PLACE: West Sacramento Chamber of Commerce Meeting Room
1420 Merkley Avenue, Suite 6
West Sacramento, CA

DATE: Thursday, July 14, 2011

TIME: 10:30 AM

Meeting Agenda

1. Agenda Approval
2. Public Comment
3. June 30, 2011 Minutes
5. Consideration of Approval of a Professional Services Contract with ICF International for Environmental Compliance Services During Construction
6. Consideration of Resolution 11-07-01 for Determining Flood Control Assessments for Fiscal Year 2011-12
7. Consideration of Resolution 11-07-02 Authorizing the Collection of Charges to Pay for Certain Services on the Secured Tax Roll in the Same Manner as the Ordinary Ad Valorem Property Taxes
8. WSAFCA Project Updates
9. Informational Items
10. Adjourn

** In accordance to the Brown Act, any documents related to agenda items that are made available to the Board before the meeting will be available for review by the public at 1420 Merkley Ave., Suite 4, West Sacramento, CA 95691, 8:00 am to 4:00 pm, Monday through Friday.
MEETING DATE: July 14, 2011

SUBJECT: APPROVAL OF A PROFESSIONAL SERVICES CONTRACT WITH ICF INTERNATIONAL FOR ENVIRONMENTAL COMPLIANCE SERVICES DURING CONSTRUCTION SUPPORTING THE WEST SACRAMENTO LEVEE IMPROVEMENT PROGRAM

INITIATED OR REQUESTED BY: [ ] JPA Board [ ] Staff [ ] Other

REPORT COORDINATED OR PREPARED BY:

[ ] JPA Board [ X ] Staff

Michael W. Bessette, Flood Protection Manager

ATTACHMENT [ X ] Yes [ ] No

OBJECTIVE
To approve a Professional Services Contract with ICF International for environmental compliance services during construction supporting the West Sacramento Levee Improvement Program.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board:
1. Approve a Professional Services Contract in the amount of $237,790.00 with ICF International for Environmental Compliance Services During Construction supporting the West Sacramento Levee Improvement Program; and
2. Authorize the General Manager or his designee to take any and all actions reasonably necessary to complete the work described in the Contract, including the approval of minor Contract amendments that, in the opinion of the General Manager, will not materially alter the purpose of the Contract nor increase the total compensation due under the Contract by more than 10% ($23,779.00).

BACKGROUND
ICF International (formerly Jones & Stokes) is a member of the HDR team supporting the West Sacramento Levee Improvement Program. ICF has completed the NEPA and CEQA processes through development and publication of the West Sacramento Levee Improvement Program CHP Academy and The Rivers Early Implementation Projects 408 Permission Environmental Impact Statement/Environmental Impact Report (EIS/EIR). ICF has also led the effort to obtain the necessary permits from resource agencies for both Early Implementation Projects (EIPs). Both projects have been put out to bid for construction contracts and bids were received on June 2, 2011. Both projects will have construction contracts awarded in July, with construction related activities beginning soon thereafter. Construction of both projects must comply with the environmental commitments and mitigation measures contained in both the EIS/EIR and the resource agency permits. Environmental Compliance Monitoring is required in order to comply with the various environmental requirements.

ANALYSIS
ICF’s proposed services include noise and vibration monitoring & mitigation; cultural resources monitoring & mitigation; and monitoring, protection, construction worker training, and additional resource agency coordination (if necessary) for a variety of plant and animal species. These activities are divided over the Rivers Phase 1 site and CHP Academy site EIP projects as detailed in the attached scope of work.

The attached scope of work is based upon the Mitigation Monitoring and Reporting Program (MM&RP) for the EIS/EIR. Additional environmental mitigations required by resource agency permits, which were obtained after the EIS/EIR was certified, have been added to the scope of work. The services in the scope of work that are in plain text are included to be performed by ICF under this contract; the services in italics are to be performed by others.
Consideration of a Professional Services Contract with ICF International
July 14, 2011
Page 2

Alternatives
Staff recommends that the JPA Board approve a Professional Services Contract with ICF International for Environmental Compliance Services During Construction. The Board may elect not to approve the contract at this time and/or may elect to rescope the proposed services. However, without the services defined in this proposed contract the project schedule will be impacted.

