

**RESOLUTION NO. 2018 - 045**

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA AUTHORIZING AMENDMENT NO. 1 TO THE COOPERATIVE JOINT POWERS AGREEMENT WITH THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT TO FUND AND ADMINISTER THE NAPA COUNTY STORMWATER MANAGEMENT PROGRAM AGREEMENT NO. 641**

**WHEREAS**, on April 30, 2003, the State Board adopted Water Quality Order No. 2003-005-DWQ, NPDES General Permit CAS000004 Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems ("Phase II Permit") to comply with Clean Water Act; and

**WHEREAS**, in 2003, the City of Calistoga applied for and obtained coverage for City of Calistoga under the State Board's Phase II Permit; and

**WHEREAS**, on February 5, 2013, the State Board adopted a revised Phase II Permit, which went into effect on July 1, 2013; and

**WHEREAS**, on June 24, 2013 the City of Calistoga applied for coverage under the new Phase II Permit as required by the State Board; and

**WHEREAS**, to prevent the necessity of each city in the County having to acquire a separate NPDES permit, the Napa County Flood Control and Water Conservation District (NCFCWC) has developed the Napa County Stormwater Management Program encompassing the City of Calistoga, City of Napa, City of St. Helena, City of American Canyon, Town of Yountville, and the County of Napa; and

**WHEREAS**, on August 15, 2015, the City Council approved the Cooperative Joint Powers Agreement with the Napa County Flood Control and Water Conservation District to fund and administer the Napa County Stormwater Management Program (Agreement No. 641) for the period of July 1, 2015 – June 30, 2018;

**WHEREAS**, the General MS4 Permit is effective through June 30, 2018, and may be administratively extended by the State Water Resources Control Board; and

**WHEREAS**, the Parties wish to extend the term of this Agreement in anticipation that the State Water Resources Control Board will extend the General MS4 Permit under the same general terms, conditions and requirements; and,

**WHEREAS**, the Parties now wish to amend the Agreement to extend the term to June 30, 2021 to cover the time period in which the State Water Resources Control Board is anticipated to administratively extend and re-issue the General MS4 Permit; and

**WHEREAS**, in addition to staff time and the annual State permit, the City of Calistoga's share of the costs for participation in the JPA program and administration is \$30,572 for fiscal year 2018/19; and

**WHEREAS**, funds have been recommended in the Fiscal Year 2018/19 operating budget for these anticipated expenditures; and

**WHEREAS**, the City of Calistoga is authorized under State law to grant authority to a designated representative to bind the City under contract; and

**WHEREAS**, the City Council wishes to grant authority to the Mayor of the City of Calistoga to execute Amendment No. 1 to the Cooperative Joint Powers Agreement to Fund and Administer the Napa County Stormwater Management Program on behalf of the City of Calistoga.

**NOW, THEREFORE, BE IT RESOLVED** that Amendment No. 1 to the Cooperative Joint Powers Agreement with the Napa County Flood Control and Water Conservation District (attached) is hereby approved.

**BE IT FURTHER RESOLVED** that the City Council of the City of Calistoga hereby authorizes the Mayor of the City of Calistoga to execute, on behalf of the City, Amendment No. 1 to the Cooperative Joint Powers Agreement with the Napa County Flood Control and Water Conservation District to Fund and Administer the Napa County Stormwater Management Program, contingent upon approval as to form by the City Attorney.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **15<sup>th</sup> day of May 2018**, by the following vote:

**AYES:** Councilmembers Barnes, Kraus and Lopez-Ortega, Vice Mayor Dunsford and Mayor Canning  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None

  
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**CHRIS CANNING, Mayor**

**ATTEST:**  
  
\_\_\_\_\_  
**KATHY FLAMSON, City Clerk**

Napa County Agreement No. 170795BFlood Control Agreement No. 190013B  
(FC)**FIRST AMENDMENT**

TO

**COOPERATIVE JOINT POWERS AGREEMENT  
TO FUND AND ADMINISTER THE NAPA COUNTYWIDE STORMWATER  
MANAGEMENT PROGRAM (NAPA COUNTYWIDE  
STORMWATER POLLUTION PREVENTION PROGRAM)**

**THIS AMENDMENT NO. 1 TO COOPERATIVE JOINT POWERS AGREEMENT** (this "Amendment") is made and entered into as of this 14<sup>th</sup> day of June 2018, by and between the Napa County Flood Control and Water Conservation District, a special district of the State of California, ("DISTRICT"), the City of American Canyon, the City of Napa, the City of St. Helena, the City of Calistoga (collectively, "CITIES"), and the Town of Yountville ("TOWN"), and Napa County, a political subdivision of the State of California ("COUNTY"). DISTRICT, CITIES, TOWN, and COUNTY are also referred to herein collectively as "Parties."

