



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 3/20/2018

Agenda Placement: 6N

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Steven Lederer - Director of Public Works
Public Works

REPORT BY: Phillip Miller, Dep Dir PW-Flood Control & Water Resources - 707-259-8620

SUBJECT: Memorandum of Understanding between Napa County and Lake Berryessa Resort Improvement District

RECOMMENDATION

Director of Public Works requests approval of and authorization for the Chair to sign a Measure A Memorandum of Understanding (MOU) with Lake Berryessa Resort Improvement District (LBRID) for a maximum of \$750,000 for the term March 13, 2018 through 60 days following notification to the County that the LBRID Storm Damage Repair and Sediment Control Project has been completed repairing two sites that were severely eroded in the rain storms of winter 2016/2017 and threaten the Upper Putah Creek watershed and District facilities.

EXECUTIVE SUMMARY

On August 31, 1999, the County and Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) entered into a funding agreement whereby the NCFPWIA provided funding from the proceeds of the Napa County Flood Protection Sales Tax (also referred to as "Measure A") for eligible county projects. One approved use of Measure A funding is to benefit the Lake Berryessa watershed and includes flood damage reduction projects in the unincorporated area.

On February 27, 2018 the Board approved Amendment No. 27 to Agreement No. A-4202 with Napa County Flood Protection and Watershed Improvement Authority, extending the term of the agreement through June 30, 2019 with funding allocations for existing and new approved projects in the County unincorporated area including an additional \$1,936,891 for the Lake Berryessa Watershed Improvement Program (Program 11012). County Counsel has recommended that the County enter into a Memorandum of Understanding (MOU) with the Lake Berryessa Resort Improvement District (LBRID) on a project-by-project basis to establish the protocol for providing Measure A funds. The MOU defines the responsibilities of each party in the project design and/or construction process, and establishes the funding method.

The MOU being considered at this time will fund the LBRID Storm Damage Repair and Sediment Control Project. The project will repair two sites that were severely eroded in the rain storms of winter 2016/2017 and threaten the Upper Putah Creek watershed and District facilities.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Public Works Projects Sub-Division 1220500, Measure A-Lake Berryessa Program 11012. The budget includes revenue from Measure A and a transfer of \$750,000 to Lake Berryessa Resort Improvement District (LBRID).
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval will allow the LBRID to use Measure A funds to repair severe erosion damage at two sites that threaten Upper Putah Creek and District facilities.
Is the general fund affected?	Yes
Future fiscal impact:	If the project is not completed before the end of the current fiscal year, the remaining balance will be carried into next fiscal year's budget.
Consequences if not approved:	LBRID will not have sufficient funds to perform the repairs, which could lead to a catastrophic collapse of the hillside. This collapse would damage both the environment and District facilities.
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) and therefore CEQA is not applicable. In addition, It has been determined that these projects do not have a significant effect on the environment and are exempt from the California Environmental Quality Act. [See Class 1 ("Existing Facilities") which may be found in the guidelines for the implementation of the California Environmental Quality Act at 14 CCR §15301; see also Napa County's Local Procedures for Implementing the California Environmental Quality Act, Appendix B.]

BACKGROUND AND DISCUSSION

On August 31, 1999, the County and Napa County Flood Protection and Watershed Improvement Authority (NCFPWIA) entered into a funding agreement whereby the NCFPWIA provided funding from the proceeds of the Napa County Flood Protection Sales Tax (also referred to as "Measure A") for eligible county projects. One approved use of Measure A funding is to benefit the Lake Berryessa watershed which includes flood damage reduction projects in the unincorporated area.

On February 27, 2018 the Board approved Amendment No. 27 to Agreement No. A-4202 with Napa County Flood Protection and Watershed Improvement Authority, extending the term of the agreement through June 30, 2019, and adding appropriations totaling \$6,034,135 for a new total of \$45,328,635 with funding

allocations for existing and new approved projects in the County unincorporated area including an additional \$1,936,891 for the Lake Berryessa Watershed Improvement Program (Program 11012). Heavy rains during the winter of 2016/2017 caused severe erosion and mud slides at two locations in the Lake Berryessa Resort Improvement District (LBRID). One slide was located at the water treatment plant which undermined plant facilities and caused a small sewage spill. The other was located adjacent to the access road leading to the wastewater treatment ponds and threatened to undermine the whole road. The sewer force main that conveys all the District's wastewater to the ponds is located in the road. If the road fails the force main will be lost as well resulting in a significant sewage spill and a potential citation and fine by the Central Valley Regional Water Quality Control Board.

County Counsel has recommended that the County enter into a Memorandum of Understanding (MOU) with LBRID on a project-by-project basis to establish the protocol for providing Measure A funds. The MOU defines the responsibilities of each party in the project design and/or construction process, and establishes the funding method. The MOU being considered at this time will fund the LBRID Storm Damage Repair and Sediment Control Project to repair the two sites. LBRID has applied to the Federal Emergency Management Agency (FEMA) for reimbursement of expenses related to the two slides. If FEMA does reimburse LBRID, the funds will be conveyed to the County to replenish the Measure A Lake Berryessa Watershed Improvement Program.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Helene Franchi