Budget/Cost Impact
The professional services contract with ICF International in the amount of $237,790.00 will be funded by a combination of 2011 bond proceeds and the State of California. WSAFCA successfully entered into a Construction Funding Agreement with the State in June, 2011. These proposed environmental compliance services during construction are eligible and are included within the Construction Funding Agreement. The State will fund approximately 90% of the costs for all projects listed in the Construction Funding Agreement.

ATTACHMENT
ICF International Environmental Compliance Construction Support Proposal
CHP Academy and The Rivers Early Implementation Projects
Environmental Compliance Construction Support Scope

The following table is adapted from the adopted Mitigation Monitoring and Reporting Program for the Environmental Impact Statement/Environmental Impact Report, certified in March 2011. Measures specific to the Endangered Species Act consultation have been added, as well as anticipated measures from the Streambed Alteration Agreement (pending). Items in plain text are included in this scope; items in italics are to be performed by others than ICF. Background for this scope may be found in the environmental document and permits. This scope of work assumes a 120-day construction season, predicated on receiving authorizations to extend work beyond Oct 1. This proposal does not include habitat mitigation performance monitoring after implementation, required during the multi-year establishment period.

<table>
<thead>
<tr>
<th>Description of Measure</th>
<th>Type of Action</th>
<th>Implementation Schedule</th>
<th>Site</th>
<th>ICF Support</th>
<th>Trigger</th>
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<tbody>
<tr>
<td>Flood Control and Geomorphic Conditions</td>
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<tr>
<td>FC-MM-1: Coordinate with Owners and Operators, Prepare Drainage Studies as Needed, and Remediate Effects through Project Design</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<td>Water Quality and Groundwater Resources</td>
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<td>WQ-MM-1 Implement Measures to Maintain Surface Water Quality and Groundwater Quality</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>WQ-MM-2: Implement Provisions for Dewatering</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Bentonite Slurry Spill Contingency Plan (Frac-Out Plan)</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Spill Prevention, Control, and Counter-Measure Plan</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<td>Stormwater Pollution Prevention Plan</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<td><strong>Geology, Seismicity, Soils, and Mineral Resources</strong></td>
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<tr>
<td>GEO-MM-1: Implement the Corrective Actions Identified as Part of a Project-Specific Geotechnical Report</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>During construction</td>
<td>CHP</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Soil Supply Protection Measures</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<td><strong>Transportation and Navigation</strong></td>
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<tr>
<td>Traffic Control and Road Maintenance Plan</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Coordination to Ensure Minimal Overlap in Disturbances to Traffic during Construction</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Coordination of Construction Periods with Railroad Service Officials</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>CHP</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Coordination of Construction Periods with CHP</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>CHP</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>Notification of Construction Area Closure</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td><strong>Air Quality and Climate Change</strong></td>
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<tr>
<td>AQ-MM-1: Implement Measures to Reduce Exhaust Emissions of NOx and ROG if Unmitigated Emissions Exceed NOx and ROG Thresholds</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>AQ-MM-2: Implement Fugitive Dust Control Plan If Unmitigated Emissions Exceed PM10 or PM 2.5 Thresholds</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>During construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>AQ-MM-3: Provide Advance Notification of Construction Schedule and 24-Hour Hotline</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td>AQ-MM-4: Pay Required Fees to SMAQMD to Offset NOx Emissions (if concurrent construction with Rivers EIP)</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<td><strong>CC-MM-1: Implement Measures to Minimize Greenhouse Gas Emissions During Construction</strong></td>
<td>NEPA/CEQA triggered mitigation measure</td>
<td>During construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
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<tr>
<td><strong>Noise</strong></td>
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<tr>
<td>NZ-MM-1: Employ Measures to Prevent Exposure of Buildings and Structures to Excessive Groundborne Vibration</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Rivers</td>
<td>Yes</td>
<td>Construction within 50 feet of residences</td>
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<tr>
<td>Implement Noise-Reducing Construction Practices</td>
<td>Environmental commitment</td>
<td>During construction</td>
<td>Both</td>
<td>No</td>
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<tr>
<td><strong>Biological Resources</strong></td>
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<tr>
<td>Install Protective Barrier Fencing around Sensitive Wetland/Riparian Habitats</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of habitat</td>
</tr>
<tr>
<td>Install Protective Barrier Fencing around Elderberry Shrubs</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of shrubs</td>
</tr>
<tr>
