



# Napa County

1195 THIRD STREET  
SUITE 310  
NAPA, CA 94559  
www.countyofnapa.org

Main: (707) 253-4580

## Legislation Text

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**File #:** 22-870, **Version:** 1

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**TO:** Napa County Flood Control and Water Conservation District  
**FROM:** Richard Thomasser - District Manager  
**REPORT BY:** Richard Thomasser - District Manager  
**SUBJECT:** Protest Hearing - Fiscal Year 2022-2023 Watershed Assessment

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### **RECOMMENDATION**

#### **PUBLIC HEARING 1:30 PM**

District Engineer requests the following actions regarding Joint Zone Project 96-1 assessments:

1. Conduct a Protest Hearing on the proposed Fiscal Year 2022-2023 Assessments;
2. Tally any written protests filed and not withdrawn by the end of the protest hearing by registered voters residing in, and owners of assessable property located within the three zones of the Joint Zone Project;
3. If the tallied protests are:
  - a. Less than 25% in each Zone -- The Board may adopt the proposed resolution:
    - i. Finding that the submission of proposed assessment to a vote by qualified electors is not required;
    - ii. Approving and levying the annual assessments for Fiscal Year 2022-2023 and
    - iii. Authorizing and directing the filing of the Fiscal Year 2022-2023 assessment roll with the Napa County Auditor for posting to the Fiscal Year 2022-2023 Napa County Property Tax Roll (Maintenance and Watershed Management Program-Project No. 96-1).
  - b. 25% or greater in any of the Zones - The Board must either:
    - i. Abandon the assessment for that Zone; or
    - ii. Place the issue of the proposed assessments in that Zone before the voters in that Zone.

### **EXECUTIVE SUMMARY**

At its April 5, 2022 meeting, the Board approved the Engineer's Report for the Napa County Flood Control and Water Conservation District's (District) Maintenance and Watershed Programs for Fiscal Year 2022-2023, adopted a Resolution of Intent to Levy Assessments and set May 3, 2022 as the date for the required protest hearing. The Board will conduct the protest hearing and take action on the proposed assessments.

### **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 Tally any written protests filed and not withdrawn.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?	Watershed Management: Organization 8000500, NPDES: Organization 8000501
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The intention of the assessment process, which began in 1996, was to establish a mechanism to provide continued annual funding for certain categories of ongoing projects benefiting the residents and landowners within the District. This action renews the annual assessment needed to fund the Maintenance and Watershed Programs, Joint Zone Project 96-1, detailed in the Engineer's Report approved at your April 5, 2022 meeting.
Is the general fund affected?	No
Future fiscal impact:	The assessment revenue funds the District's Watershed Management Program for Fiscal Year 2022-2023.
Consequences if not approved:	This assessment is the main revenue source for Organization 8000500: Flood and Watershed Management. If not approved, no funding will be available for the various maintenance and watershed management programs for the Napa River watershed or District-wide programs included in the proposed Fiscal Year 2022-2023 budget.
Additional Information	Click or tap here to enter text.

### **ENVIRONMENTAL IMPACT**

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

### **BACKGROUND AND DISCUSSION**

On August 30, 1996, the Board adopted a Resolution which levied assessments for three zones previously created within the District (Joint Zone Project No. 96-1) to fund various aspects of the maintenance and watershed management program of the District. The Resolution also established an ongoing annual methodology for levying these assessments to reflect changes in the property characteristics of the assessed properties and adjustments for inflation. In accordance with this methodology, on April 5, 2022 the Board held

a public hearing at the conclusion of which the Board adopted the Engineer's Report for the program for the upcoming year and adopted a Resolution indicating its intention to levy assessments and directing notice to be given of a protest hearing to be held on May 3, 2022.

The protest hearing has been noticed in the manner provided by the District's governing statute. It is anticipated that the Board will open the hearing, hear the staff report, and receive any written protests filed prior to or at the hearing from registered voters residing in or the owners of assessable land located within the Joint Zone Project's three zones.

At the conclusion of the hearing, the Secretary of the District Board will tally any such protests which have been filed and not withdrawn. If the tally shows that signed protests were received 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 Joint Zone Project for the 2022-2023 Fiscal Year, based upon those acreages shown on the latest Napa County assessment records, it is recommended that the Board adopt a Resolution (proposed Resolution attached) to:

1. Find that submission of the assessments to the voters is not required;
2. Levy the assessments for Fiscal Year 2022-2023 for Joint Zone Project 96-1; and
3. Authorize the Napa County Auditor-Controller to post the assessment roll to the 2022-2023 Napa County Property Tax Roll.

If a greater percentage of protests (by either registered voters or owners of assessable land) is received in any of the three Zones, the Board is required by the District's Act to either abandon the proposed assessments of that Zone or submit those assessments to the voters of that Zone for approval.