# RESOLUTION NO. 2015-78

**RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA, AUTHORIZING AND LEVYING ASSESSMENTS FOR STREETSIDE LANDSCAPING, STREET AND HIGHWAY LIGHTING AND STREET SWEEPING, AND STRUCTURAL FIRE PROTECTION SERVICES WITHIN COUNTY SERVICE AREA NO. 3 FOR THE 2015-2016 FISCAL YEAR**

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

**WHEREAS**, in 1994, the Board added the extended services of streetside landscaping, street and highway lighting and street sweeping, and structural fire protection services to the extended services that could be provided in CSA#3; and

**WHEREAS**, the Board desires to continue to provide streetside landscaping, street and highway lighting and street sweeping and structural fire protection services in CSA#3 during the 2015-2016 fiscal year, in accordance with the service plan adopted for said fiscal year by the Board prior to June 30, 2015, and in accordance with Napa County Code section 3.10.050(B)(1), and to continue to fund such services through the assessment rate methodology and special benefit analysis approved in 1997 by the voters within CSA#3 in the manner required by Section 4 of Article XIIID of the California Constitution ("Prop. 218"); and

**WHEREAS**, pursuant to the County Service Area Law and Napa County Code section 3.10.050(B)(2)(a), 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 contains all of the information required for such Report by the County Service Area Law and Chapter 3.10 of the Napa County Code and which, applying the above-referenced voter-approved assessment benefit and rate methodology to the properties in the various existing zones of CSA#3, sets forth the individual assessments for the affected properties necessary to fund the extended services to be provided in fiscal year 2015-2016; and

**WHEREAS**, in accordance with Napa County Code section 3.10.050(B)(2)(b), upon the filing of the Report with the Clerk of the Board on or before May 13, 2014, the Clerk of the Board fixed June 16, 2015 at 9:00 a.m. in the Board of Supervisors’ Meeting Room, Room 305, Third Floor, County Administration Building, 1195 Third Street, Napa, California 94559 as the time, date and place for the public hearing on the Report and for the filing of any objections or protests thereto and published notice of the public hearing at least once a week for two successive weeks in a newspaper of general circulation published in Napa County, as provided in Government Code section 6066; and

**WHEREAS,** further notice for the proposed Assessments is not required because the proposed Assessments, having been calculated using the same rate and benefit methodology as that approved by the voters in 1997, are not considered under Government Code section 53750 and Napa

County Code section 3.10.120 to be “increased” or “new” assessments as that term is used in Prop. 218; and

**WHEREAS**, on June 16, 2015, 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

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

1. The Board hereby finds and determines that the foregoing Recitals are true and correct.
2. Pursuant to Napa County Code section 3.10.050(C), the Board hereby confirms the contents and recommendations of the Report, levies the Assessments on the real property in CSA#3 and the zones thereof for the 2015-2016 fiscal year as set forth in the Report, and orders collection of such Assessments in conformance with Chapter 3.10 of the Napa County Code.
3. In accordance with Napa County Code section 3.10.110, each Assessment levied under (2), above, shall appear as a separate non-tax item on the property tax bill for the affected parcel of real property, 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.

# THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED

# by the Napa County Board of Supervisors, State of California, at a regular meeting of said Board held on the 16th day of June, 2015, by the following vote:

AYES: SUPERVISORS CALDWELL, PEDROZA, WAGENKNECHT,

LUCE and DILLON

NOES: SUPERVISORS NONE

ABSTAIN: SUPERVISORS NONE

ABSENT: SUPERVISORS NONE

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| APPROVED AS TO FORM  Office of County Counsel  By: *Chris R.Y. Apallas*  Deputy County Counsel  Date: May 19, 2015 | ATTEST: GLADYS I. COIL  Clerk of the Board  By: \_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_\_ | APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS  Date: June 16, 2015  Processed by:    Deputy Clerk of the Board |

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DIANE DILLON, Chair of the Board of Supervisors