



A Tradition of Stewardship  
A Commitment to Service

Agenda Date: 11/25/2014

Agenda Placement: 10B

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors

**FROM:** Phillip Miller for Steven Lederer - Director of Public Works  
Public Works

**REPORT BY:** Phillip Miller, DEP DIR PW-FLOOD CTRL & WATER - 707-259-8620

**SUBJECT:** Consider Appeal of Community Facilities District 2012-1 (MST Recycled Water Line Project)  
Special Tax

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### **RECOMMENDATION**

Community Facilities District 2012-1 (MST Recycled Water Line Project) Administrator requests adoption of a resolution reducing the Special Tax on Parcel 052-290-012-000 from \$2,000/year to \$0.00.

### **EXECUTIVE SUMMARY**

On December 4, 2012 the Board approved formation of Community Facilities District (CFD) 2012-1 to finance the MST Recycled Water Line Project. On May 30, 2013, Matthew Gennet and Natasha Searfoss requested that Parcel 052-209-012-000 be annexed into the CFD. On August 29, 2013 the annexation was recorded by the Napa County Records office. On October 17, 2014 Matthew Gennet filed an appeal with the CFD Administrator requesting that his Special Tax be reduced to \$0.00 because he will not have direct access to the pipeline and will not be able to obtain recycled water. The CFD Administrator agrees with the appeal and recommends the Board approve the attached resolution.

### **PROCEDURAL REQUIREMENTS**

1. Staff reports.
2. Public comments.
3. Motion, second, discussion and vote on the item.

### **FISCAL IMPACT**

Is there a Fiscal Impact?            No

### **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. In addition, the MST Recycled Water Line Project has been certified under both the California Environmental Quality Act (CEQA) (December 2009, by the Board of Supervisors) and the National Environmental Policy Act (NEPA) (March 2011) through the adoption and certification of an Environmental Impact Report/Statement (EIR/EIS) prepared under the auspices of the North Bay Water Reuse Authority (NBWRA).

### **BACKGROUND AND DISCUSSION**

On December 4, 2012, the Board approved formation of Community Facilities District (CFD) 2012-1 to finance the MST Recycled Water Line Project. Among the formation actions taken, the Board approved the Rate and Method of Apportionment (RMA) of the Special Taxes. The RMA includes a Review and Appeal Process should an error occur in determining the Special Tax.

On May 30, 2013, Matthew Gennet and Natasha Searfoss requested that Parcel 052-209-012-000 be annexed into the CFD. On August 29, 2013, the annexation was recorded by the Napa County Recorders office. In accordance with the review and appeal process, on October 17, 2014 Matthew Gennet filed an appeal with the CFD Administrator requesting that his annual Special Tax of \$2,000 be reduced to \$0.00 because he will not have direct access to the pipeline and will not be able to obtain recycled water. Their parcel is on First Avenue, the pipeline is in Second Avenue. During CFD formation discussions, their neighbors fronting Second Avenue indicated a willingness to participate and grant an easement for a joint recycled water service to serve the property. Ultimately the neighbors did not join the CFD and access to the pipeline and recycled water is not available to the subject parcel..

The CFD Administrator agrees with the appeal and recommends the Board adopt the attached resolution.

### **SUPPORTING DOCUMENTS**

A . Resolution

CEO Recommendation: Approve

Reviewed By: Molly Rattigan