

RESOLUTION NO. 2023-_____

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY,
STATE OF CALIFORNIA, APPROVING A SERVICE PLAN FOR
COUNTY SERVICE AREA NO. 3 FOR FISCAL YEAR 2023-2024,
ACCEPTING THE ENGINEER'S REPORT FOR COUNTY SERVICE
AREA NO. 3, INITIATING THE BALLOT PROCESS TO AUTHORIZE
ASSESSMENTS TO FUND THE SERVICES, AND SETTING A PUBLIC
HEARING ON THE PROPOSED ASSESSMENTS AND LEVY OF
ASSESSMENTS FOR FISCAL YEAR 2023-2024**

WHEREAS, in 1979, the Napa County Board of Supervisors (“Board”) formed County Service Area No. 3 (“CSA No. 3”) pursuant to Government Code section 25210.1 *et seq.* (“County Service Area law”), as a mechanism for providing certain extended governmental services, such as water and sewer service, to the unincorporated area surrounding the Napa County Airport; and

WHEREAS, in Resolution No. 94-27 adopted in 1994, the Board added the extended services of structural fire protection, streetside landscaping, street and highway lighting, and street sweeping to the governmental services that could be provided in CSA No. 3; and

WHEREAS, through Resolution Nos. 97-85 and 97-86 adopted on July 29, 1997, the Board funded such services through an assessment rate methodology and special benefit analysis approved by a vote of property owners within CSA No. 3 in the manner required by Article XIID, section 4 of the California Constitution (“Prop. 218”); and

WHEREAS, in Resolution No. 09-73 adopted in 2009, the Board approved enhanced fire services that increased staffing at the fire station from 8.5 to 11.5 engineer positions to comply with response times for new development within CSA No. 3; and

WHEREAS, the Board no longer wishes to provide enhanced structural fire protection services, but desires to continue providing median landscaping, street and highway lighting, and street sweeping in CSA No. 3 (collectively, the “Services”) with increased funding for appropriate upgrades and repairs if assessments are approved by the affected property owners; and

WHEREAS, Napa County Code section 3.10.050(A)(1) requires the Board to approve by resolution on or before June 30 of each fiscal year a services plan which indicates which services the Board proposes to provide within each zone of benefit of CSA No. 3 in the ensuing fiscal year; and

WHEREAS, the Board proposes to finance the Services through the imposition of assessments on the parcels of real property in CSA No. 3 that will receive special benefits from the Services (“Assessments”) until the Board determines that the Assessments are no longer necessary; and

WHEREAS, the Board has received for filing with the Clerk of the Board, a written Engineer's Report ("Report") with respect to the Assessments prepared by a professional engineer certified by the State of California and which Report is referred to and incorporated herein by reference; and

WHEREAS, pursuant to County Service Area law and Chapter 3.10 of the Napa County Code, the Report includes a description of each parcel of real property benefitting from any of the Services and the amount of assessment for such parcel computed in conformity with County Service Area law and Napa County Code section 3.10.040; and

WHEREAS, property owners who will be subject to the Assessments must be given notice of a public hearing where the Board will consider whether to authorize the Assessment, and must be provided with the opportunity to cast ballots in favor or against the proposed Assessment; and

WHEREAS, after considering the Report, the Board wishes to initiate the assessment ballot process pursuant to Prop. 218, and to set a public hearing where ballots will be tabulated and the results reported to the Board, and if there is not a majority protest, to consider imposing the proposed Assessments and levying the Assessments for Fiscal Year 2023-2024;

NOW, THEREFORE, BE IT RESOLVED by the Napa County Board of Supervisors as follows:

1. The service plan for Fiscal Year 2023-2024 for the various zones of benefit within CSA No. 3, which continues median landscaping, street and highway lighting, and street sweeping, but ceases enhanced structural fire protection service, all as set forth in Exhibit "A" attached hereto and incorporated by reference, is hereby approved.

2. The Engineer's Report prepared by DTA, a public finance consulting firm, dated April 25, 2023, entitled "Preliminary Engineer's Report, Napa County CSA No. 3, Fire Protection and Street Maintenance Assessment District" has been filed with the Clerk of the Board and is hereby accepted by the Board. A copy of this Report shall be maintained on file with the Clerk of the Board at 1195 Third Street, Suite 310, Napa, California, and shall be available for public inspection at that location during regular County business hours.

3. The Board hereby declares its intention, pursuant to the provisions of County Service Area law and Chapter 3.10 of the Napa County Code, to impose the Assessments upon real property in CSA No. 3 if approved by the affected property owners, and to levy the Assessments for Fiscal Year 2023-2024, as set forth in the Report, but without the assessment associated with enhanced structural fire protection services.

4. Pursuant to Article XIII D, Section 4, of the California Constitution, assessment ballots shall be mailed to the record owner of each parcel located within CSA No. 3 proposed to be subject to the Assessment. Any record owner may complete the assessment ballot to indicate support or opposition to the proposed Assessment. All assessment ballots must be received by the Clerk of the Board before the close of the public hearing. An assessment ballot received after

the close of the public hearing will not be tabulated even though the postmark on the envelope transmitting the ballot is dated on or before the date of the public hearing.

