

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2021-____ (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY
FLOOD CONTROL AND WATER CONSERVATION DISTRICT
FINDING THAT SUBMISSION OF PROPOSED ASSESSMENT TO VOTE
OF QUALIFIED ELECTORS IS NOT REQUIRED; APPROVING AND
LEVYING ANNUAL ASSESSMENTS FOR FISCAL YEAR 2021-2022;
AND AUTHORIZING AND DIRECTING FILING OF THE 2021-2022
ASSESSMENT ROLL WITH NAPA COUNTY AUDITOR FOR POSTING
TO 2021-2022 NAPA COUNTY PROPERTY TAX ROLL**

**(MAINTENANCE AND WATERSHED MANAGEMENT PROGRAMS – JOINT
ZONE PROJECT NO. 96-1)**

THE GOVERNING BOARD (“Board”) of the Napa County Flood Control and Water Conservation District (“District”), pursuant to the Napa County Flood Control and Water Conservation District Act, Chapter 61 of the Appendix to the Water Code (“Act”), **FINDS, DETERMINES, AND RESOLVES** as follows:

1. **Approval of Project and Assessment Methodology.** By Board Resolution Nos. 96-69 and 96-70, and in accordance with the procedures provided by the Act and the Brown Act (Government Code sections 54950 *et seq.*), the Board created in 1996 the zones for and approved that joint zone project entitled “Joint Zone Project No. 96-1: Maintenance and Watershed Management Programs” (“Project”). The Board gave notice of and held a public protest hearing on the Project, and, at the conclusion of the protest hearing, having received fewer protests in number and valuation than required to trigger an election or require abandonment of the Project, levied assessments to fund the Project for the 1996-1997 Fiscal Year and also approved an assessment methodology under which future assessments for the Project could be adjusted for inflation or deflation as well as changes in use of individual assessed properties without such adjustments being considered an assessment increase.

2. **Approval of 2021-2022 Project Report and Resolution of Intention.** On or before March 22, 2021, the District Engineer filed with the Secretary of the District Board (“Clerk”) an updated Project Report (“Project Report for 2021-2022”) analyzing the status of the Project, applying the previously-approved assessment methodology to each non-exempt assessable property within the Project zones, and recommending that the Project be funded for the 2021-2022 Fiscal Year without a change in assessment methodology or increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology. At a duly-noticed public hearing on April 6, 2021, the Board approved the Project Report for 2021-2022, adopted a Resolution of Intention to Levy Assessments for the 2021-2022 Fiscal Year, and set a public protest hearing for May 4, 2021, on the proposed levy as required by the Act.

3. **Notice of Public Protest Hearing.** Notice of the public protest hearing on the proposed assessments for the Project for the 2021-2022 Fiscal Year, including a copy of Resolution of Intention adopted by the Board on April 6, 2021, was published pursuant to Section 6061 of the Government Code and mailed or personally delivered to the chief

administrative officer of each city in which the Project or portions thereof or the assessable property are located. A Certificate of Mailing of Notice of Public Hearing establishing compliance with the legal requirements of the Act is on file with the Clerk.

4. **Conduct of Public Protest Hearing.** On May 4, 2021, the Board conducted the noticed public protest hearing, considered all testimony and evidence submitted, and tallied all written protests submitted and not withdrawn before the conclusion of the public protest hearing.

5. **Protest Tally Results.** The Board finds and determines that written protests filed during or before the public protest hearing held on May 4, 2021, and not withdrawn before the conclusion of that hearing, were signed by fewer than 25 percent of the registered voters residing within each affected zone and/or by the owners of less than 25 percent of the area of land located within each affected zone proposed to be subject to assessment for the Project for the 2021-2022 Fiscal Year based upon those acreages shown on the latest Napa County assessment records. Accordingly, the Board finds and determines that the Board has jurisdiction to proceed with levy of the 2021-2022 assessments for the Project within each of the Project zones created in 1996 without needing to submit the proposed assessments to the qualified electors in any of the zones.

6. **Exemption from Proposition 218.** Because the proposed assessments for the Project for Fiscal Year 2021-2022 are imposed exclusively to finance the capital costs or maintenance and operation expenses for water, flood control and/or drainage systems, and the amounts of the assessments are the same or less than the Project assessments approved for Fiscal Year 1996-97 (subject to automatic adjustments for change in use and construction cost inflation in the manner established by the assessment methodology approved on August 27, 1996 (prior to November 5, 1996), the Board hereby finds and determines that levy of the proposed assessments is exempt under Section 5(a) of Article 13D of the California Constitution from the requirements of Proposition 218 (California Constitution Article 13D) and is exempt from the mailed notice and public meeting requirements of Government Code Section 54954.6.

7. **Levy of 2021-2022 Assessments.** Based upon the foregoing findings and determinations, the Board hereby approves and levies the assessments as recommended and in the amounts set forth in the Project Report for 2021-2022 attached hereto and incorporated by reference herein. As provided in said Project Report and in compliance with Section 13.5(4)(a) of the Act, no assessment shall be levied upon a federal or state governmental agency or another local agency.

8. **Posting of Roll.** As provided by Section 13 of the Act, the Clerk is hereby authorized and directed to transmit the 2021-2022 Assessment Roll as prepared in accordance with this Resolution for Joint Zone Project No. 96-1 to the Napa County Auditor, together with a certified copy of this Resolution, for posting of said 2021-2022 Assessment Roll on the 2021-2022 property tax roll of the County of Napa. The Napa County Auditor is requested to provide that payment of the revenues collected on account of said 2021-2022 assessments by the Napa County Treasurer be credited separately to the three zones established for Project No. 96-1. This Board shall thereafter control and order the expenditure of said revenues for the authorized purposes of each of said zones, as provided by subdivision (3) and the second paragraph of subdivision (4) of Section 13 of the Act.

9. **Effective Date of Resolution.** This Resolution shall take effect immediately upon its adoption.

THE FOREGOING RESOLUTION WAS PASSED AND ADOPTED by the Board of Directors of the Napa County Flood Control and Water Conservation District at a regular meeting thereof on May 4, 2021, by the following vote, the number following each Director's name indicating the number of votes cast by that Director:

AYES: DIRECTORS _____

NOES: DIRECTORS _____

ABSTAIN: DIRECTORS _____

ABSENT: DIRECTORS _____

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

By: _____
BRAD WAGENKNECHT, Chairperson of the
Board of Directors

APPROVED AS TO FORM Office of County Counsel By: <u>Shana A .Bagley (e-sign)</u> County Counsel Date: <u>April 9, 2021</u>	APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT Date: _____ Processed By: _____ Deputy Secretary of the District Board	ATTEST: JOSE LUIS VALDEZ Secretary of the District Board By: _____
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