

**NAPA COUNTY FLOOD CONTROL AND WATER
CONSERVATION DISTRICT RESOLUTION NO. 2024- (FC)**

**RESOLUTION OF INTENTION TO LEVY ASSESSMENTS FOR
FISCAL YEAR 2024-2025 FOR RUTHERFORD REACH
BENEFIT ZONE ASSESSMENT DISTRICT 2008-1 AND
AUTHORIZING NOTICE OF PROTEST HEARING**

The Board of Directors (“Board”) of the Napa County Flood Control and Water Conservation District (“District”), pursuant to the Napa County Flood Control and Water Conservation District Act (“District Act”), as stated in Appendix to the Water Code, chapter 61, hereby **FINDS, DETERMINES, AND RESOLVES** as follows:

Section 1. Recitals. The Board finds the following recitals to be true and correct:

a. By Board Resolution Nos. 08-09 (FC) and 08-13 (FC), and in accordance with the procedures provided by the District Act and the Brown Act (Government Code sections 54950 et seq.), the Board created the zone for and approved the Rutherford Reach Benefit Zone Assessment District 2008-1 (hereinafter referred to as “the Project”); conducted a mail-in ballot vote of property owners and gave notice of and held a public hearing; and at the conclusion of the public hearing, levied assessments to fund the Project for the 2008-2009 Fiscal Year because the total votes in favor of the assessment by the owners of property within the assessment district exceeded the total number in opposition to the assessment and approved an assessment methodology under which future assessments for the Project could be adjusted for inflation or deflation as well as for changes in use of individual assessed properties without such adjustments being considered an assessment increase.

b. On or before March 15, 2024, the District Engineer filed with the District Secretary (“Clerk”) an updated Project Report (“Project Report for 2024-2025”) analyzing the status of the Project, applying the previously-approved assessment levy and adjustment methodology to each non-exempt assessable property within the Project zone, and recommending that the Project can be adequately funded for the 2024-2025 Fiscal Year without a change in assessment methodology or an increase in individual assessments beyond those adjustments permitted under the previously-approved assessment methodology.

c. Following notification by the Board in the manner required by the District Act, including publication two times over a ten-day period and posting in one public place, the Board held a public hearing on April 16, 2024, to consider approval of the Project Report for Fiscal Year 2024-2025 and adoption of a Resolution of Intention to levy assessments for Fiscal Year 2024-2025 in accordance with said Report.

Section 2. Acceptance of Report. Having reviewed and considered the Project Report for Fiscal Year 2024-2025 and all evidence submitted in relation thereto at the public hearing thereon held on April 16, 2024, this Board hereby accepts the Project Report for Fiscal Year 2024-2025 without modification.

Section 3. Declaration of Intention to Levy Assessments for Fiscal Year 2024-2025.

Based upon the original Project Report on file with this Board, the Project Report for Fiscal Year 2024-2025, and evidence submitted in relation thereto at the public hearing held on April 16, 2024, this Board hereby declares its intention to levy assessments for the Rutherford Reach Benefit Zone Assessment District 2008-1 for the 2024-2025 Fiscal Year in the manner and amounts recommended by the Project Report for 2024-2025. In adopting this Resolution of Intention, the Board further determines as follows:

a. The description of the Rutherford Reach Benefit Zone Assessment District 2008-1, the participating properties, and the assessment methodology shall continue to be as described in the original Project Report as modified by the Board when approving the Project in 2008 and levying the Project assessments for the 2008-2009 Fiscal Year.

b. Because the proposed assessments will be the same as approved for the 2008-2009 Fiscal Year, subject only to adjustments for inflation or change in use as provided by the methodology previously approved by the Board, the Board determines that the Brown Act does not require the Board to hold a separate public meeting on the assessments for the 2024-2025 Fiscal Year for the Rutherford Reach Benefit Zone Assessment District 2008-1 or to give individualized mailed notice of such proposed assessments and separate public meeting to all potential assessees, but only to give notice of and hold a public protest hearing in the manner prescribed by the District Act for annual assessments proposed to be the same or less than in the previous Fiscal Year.

Section 4. Setting Date, Time, and Place of Public Hearing. The Board hereby fixes Tuesday, May 14, 2024, at the hour of 9:00 a.m. or as soon thereafter as the matter may be heard, in Room 305 of the Napa County Administration Building, 1195 Third Street, Napa, California as the time and place for conducting a public protest hearing on the proposed levy of assessments for the Rutherford Reach Benefit Zone Assessment District 2008-1 for the 2024-2025 Fiscal Year.

Section 5. Manner of Notification of Public Protest Hearing. The Clerk is hereby authorized and directed to give notice of the public protest hearing set by this Resolution of Intention for May 14, 2024, in the manner required by the District Act and the Government Code, including publication of the notice at least once seven days prior to the hearing in a newspaper of general circulation published in the District and mailing or personal delivery of the notice to the chief administrative officer of Napa County by April 22, 2024. The notice shall include a copy of this Resolution of Intention and a description of protest rights.

Section 6. Resolution Effective Immediately. This Resolution shall take effect immediately upon its adoption.

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THE FOREGOING RESOLUTION OF INTENTION 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 April 16, 2024, by the following vote, with the number following each voting Director indicating the number of votes cast by the 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: _____
SCOTT SEDGLEY, Chairperson of the Board of
Directors

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| <p>APPROVED AS TO FORM Office of District Counsel</p> <p>By: <u>Shana A. Bagley</u> Deputy District Counsel</p> <p>Date: March 13, 2024</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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