<td>Weekly Inspections of Protective Elderberry Fencing by Qualified Biologist</td>
<td>Environmental measure included as part of project</td>
<td>During construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of shrubs</td>
</tr>
<tr>
<td>Watering of Project Site as Necessary to Prevent Dust Accumulation on Elderberry Shrubs</td>
<td>Environmental measure included as part of project</td>
<td>During construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of shrubs</td>
</tr>
<tr>
<td>Pre-Construction Survey for Giant Garter Snake</td>
<td>Environmental measure included as part of project</td>
<td>Prior to construction</td>
<td>CHP</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat</td>
</tr>
<tr>
<td>Install Exclusion Fencing Around Areas within 200 Feet of Suitable Giant Garter Snake Habitat</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>CHP</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat</td>
</tr>
<tr>
<td>Minimize Vegetation Clearing within 200 Feet of Banks of Potential Giant Garter Snake Habitat</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>CHP</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat</td>
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<tr>
<td>Confine Movement of Heavy Equipment within 200 Feet of Giant Garter Snake Habitat to Designated Haul Routes</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>CHP</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat</td>
</tr>
<tr>
<td>Conduct Pre-Construction Swainson’s Hawk Surveys – Maintain Buffer if Nests are Found</td>
<td>Environmental measure included as part of project</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat and known occurrences</td>
</tr>
<tr>
<td>Conduct Pre-Construction Raptor and Nesting Migratory Bird Surveys – Maintain Appropriate Buffer if Nests are Found</td>
<td>Environmental commitment</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat and known occurrences</td>
</tr>
<tr>
<td>Avoid and Minimize Removal of Riparian Vegetation</td>
<td>Environmental commitment</td>
<td>During construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of vegetation</td>
</tr>
<tr>
<td>Conduct Tree/Shrub Removal During non-Breeding Season or After Qualified Biologist Determines Fledglings Have Left Nests – If Present</td>
<td>Environmental measure included as part of project</td>
<td>Prior to construction</td>
<td>Both</td>
<td>No</td>
<td>Not used – non-breeding season has closed</td>
</tr>
<tr>
<td>Comply with the City of West Sacramento Tree Preservation Ordinance</td>
<td>Environmental commitment</td>
<td>Prior to, during and post-construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of protected trees</td>
</tr>
<tr>
<td>Avoid and Minimize the Spread of Invasive Plant Species</td>
<td>Environmental commitment</td>
<td>Prior to, during and post-construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory</td>
</tr>
<tr>
<td>VEG-MM-1: Compensate for the Loss of Woody Riparian Habitat</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Post-construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on proposed loss of habitat</td>
</tr>
<tr>
<td>VEG-MM-2: Conduct Mandatory Contractor/Worker Awareness Training for Construction Personnel</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on presence of potential habitat and known occurrences</td>
</tr>
<tr>
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<tr>
<td>VEG-MM-3: Retain a Biological Monitor</td>
<td>NEPA/CEQA-triggered mitigation measure and condition of ESA consultations</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on clearing of waterside vegetation</td>
</tr>
<tr>
<td>VEG-MM-4: Compensate for Loss of Protected Trees</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Post-construction (if loss occurs)</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on proposed loss of trees</td>
</tr>
<tr>
<td>WQ-MM-1, Implement Measures to Maintain Surface Water Quality and Groundwater Quality</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on proximity of construction to surface and groundwater</td>
</tr>
<tr>
<td>WILD-MM-1: Conduct a Preconstruction Survey for Western Pond Turtle and Exclude Turtles from Work Area, If Present</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on potential habitat</td>
</tr>
<tr>
<td>WILD-MM-2: Coordinate with Resource Agencies and Develop Appropriate Compensation Plan for Swainson’s Hawk</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Rivers</td>
<td>Yes</td>
<td>Only for evidence of take or loss of habitat</td>
</tr>
<tr>
<td>WILD-MM-2: Coordinate with Resource Agencies and Develop Appropriate Compensation Plan for Giant Garter Snake</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Post-construction</td>
<td>CHP</td>
<td>Yes</td>
<td>Only for evidence of take or loss of habitat</td>
</tr>
<tr>
<td>WILD-MM-3: Conduct Preconstruction Surveys for Burrowing Owl Prior to Construction and If Present, Protect Nests through Use of Agency-Approved Protection Buffers</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Survey is mandatory; other actions only if species present</td>
</tr>
<tr>
<td>WILD-MM-4: Coordinate with Resource Agencies and Develop Appropriate Compensation Plans for Burrowing Owl</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>Yes</td>
<td>Only for evidence of take or loss of habitat</td>
</tr>
<tr>
<td>WILD-MM-5: Conduct a Preconstruction Survey for Roosting Bats and Avoid or Mitigate for Potential Effects</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to and during construction</td>
<td>Both</td>
<td>Yes</td>
<td>Mandatory based on potential habitat</td>
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<tr>
<td>Coordinate authorization for extending construction season beyond Oct 1 for GGS under ESA (USFWS and NMFS) and beyond Oct 15 for riparian habitat under CFGC (DFG)</td>
<td>Condition of ESA consultations and SAA</td>
<td>During construction</td>
<td>Both</td>
<td>Yes</td>
<td>Desire from WSAFCA for construction beyond Oct 1</td>
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**Land Use and Agriculture**