5. With respect to the Assessments proposed to be levied for Fiscal Year 2023-2024, the designated rates are based on the special benefit to be derived by each identified parcel from provision of the Services as further set forth in the Report, and no individual Assessment exceeds the reasonable cost of the proportional special benefit conferred on the parcel to which it relates.

6. On July 18, 2023 at 9:00 a.m., or as soon thereafter as circumstances allow, in the chambers of the Napa County Board of Supervisors, 1195 Third Street, Suite 305, Napa, California, the Board will hold a public hearing with respect to the proposed Assessments and regarding the question of whether a weighted majority of the property owners who are subject to the Assessments have cast ballots in favor of the proposed Assessment and, if so, regarding the levying of the approved Assessments for Fiscal Year 2023-2024. At the public hearing, any interested person shall be permitted to present written or oral testimony regarding the content and accuracy of the Report and of the proposed Assessments. The Board shall consider any protests with respect to the Report and the Assessments, and shall determine whether, and to what extent, to adopt the proposed Assessments.

7. The assessment ballots that are timely received shall be tabulated at the close of the public hearing. The Board designates the Clerk of the Board to act as the tabulation official to tabulate the assessment ballots. If the weighted ballots submitted in opposition to the Assessment exceed the weighted ballots submitted in favor of the Assessment, the Board may not impose the Assessment.

8. The Board designates Michael Karath of the Public Works Department, 1195 Third Street, Suite 101, Napa, California 94559, telephone number (707) 299-1477, as the person to answer questions from the public regarding the Assessments.

9. Pursuant to County Service Area law and Napa County Code section 3.10.050(A)(2)(b), the Clerk of the Board shall publish notice of the public hearing at least once per week for two successive weeks, as provided by Government Code section 6066, in a newspaper of general circulation published in Napa County, which noticing shall be completed prior to the date set for the public hearing.

[remainder of page intentionally blank]

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
 at a regular meeting of the Board of Supervisors of Napa County, State of California, held on the
 16th day of May, 2023, by the following vote:

AYES: SUPERVISORS _____

 NOES: SUPERVISORS _____

 ABSTAIN: SUPERVISORS _____

 ABSENT: SUPERVISORS _____

NAPA COUNTY, a political subdivision of
 the State of California

By: _____
 BELIA RAMOS, Chair
 Napa County Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>Date: <u>May 2, 2023</u> PL Doc. No. 90441</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
---	--	---

EXHIBIT “A”

SERVICE PLAN FOR CSA NO. 3 FOR THE 2023-2024 FISCAL YEAR

Structural Fire Protection

The enhanced structural fire protection services are to be discontinued. These services were previously provided in Zone 2 of CSA No. 3.

Median Landscaping

Median landscaping services to be provided within CSA No. 3 include the landscaping maintenance of the medians in Airport Boulevard, Devlin Road and Gateway Road West. The Napa County Director of Public Works is designated as the county officer responsible for overseeing the provision of median landscaping service in CSA No. 3, which services may be provided through a contract with an outside vendor. These services are to be provided in Zone 1 of CSA No. 3.

Street and Highway Lighting

The street and highway lighting services to be provided within CSA No. 3 shall be the installation and/or maintenance of mid-block streetlights on the following streets:

Airpark Road, Airport Boulevard, Alexis Court, Aviation Way, Case Court, Camino Dorado, Camino Oruga, Devlin Road, Executive Court, Executive Way, Gateway Drive, Gateway Road East, Gateway Road West, Greenwood Road, Harlow Court, Morris Court, North Kelly Road, Sheehy Court, Skyway Court, South Kelly Road, Technology Court, Technology Way, and Tower Road.

CSA No. 3 does not maintain the street lights or traffic signals on Highway 29; this work is funded and performed by Caltrans. The Napa County Director of Public Works is designated as the county officer responsible for overseeing the provision of street and highway lighting services in CSA No. 3, which service may be provided through a contract with an outside vendor. These services are to be provided in Zone 3 of CSA No. 3.

Street Sweeping

The street sweeping services to be provided shall consist of monthly street sweeping of the following streets plus occasional special sweeping projects as determined by the Napa County Director of Public Works:

Airpark Road, Airport Boulevard, Alexis Court, Aviation Way, Case Court, Camino Dorado, Camino Oruga, Devlin Road, Executive Court, Executive Way, Gateway Drive, Gateway Road East, Gateway Road West, Greenwood Road, Harlow Court, Morris Court, North Kelly Road, Sheehy Court, Skyway Court, South Kelly Road, Technology Court, Technology Way, and Tower Road.

The Napa County Director of Public Works is designated as the county officer responsible for overseeing the provision of street sweeping services in CSA No. 3, which services may be provided through a contract with an outside vendor. These services are to be provided in Zone 3 of CSA No. 3.