**RESOLUTION 2009- ____**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CALISTOGA, COUNTY OF NAPA, STATE OF CALIFORNIA, APPROVING AMENDMENT NO. 8 TO THE WATER SUPPLY CONTRACT WITH THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT AGREEMENT NO. 1926 TO PARTICIPATE IN FUNDING CERTAIN COSTS RELATED TO THE DELTA HABITAT CONSERVATION AND CONVEYANCE PROGRAM**

**WHEREAS,** the City of Calistoga has contracted with the Napa County Flood Control and Water Conservation District (District) for the purpose of delivery of water from the State Water Project (SWP); and

**WHEREAS,** the SWP is administered and operated by the California Department of Water Resources (DWR), and the District is a State Water Contractor under contract with DWR; and

**WHEREAS,** the California Department of Water Resources (DWR), in cooperation with other state and federal agencies, has been directed by the Governor to initiate the public environmental review process necessary for the Bay Delta Conservation Plan (BDCP), which is a collaborative effort between public water agencies, environmental organizations and state and federal agencies to map out a comprehensive long-term conservation plan for the deteriorating Sacramento-San Joaquin River Delta (Delta); and

**WHEREAS,** DWR is beginning the environmental analysis and preliminary engineering studies for the BDCP, including conveyance alternatives, by means of the Delta Habitat Conservation and Conveyance Program (DHCCP); and

**WHEREAS,** the District and the City of Calistoga receive benefits from the North Bay Aqueduct (NBA) facilities of the State Water Project (SWP), the NBA is located in the defined boundary of the Delta, and the Delta may be changed in ways that impact the NBA as part of the Bay Delta Conservation Plan and Delta Habitat Conservation and Conveyance Program action items; and

**WHEREAS,** the District is a member of the State Water Project Contractor Authority (SWPCA); a joint powers authority, created in 2003, and comprised of 24 public water agencies that receive water from the SWP ; and

**WHEREAS,** the SWPCA will coordinate the activities of its members to support the DHCCP and ensure that the DHCCP's costs and management are responsive to the needs of the SWPCA members and ultimately to California's water rate payers, including the SWPCA's Member Units and their constituents; and

**WHEREAS,** the SWPCA has formed a Delta Specific Project committee (DSPC) for the purpose of making recommendations related to the management of DHCCP to the SWPCA Board; and

**WHEREAS,** participating in the DSPC and the DHCCP is voluntary, and has significant cost components, but would allow District participation in the decision-making process for items that may affect the District and the City of Calistoga; and

**WHEREAS,** the parties believe that it is in the best interest of District and the City to amend the Agreement No. 1926 to authorize District to become a member of the SWPCA's Delta Specific Project Committee and to sign a Funding Agreement with DWR for the costs of environmental analysis, planning and conceptual design for the Delta Habitat Conservation and Conveyance Program.

**NOW, THEREFORE BE IT RESOLVED** that the City Council of the City of Calistoga hereby approves Amendment No. 8 to the Water Supply Contract with the Napa County Flood Control and Water Conservation District in substantially the form attached hereto as Exhibit "A", and authorizes and directs the Mayor and/or the City Manager of the City of Calistoga to execute Amendment No. 8 and related documents on behalf of the City contingent upon review and approval by the City Attorney.

**BE IT FURTHER RESOLVED** that this Resolution and Amendment No. 8 are approved with the understanding that each of the Cities in Napa County that participate in the SWP will approve similar amendments with the District, and will be responsible for their own proportional shares of the project costs. If any of said other Napa County cities decline to participate in the subject project, this approval shall be void and of no binding effect, pending further affirmative action by this City Council.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Calistoga at a regular meeting held this **17th day of March 2009**, by the following vote:

**AYES:**

**NOES:**

**ABSTAIN/ABSENT:**

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**JACK GINGLES, Mayor**

**ATTEST:**

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**SUSAN SNEDDON, City Clerk**