



# Napa County

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## Legislation Details (With Text)

**File #:** 22-475 **Version:** 1  
**Type:** Ordinance **Status:** Passed  
**File created:** 3/1/2022 **In control:** Board of Supervisors  
**On agenda:** 3/8/2022 **Final action:** 3/8/2022  
**Title:** SET MATTER 11:30 AM  
(CONTINUED TO 1:30 PM)

County Fire Chief requests the following actions regarding a ballot measure, which if successful will impose a Transaction and Use Tax of one-quarter of one percent (.25%) for ten years:

1. Adoption of an Ordinance establishing the Transaction and Use Tax;
2. Adoption of a Resolution ordering a Special Election and consolidating it with the June 7, 2022 Primary Election for the purpose of enabling the Voters of Napa County to approve or reject the aforementioned Ordinance known as the Napa County Wildfire Prevention and Suppression Measure (Measure L); and
3. Discussion and possible action regarding whether the Board wishes to submit, or have members of the Board submit, an Argument in favor of the proposed Measure.

**Sponsors:**

**Indexes:**

**Code sections:**

**Attachments:** 1. Ordinance, 2. Resolution

Date	Ver.	Action By	Action	Result
3/8/2022	1	Board of Supervisors		

**TO:** Board of Supervisors  
**FROM:** Jason Martin, County Fire Chief  
**REPORT BY:** Helene Franchi, Deputy County Executive Officer  
**SUBJECT:** Proposed Fire Prevention and Suppression Transaction and Use Tax Measure

### RECOMMENDATION

SET MATTER 11:30 AM  
(CONTINUED TO 1:30 PM)

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3. Discussion and possible action regarding whether the Board wishes to submit, or have members of the Board submit, an Argument in favor of the proposed Measure.

## **EXECUTIVE SUMMARY**

Recent catastrophic fires in Napa County have made it evident that there is a need for a coordinated effort throughout the communities of Napa County to address risks of wildfires. On April 6, 2021, the County Fire Chief and a representative from the Napa Communities Firewise Foundation provided a presentation to the Board of Supervisors on the completed Countywide California Wildfire Protection Plan (CWPP) with a recommended 5-year projected vegetation management plan. At that time, the Board of Supervisors agreed to support increasing the funding to implement year one of the 5-year vegetation management plan. The total estimated cost of the 5-year plan is \$42,465,000 in today's dollars. The CWPP begins an ongoing process of maintaining fire prevention measures throughout the community. The proposed ordinance, also known as Measure L, would provide the funds to implement the CWPP and would provide more efficient, effective, and enhanced fire services and programs that protect the health and safety of the public throughout Napa County. Enhanced fire services and programs is defined in the proposed ordinance as an increase in the level of staffing and training. It includes implementation of resilient fire programs such as defensible space, vegetation management, and education.

Today's action will provide the ability for the voters to approve or reject Measure L at the June 7, 2022 primary election.

## **PROCEDURAL REQUIREMENTS**

1. Open Public Hearing
2. Staff reports
3. Public Comments
4. Close the Public Hearing
5. Clerk read the Ordinance title
7. Motion, second, discussion and vote adopting the ordinance.
8. Adopt the resolution placing the Ordinance on the June 7, 2022 ballot.
9. Provide direction to staff regarding the Argument in favor of the proposed Ordinance.

## **FISCAL & STRATEGIC PLAN IMPACT**

Is there a Fiscal Impact? No  
County Strategic Plan pillar addressed: Vibrant and Sustainable Environment

## **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: Pursuant to the State CEQA Guidelines section 15378(b)(4), adoption of the proposed transaction and use tax ordinance and expenditure plan is not a project, subject to the requirements of CEQA. Additionally, and in the alternative, it can be seen with certainty that there is no possibility the proposed Ordinance may have a significant adverse effect on the environment and therefore CEQA is not applicable. (See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3).) Prior to commencement of any project included in the expenditure plan, any necessary environmental review required CEQA shall be completed.

## **BACKGROUND AND DISCUSSION**

### The Proposed Ordinance

Recent catastrophic fires in Napa County have made it evident that there is a need for a coordinated effort throughout the communities of Napa County to address risks of wildfires. In 2020 alone, the LNU Complex and the Glass fire burned hundreds of thousands of acres, destroying hundreds of buildings, structures and facilities. There continues to be a growing wildfire risk in Napa County that does not respect jurisdictional boundaries. Intensifying climate change and extensive fuel build-up are contributing to the increasing threat of wildfire throughout the County. This risk needs immediate action and sustained commitment to better protect Napa County residents, homes and businesses. Local fire agencies, communities, emergency service providers, city and town governments and the County must coordinate wildfire prevention and disaster preparedness and mitigation, including maintaining defensible space, reducing combustible vegetation, and making homes fire resistant. The proposed ordinance (known as “Measure L”) would provide the funds to implement the ongoing efforts of the county-wide CWPP while enhancing local fire suppression and response capabilities.

The funds would come from a one-quarter percent transaction and use tax. The tax would become effective October 1, 2022 and would continue for 10 years, expiring on September 30, 2032. Ten to fifteen million dollars (\$10-15 Million) is estimated to be generated annually through the sales tax. Tax revenues would be distributed between Napa County and the cities and town in Napa County, to be used by their respective fire agencies for enhanced fire services and programs. The proposed ordinance requires independent citizen oversight, mandatory financial audits and reports to the public.

Under state law (Rev. & Tax Code section 7285.5), the Board of Supervisors may levy a transactions and use tax if both of the following occur: (1) the board adopts the ordinance by 2/3 vote, and (2) the voters approve the ordinance by 2/3 vote.

## Resolution Calling Election

If the Board adopts the ordinance today, then the Board must also place the ordinance on the ballot. The attached resolution places the proposed ordinance on the June 7, 2022 ballot as Measure L. Under state law, a matter must be placed on the ballot 88 days before the election. Today is the last board meeting before expiration of the 88th day.

## Measure Arguments

Elections Code Section 9162 provides that the Board of Supervisors, or any member or members of the board, or an individual voter who is eligible to vote on the measure, or bona fide association of citizens, or a combination of these voters and associations may file a written argument for or against any county measure., not exceeding 300 words in length. Only one argument in favor may be included in the official ballot materials and the Board has priority. Thus, the third item for discussion today is whether the Board wishes to direct staff to prepare an argument in favor of the measure to be approved by two members of the Board. The final date for submitting to the Registrar of Voters any arguments for or against the measure is March 18, 2022.