent. This is an ongoing project, with total funding of \$529,000 authorized to date.

Rutherford Dust Project - \$172,631 had been spent through the end of FY 2005-2006 from the approved budget of \$300,000 for Preliminary Design (Phase 1). During the current fiscal year, additional funds of \$42,000 were approved for the Preliminary Design, and \$700,000 was approved to cover the projected cost of the County's matching share of Final Design and construction of Reaches 1 and 2 during FY 2006-2007 and future fiscal years (a portion of Phases 2 and 3). The total of all approved funding through Amendment No. 8 is \$1,042,000.

New projects approved in FY 2006-2007 include:

Special Flood Studies in the County Unincorporated Area - This project has been funded at \$200,000 based on the direction of the Board.

Oakville to OakKnoll Sediment Reduction and Habitat Enhancement Plan - This project has been funded \$190,000 to match a State of California grant of \$500,000 for development of a conceptual design.

**Summary of Proposed Amendment No. 9**

Proposed Amendment No. 9 will add a total of \$250,000 to Agreement No 4202 between the County and the NCFPWIA for the Rutherford Dust Project - to be used as follows:

- | \$215,000 to cover additional scope items to be performed by Napa County Resource Conservation District (NCRCD) to complete the Preliminary Design (discussed in further detail below); and
- | \$35,000 to cover continued staff labor for project coordination and review activities related to Preliminary Design.

**Summary of Proposed Amendment No. 3 to Agreement No. 6420**

The NCRCD is the lead entity completing the Preliminary Design for the project. Preliminary Design began in 2005. In the course of preparing the Preliminary Design, it was determined that additional hydraulic analyses were needed to evaluate the planned project actions involving setting back existing agricultural berms along the river. NCRCD and their consultants, in conjunction with county staff, have conferred with FEMA regarding the required evaluations. In review of hydraulic model results, it became apparent that the existing (pre-project) conditions are not adequately addressed in the existing FEMA Flood Insurance Study (FIS). FEMA has indicated that a Conditional Letter of Map Revision (CLOMR) will be required for this project to evaluate the hydraulic effects of setting back existing berms and other changes to the river channel. The preparation of a CLOMR was not included in the original scope of work for Preliminary Design because it was believed that setting back the existing agricultural berms at the currently existing elevations would not trigger such a requirement. However, upon determining that existing conditions are not adequately represented in the original FIS modeling, it was determined that it is not possible to demonstrate the true hydraulic effects of the proposed project. Since the CLOMR hydraulic analysis will have a significant bearing on the heights of the setback berms, and because these analyses are also required to complete CEQA for the project, it is recommended that the CLOMR be completed as an additional step in the Preliminary Design, rather than waiting until Final Design. The Final Design, as envisioned in the Memorandum of Understanding (MOU) between the parties for this project, was essentially limited to development of construction drawings, and not intended to involve significant design.

A scope of work for the CLOMR has been developed based on discussions between the NCRCD, its consultants, county staff and FEMA. The CLOMR will include the following tasks:

- a. Reconnaissance and Coordination
- b. Collection of Field Survey data
- c. Acquisition and Verification of LiDAR Topographic Dataset
- d. Hydrologic Data Review
- e. Hydraulic Model Construction
- f. Existing (Pre-Project) Conditions Model
- g. Modeling and Design of Setback Berms and other Project Features and Incorporation into the Preliminary Design
- h. Floodplain Mapping and Basemap Development
- i. Preparation and Submittal of CLOMR Document to FEMA
- j. Response to FEMA Comments of CLOMR Submittal
- k. Public Notice for existing conditions and/or CLOMR as may be required to address changes in the base flood elevation or extent of 100-year floodplain as compared to the original FIS.

Amendment No. 3 also includes additional labor for NCRCD oversight of the project related to the above additional tasks.

**SUPPORTING DOCUMENTS**

None

CEO Recommendation: Approve

Reviewed By: Andrew Carey