



Legislation Details (With Text)

**File #:** 23-0452      **Version:** 1  
**Type:** Public Hearing      **Status:** Agenda Ready  
**File created:** 3/9/2023      **In control:** Flood Control and Water Conservation District  
**On agenda:** 5/2/2023      **Final action:** 12/31/2023  
**Title:** PUBLIC HEARING 1:30 PM

District Manager requests the following actions related to the Rutherford Reach Benefit Zone Assessment

District 2008-1:

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2023-2024 assessments; and
2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2023-2024 on qualifying properties.

**Sponsors:** Board of Supervisors

**Indexes:**

**Code sections:**

**Attachments:** 1. Resolution to Levy

Date	Ver.	Action By	Action	Result
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**TO:** Napa County Flood Control and Water Conservation District

**FROM:** Richard Thomasser - District Manager

**REPORT BY:** Jeremy Sarrow - Watershed and Flood Control Operations Manager

**SUBJECT:** Public Hearing to Consider any Objections or Protests, and to Adopt a Resolution to Levy Assessments for Rutherford Reach Benefit Zone Assessment District

**RECOMMENDATION**

PUBLIC HEARING 1:30 PM

District Manager requests the following actions related to the Rutherford Reach Benefit Zone Assessment District 2008-1:

1. Open Public Hearing to consider any objections or protests with respect to the proposed Fiscal Year 2023-2024 assessments; and

2. Close Public Hearing and adopt a Resolution authorizing and levying assessments for Fiscal Year 2023-2024 on qualifying properties.

### **EXECUTIVE SUMMARY**

In 2008, the Assessment District was created and the voters in that District authorized an assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach, an approximately 4.5-mile reach of the Napa River south of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south. At the April 4, 2023, meeting, the Board approved the Engineer's Report for the Assessment District for Fiscal Year 2023-2024, adopted a Resolution of Intent to levy assessments, and set May 2, 2023, as the date for the required protest hearing. This public hearing is to consider objections or protests to the proposed assessment in the amount of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach for Fiscal Year 2023-2024 verifying properties.

### **PROCEDURAL REQUIREMENTS**

1. Open Public Hearing
2. Staff reports
3. Public comment
4. Close Public Hearing
5. Tally any written protests filed and not withdrawn
6. Motion, second, discussion and vote on the item

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Rutherford Maintenance - Fund 8000, Organization 8000502
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 2008, was to establish a mechanism to provide continued annual funding for maintenance benefiting the residents and landowners within the Assessment District. This action renews the annual assessment needed to fund the Assessment District detailed in the Engineer's Report and approved at the April 4, 2023, Flood Board meeting.
Is the general fund affected?	No
Future fiscal impact:	None
Consequences if not approved:	This assessment is the main revenue source for maintenance needs in the Assessment District. If not approved, no funding will be available for routine maintenance activities in the FY 2023-2024.

### **ENVIRONMENTAL IMPACT**

**ENVIRONMENTAL DETERMINATION:** This action is statutorily exempt from the California Environmental Quality Act (CEQA) under Title 14, California Code of Regulations, section 15273 (Rates, Tolls, Fares, and Charges), in that the amounts to be levied and collected shall be used for purposes detailed in the District Engineer's Report, which fall within subsections (1), (2), and (4) of section 15273.

## **BACKGROUND AND DISCUSSION**

On November 18, 2008, the Board adopted a Resolution to establish the formation of an Assessment District for the fixing of and the collection of certain maintenance charges to fund various aspects of maintenance activities within the Assessment District in conjunction with the Napa River Rutherford Reach Restoration Project (Restoration Project).

The Assessment District is comprised of 41 parcels located along both sides of the Rutherford Reach, an approximately 4.5- mile reach of the Napa River south of St. Helena, extending from Zinfandel Lane in the north to Oakville Cross Road in the south.

A maintenance program has been developed by the Napa County Flood Control and Water Conservation District, in consultation with the Rutherford Landowner Advisory Committee, to proactively address streambank erosion, to protect properties in the Assessment District, and to maintain features constructed as part of the Restoration Project that collectively will result in a more stable streambank for the benefit of the property owners.

Each year, an Engineer's Report is prepared to verify parcels subject to the assessment, ownership information, and amount of the assessment for each parcel. The proposed assessments are based upon an allocation of program costs over all properties subject to assessment in the Assessment District, which may vary slightly from year to year. The Engineer's Report recommends the levy of an assessment for Fiscal Year 2023-2024 in the amount of \$98,160 up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of property frontage on the Rutherford Reach.