None

**Socioeconomic and Community Effects**

Property Acquisition Compensation for Loss of Business, and Temporary Resident Relocation Plan

Environmental commitment | Prior to and during construction | Rivers | No | N/A |

**Environmental Justice**

None

**Visual Resources**

Temporary Visual Barriers between Construction Zones and Residences

Environmental commitment | Prior to and during construction | Rivers | No | N/A |

**Recreation**

None

**Utilities and Public Services**

PUB-MM-1: Verify Utility Locations, Coordinate with Utility Providers, Prepare a Response Plan, and Conduct Worker Training

NEPA/CEQA-triggered mitigation measure | Prior to and during construction | Both | No | N/A |

**Public Health and Environmental Hazards**

WQ-MM-1: Implement Measures to Maintain Surface Water Quality and Groundwater Quality

NEPA/CEQA-triggered mitigation measure | Prior to and during construction | CHP | No | N/A |

WQ-MM-2: Implement Provisions for Dewatering

NEPA/CEQA-triggered mitigation measure | Prior to and during construction | CHP | No | N/A |
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<tr>
<td>PH-MM-1: Complete Phase I and Phase II (If Necessary) Environmental Site Assessment Investigations and Implement Required Measures</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Both</td>
<td>No</td>
<td>N/A</td>
</tr>
<tr>
<td>PH-MM-2: Notify Washington Unified School District and Applicable Schools Located within 0.25 Mile of Project Construction Activities</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>Prior to construction</td>
<td>Rivers</td>
<td>No</td>
<td>N/A</td>
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<td><strong>Cultural Resources</strong></td>
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<td>CR-MM-1: Implement Inadvertent Discovery Procedures</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>During construction (if discovered)</td>
<td>Both</td>
<td>Yes</td>
<td>Only if resources are discovered</td>
</tr>
<tr>
<td>CR-MM-2: Implement Human Remains Discovery Procedures</td>
<td>NEPA/CEQA-triggered mitigation measure</td>
<td>During construction (if discovered)</td>
<td>Both</td>
<td>Yes</td>
<td>Only if remains are discovered</td>
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OBJECTIVE
The purpose of this agenda report is to present for consideration adoption of Resolution No. 11-07-01 to determine the flood control assessment for fiscal year 2011-12.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board adopt Resolution No. 11-07-01.

BACKGROUND
On July 16, 2007, WSAFCA board members adopted Resolution 07-05-02. This resolution approved the 2007-08 flood control assessment, and approved the final Engineer's Report (prepared by Parsons Brinckerhoff). The resolution directed staff to record the documents with the County Recorder, and submit the assessments to the County for placement on the 2007-08 County tax roll. This flood assessment eliminated the 1995 assessment.