**RECITALS**

**WHEREAS**, CITIES, TOWN and COUNTY are permittees under the Waste Discharge Requirements for Storm Water Discharges from Small Municipal Separate Storm Sewer Systems adopted by the State Water Resources Control Board on February 5, 2013 as Order No. 2013-0001-DWQ and National Pollutant Discharge Elimination System General Permit No. CAS000004, as amended ("General MS4 Permit"); and

**WHEREAS**, on or about March 8, 2016, DISTRICT, CITIES, TOWN, and COUNTY entered into Cooperative Joint Powers Agreement for the funding and administration of the Napa Countywide Stormwater Pollution Prevention Program (NCSPPP) (the "Agreement") [also known as Napa County Flood Control And Water Conservation District Agreement No. 463 (FC), Napa County Agreement No. 8437, City of Napa Agreement No. C2015 244, City of St. Helena Agreement No. 2015-106, City of Calistoga Agreement No. 641, and City of American Canyon Agreement No. 2015-170] pursuant to which the DISTRICT administers the NCSPPP to facilitate CITIES, TOWN and COUNTY's compliance with the General MS4 Permit, and CITIES, TOWN and COUNTY reimburse the DISTRICT for their respective share of the DISTRICT's costs; and

**WHEREAS**, the General MS4 Permit is effective through June 30, 2018, and may be administratively extended by the State Water Resources Control Board; and

**WHEREAS**, the Parties anticipate that the State Water Resources Control Board will administratively extend the General MS4 Permit until June 30, 2021; however, the State Water Resources Control Board has not yet taken the necessary actions to extend the General MS4 Permit; and

WHEREAS, the Parties now wish to amend the Agreement to extend the term to June 30, 2021 to cover the time period in which the State Water Resources Control Board is anticipated to administratively extend and re-issue the General MS4 Permit.

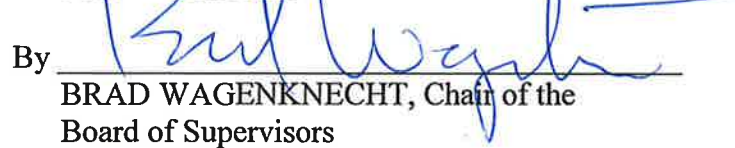
**TERMS**

NOW THEREFORE, the Parties hereby amend the Agreement as follows:


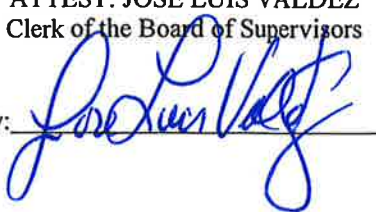
1. Paragraph 1 of the Agreement is amended to read in full, as follows:
  1. **Term of the Agreement.** The term of this Agreement shall have commenced on March 8, 2016, and shall terminate on June 30, 2021. The term of this Agreement shall remain in full force and effect unless any of the Parties gives the other Parties written notice of intention to terminate in accordance with the provisions set forth in Paragraph 7(a) or 7(b).
  2. Except as provided in section 1, above, all other terms and conditions of the Agreement shall remain in full force and effect.
  3. This Amendment may be executed in multiple counterparts, each of which shall be deemed to be an original but all of which shall constitute one and the same Amendment.

IN WITNESS WHEREOF, the Parties have executed this Amendment of the Agreement as of the date first above written.

NAPA COUNTY, a political subdivision of the State of California

By  BRAD WAGENKNECHT, Chair of the Board of Supervisors

"COUNTY"

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas S. Capriola</u> Deputy County Counsel</p> <p>Date: <u>April 26, 2018</u></p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: <u>6/19/2018</u></p> <p>Processed By: </p> <p>Deputy Clerk of the Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Clerk of the Board of Supervisors</p> <p>By: </p>
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CITY OF NAPA

By: Jill Techel  
JILL TECHEL, Mayor  
"CITY"

ATTEST: DOROTHY ROBERTS  
City Clerk

By: Dorothy Roberts

COUNTERSIGNED:


For DESIREE BRUN, City Auditor - SASHA PAYASUAN, Deputy City Auditor

By: Sasha Payasuan

APPROVED AS TO FORM:  
MICHAEL BARRETT, City Attorney

By: Michael Barrett

CITY OF ST. HELENA

By:   
PETER WHITE, Vice Mayor for  
ALAN GALBRAITH, Mayor  
"CITY"

ATTEST: CINDY TZAFPOULOS  
City Clerk


By: 

APPROVED AS TO FORM:  
THOMAS B. BROWN,  
City Attorney

By: 



CITY OF CALISTOGA

By:   
CHRIS CANNING, Mayor  
"CITY"

ATTEST: KATHY FLAMSON,  
City Clerk

By:   
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APPROVED AS TO FORM:  
MICHELLE KENYON,  
City Attorney

By:   
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CITY OF AMERICAN CANYON

By: Leon Garcia  
LEON GARCIA, Mayor  
"CITY"

ATTEST: SUELLEN JOHNSTON  
City Clerk


By: Suellen Johnston

APPROVED AS TO FORM:  
WILLIAM D. ROSS,  
City Attorney

By: William D. Ross



TOWN OF YOUNTVILLE

By:   
STEVEN R. ROGERS, Town Manager  
"TOWN"

APPROVED AS TO FORM:  
GARY B. BELL, Town Attorney

By: 

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

By: Jill Techel  
JILL TECHEL  
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> District Counsel</p> <p>Date: <u>April 27, 2018</u></p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: <u>6/19/2018</u></p> <p>Processed By: <u>[Signature]</u> Deputy Secretary of the District Board</p>	<p>ATTEST: JOSE LUIS VALDEZ Secretary of the District Board</p> <p>By: <u>[Signature]</u></p>
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