

**NAPA COUNTY FLOOD CONTROL AND
WATER CONSERVATION DISTRICT
RESOLUTION NO. 2023-04 (FC)**

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA COUNTY FLOOD
CONTROL AND WATER CONSERVATION DISTRICT AUTHORIZING AND
LEVYING ASSESSMENTS FOR THE RUTHERFORD REACH BENEFIT ZONE
ASSESSMENT DISTRICT FOR FISCAL YEAR 2023-2024**

(RUTHERFORD REACH BENEFIT ZONE ASSESSMENT DISTRICT 2008-1)

WHEREAS, in 2008, the District Board of the Napa County Flood Control and Water Conservation District (“Board”), by Board Resolution No. 08-09 (FC) formed the Rutherford Reach Benefit Zone Assessment District (“Assessment District”) pursuant to Chapter 61 of the Appendix of the California Water Code, as a mechanism for providing funding for the maintenance benefiting the residents and landowners within the Assessment District; and

WHEREAS, the Board desires to continue to provide for the activities of the Assessment District during Fiscal Year 2023-2024 and to continue to fund such services through the assessment rate methodology and special benefit analysis approved in 2008 by the Board following compliance with the public notice and hearing requirements of Government Code sections 53753 and 54954.6 and approved by the owners of the parcels of real property within the Assessment District pursuant to the requirements of Article XIII D of the California Constitution; and

WHEREAS, pursuant to Article XIII D of the California Constitution and Government Code section 53753, a written Engineer’s Report (“Report”) was prepared at the request of the Board, by a registered professional engineer certified by the State of California, which sets forth the individual assessments for the affected properties necessary to fund the activities of the Assessment District for Fiscal Year 2023-2024; and

WHEREAS, upon filing the Report with the Board on April 4, 2023, the Board fixed May 2, 2023, at 1:30 p.m. in the Board of Supervisors’ Meeting Room, Suite 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California, as the time, date, and place for public hearing on the Report and for the filing of any objections or protests thereto; and

WHEREAS, the Secretary of the District Board published notice of the public hearing in a newspaper of general circulation in the County of Napa, as provided in Government Code section 6061; and

WHEREAS, further notice is not required by Proposition 218 because the proposed assessments are calculated using the same rate and benefit methodology as that approved by property owners in 2008 and are, therefore, not considered under Government Code section 53750 to be “increased” or “new” assessments as that term is used in Proposition 218; and

WHEREAS, on May 2, 2023, at the time and place noted above, the Board held a public hearing at which the Board heard and considered all objections and protests filed with respect to imposition of the assessments proposed in the Report; and

WHEREAS, the Board, having considered the Report and all of the information submitted by the public, believes it is in the best interests of the Assessment District and the affected property owners to levy for Fiscal Year 2023-2024 the assessments as calculated in the Report; and

NOW, THEREFORE, BE IT RESOLVED by the Board of the Napa County Flood Control and Water Conservation District as follows:

1. The Board hereby finds and determines that the above recitals are true and correct.
2. The Board hereby confirms the contents and recommendations of the Report and levies an assessment, for up to a maximum amount, depending on land use characteristics, of \$2.08 per lineal foot of streambank frontage of the Rutherford Reach of the Napa River for those qualifying properties within the Assessment District for Fiscal Year 2023-2024 as more particularly set forth in the Engineer's Report dated March 2023 and orders collection of the assessments.
3. For each assessment levied for Fiscal Year 2023-2024, the assessments shall be collected at the same time and in the same manner as ordinary County ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure and sale in the case of delinquency as provided for such taxes.

[REMAINDER OF THIS PAGE LEFT BLANK INTENTIONALLY]

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 2, 2023, 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: _____
 RYAN GREGORY, Chairperson of the Board of Directors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy County Counsel</p> <p>Date: March 9, 2023</p>	<p>APPROVED BY THE BOARD OF DIRECTORS OF THE NAPA COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT</p> <p>Date: _____</p> <p>Processed By: _____</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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