On July 8, 2010, WSAFCA board members adopted Resolution 10-07-01, approving the increase in assessment by 2% for the 2010-11 tax roll.

ANALYSIS
As stated in the final Engineers Report (July 16, 2007) under Special Procedures, "The assessment rate may increase by a maximum of two percent (2%) annually at the sole discretion of the WSAFCA Board of Directors. This escalation allowance will account for inflation in project costs."

The final Engineers Report utilized a total levee improvement project cost estimate of $400 million to determine the property assessment rates. Since that cost estimate was determined in 2007 more detailed analysis of the levee system has taken place and a revised total project cost estimate of $460 million has been determined. Based on this knowledge, staff recommends a full assessment rate increase of 2%.

Alternatives
1. Staff recommends that the Board adopt Resolution No. 11-07-01, approving a 2% increase in assessment for tax roll year 2011-12.
2. The Board may choose to approve a lesser adjustment, or no assessment rate adjustment at all.
3. The Board may choose not to adopt Resolution No. 11-07-01.

Budget/Cost Impact
If approved, the increase will result in additional flood assessment revenue of approximately $83,000.

ATTACHMENT
Resolution 11-07-01
RESOLUTION NO. 11-07-01

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
WEST SACRAMENTO AREA FLOOD CONTROL AGENCY
DETERMINING FLOOD CONTROL ASSESSMENTS
FOR FISCAL YEAR 2011-12

WHEREAS, in compliance with the Benefit Assessment Act of 1982, being California
Government Code sections 54703 et seq. (the “Act”), the Board of Directors (the “Board”)
of the West Sacramento Area Flood Control Agency (the “Agency”) on July 16, 2007,
following a public hearing and tabulation of the ballots received from property owners,
approved the Engineer’s Report for the first fiscal year (2007-2008) in which flood
protection assessments were imposed and determined and levied the assessments;

WHEREAS, in accordance with the assessment method described in the Engineer’s
Report, the Board may raise the assessment rate each year by not more than two percent
(2%);

WHEREAS, by Resolution 07-05-02, adopted on July 16, 2007, the Board provided
that the assessments shall be collected in the same manner and shall be subject to the
same penalties and priority of lien as is provided for ad valorem property taxes;

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the West
Sacramento Area Flood Control Agency as follows:

1. Recitals. The above recitals are true and correct.

2. Determination of Escalation Factor. The Board hereby determines that
the escalation factor for the assessments in Fiscal Year 2011-12 shall be 2%.

The Board hereby directs the Agency staff to prepare the assessment roll for Fiscal Year
2011-12 based on the roll for Fiscal Year 2010-11, recalculating assessments to reflect
changes in development status and the annual escalation factor. The Board hereby
determines and levies the assessments as so recalculated. The Board hereby further
directs the Agency Secretary to submit the assessment roll to the Yolo County Auditor in
sufficient time for entry onto the County Assessment Roll for 2011-12.

4. Entry on County Assessment Roll. The Yolo County Auditor is hereby
requested to enter on the County Assessment Roll opposite each lot or parcel of land the
amount assessed thereupon, as shown on the assessment roll filed by the Agency
Secretary.

A. Agrees, upon reasonable written notice by Yolo County of any claim or
challenge, to defend with counsel of its choice, indemnify and hold harmless Yolo County,
it Board of Supervisors, officers, officials, agents and employees (collectively “the County”)
Resolution 11-07-01
Page 2

against the payment of any liabilities, losses, costs and expenses, including attorneys’ fees
and court costs, not due to the County’s own active negligence or willful misconduct, which
the County may incur in the exercise and performance of its powers and duties in placing
these assessments onto the County roll and tax bills for the Agency.

B. The Board agrees to pay such reasonable and ordinary charges as the
County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes,
assessments, fees and/or charges, as provided by the Government Code sections 29304
and 51800.

C. The Board warrants and represents that the taxes, assessments, fees and/or
charges imposed by the Agency and being requested to be collected by Yolo County
comply with all requirements of state law, including but not limited to Articles XIII C and
XIII D of the California Constitution (Proposition 218).

5. **Effective Date.** This resolution shall take effect from and after the date of
its passage.

**PASSED AND ADOPTED** by the Board of Directors of the West Sacramento
Area Flood Control Agency on July 14, 2011, by the following vote:

**AYES:**
**NOES:**
**ABSENT:**

William E. Denton, President

**ATTEST:**
Kenneth A. Ruzich, General Manager

**APPROVED AS TO FORM:**
James M. Day Jr., WSAFCA Attorney
OBJECTIVE
The purpose of this action is to collect special tax to pay for certain services on the Yolo County secured property tax bill.

RECOMMENDED ACTION
It is respectfully recommended that the JPA Board adopt Resolution 11-07-02, authorizing the collection of special tax to pay for certain services on the secured tax roll in the same manner as the ordinary ad valorem property taxes.

BACKGROUND
On an annual basis, the WSAFCA flood assessments must be submitted to the Yolo County Assessor's Office for placement on the next year's tax billings. On July 8th, 2010 the JPA board approved Resolution 10-07-02 which authorized Yolo County to collect Flood Assessments on the 2010-2011 annual tax roll.

The City prepares a list of the parcels subject to the special tax using the records of the County Assessor and other records of the City. If the JPA board has approved a rate increase to the assessments for the new tax year, that rate will be reflected in the tax roll given to the County. The City requests the County of Yolo to collect on the County property tax rolls the special taxes levied on each parcel.

ANALYSIS
Commencing in fiscal year 2009-2010, the Treasurer-Tax Collector's Office at the County of Yolo has required that all special tax levies placed on the property tax rolls include an authorization approved by the JPA Board. The authorization outlines the terms of the agreement between the County and the City for collecting the flood assessments as a part of a property owner's tax bill. The action requested in the attached resolution will continue to ensure that the flood assessments are collected in the same manner as other property taxes on the secured tax roll.

Strategic Plan Integration
Adoption of special taxes and fees for service help establish the strong financial base necessary to provide quality services.

Alternatives
N/A

Coordination and Review
Yolo County has provided a draft resolution and reserved space on the fiscal year 2011-12 tax roll.

Budget/Cost Impact
Fees for services such as these support a higher level of service than can be supported by general taxes alone.

ATTACHMENT
Resolution 11-07-02
RESOLUTION NO. 11-07-02

REQUESTING COLLECTION OF CHARGES TO PAY FOR CERTAIN SERVICES ON THE SECURED TAX ROLL IN THE SAME MANNER AS THE ORDINARY AD VALOREM PROPERTY TAXES

WHEREAS, the West Sacramento Area Flood Control Agency, (hereinafter "Agency") requests the County of Yolo collect on the County tax rolls certain charges which have been imposed pursuant to Government codes section 29304 by the Agency, attached hereto, and

WHEREAS, the County has requested as a condition of the collection of said charges that the Agency warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Board of Directors that:

1. The Auditor-Controller of Yolo County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.

2. The Agency warrants and represents that the taxes, assessments, fees and/or charges imposed by the Agency and being requested to be collected by Yolo County comply with all requirements of state law, including but not limited to Articles XIIIIC and XIIIID of the California Constitution (Proposition 218).

3. The Agency releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any taxes, assessments, fees and/or charges on behalf of Agency.

4. The Agency agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the “Indemnified Parties”) from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of Agency’s said taxes, assessments, fees and/or charges requested to be collected by County for Agency, or in any manner arising out of Agency’s establishment and imposition of said taxes, assessments, fees and/or charges. Agency agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of Agency’s taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from
any other monies collected by County on behalf of Agency, including property taxes.

5. The Agency agrees that its offices, agents, and employees will cooperate with the County in answering questions referred to Agency by County from any person concerning the Agency's taxes, assessments, fees and/or charges, and that Agency will not refer such persons to County officers and employees for responses.

6. The Agency agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes, assessments, fees and/or charges, as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by the West Sacramento Area Flood Control Agency on this 14th day of July, 2011, by the following vote:

AYES:
NOES:
ABSENT:

William E. Denton, President

ATTEST:

APPROVED AS TO FORM:

Kenneth A. Ruzich, General Manager

James M. Day Jr., WSAFCA Attorney