



Agenda Date: 4/18/2006
Agenda Placement: 6M

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Margaret Woodbury for Robert Westmeyer - County Counsel
County Counsel
REPORT BY: Brandi Periera, Paralegal, 251-1090
SUBJECT: Approval of Professional Services Agreement with Kristin Lowell, Inc. to prepare Engineer's Report for County Services Area No. 4

RECOMMENDATION

County Counsel and the Napa Valley Housing Authority request approval of and authorization for the Chair to sign an agreement with Kristin Lowell, Inc. for the following:

1. A maximum of \$5,800 for the term April 18, 2006 through August 31, 2006 to prepare the Engineer's Report required for the levy of farmworker housing assessments within Napa County Service Area No. 4 for Fiscal Year 2006-2007; and
2. A maximum of \$10,200 for the term April 18, 2006 through August 31, 2008 to prepare the documents and services necessary for voter reapproval of the assessment program and, if the program is approved, to prepare the Engineer's Report required for the levy of the farmworker housing assessments within Napa County Service Area No. 4 for Fiscal Year 2007-2008.

EXECUTIVE SUMMARY

The proposed action will obtain the services of an assessment engineer required by law for the preparation of the Engineer's Report for Fiscal Year 2006-2007 so that the Board may later take the necessary actions to determine and levy the amount of the annual assessment on owners of planted vineyard acreage within Napa County Service Area No. 4 (CSA No. 4) to provide funding for farmworker housing.

This action will also obtain the services of an assessment engineer to assist with the reauthorization process (e.g. ballot circulation and tabulation) that is required to renew the farmworker housing assessment program beginning with Fiscal Year 2007-2008. Further, if the voters approve another five-year period of the assessment program, this professional services agreement will obtain the services of the assessment engineer required by law for the preparation of the Engineer's Report for Fiscal Year 2007-2008 so that the Board may later take the necessary actions to determine and levy the annual assessment.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	This expense will be budgeted in both CSA No. 4 Fiscal Year 2006 -2007 and Fiscal Year 2007-2008 budgets.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	Expense for the Engineer's Report for CSA No. 4 will be budgeted accordingly in future fiscal years.
Consequences if not approved:	An Engineer's Report is required by Proposition 218.
Additional Information:	

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.

BACKGROUND AND DISCUSSION

Pursuant to Government Code section 25210.74, the Napa County Board of Supervisors each year "shall either adopt or revise the estimate" of money required for the purpose of providing the extended service of farmworker housing within CSA No. 4 for the succeeding fiscal year. In August, 2002, the Board of Supervisors approved a methodology and levied assessments in the manner required by Proposition 218 to fund the extended service of farmworker housing provided by CSA No. 4. The CSA No. 4 assessments for Fiscal Year 2006-2007 need to be updated in accordance with this previously approved methodology.

The professional services agreement with Kristin Lowell, Inc. specifies that she will prepare the Engineer's Report describing each parcel of property subject to the assessment and the amount of the assessment pertaining to each parcel for Fiscal Year 2006-2007. She will also assist the County in updating its database of existing planted vineyard acreage within CSA No. 4. Based upon the filed Engineer's Report, the Board will hold the required public hearings and determine the actual assessments for each parcel for Fiscal Year 2006-2007. The levied assessments will then be submitted to the County Auditor's office in a timely manner to be included as assessments on the property tax bills for the affected parcels.

Under Section 25210.4h, the annual assessment program for farmworker housing may remain in effect for a period not exceeding five years, but the program may be reauthorized by vote of the affected landowners for additional five-year periods. The Board of Supervisors shall not impose a new assessment or an extension of the amount of an existing assessment if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed one-third of all assessment ballots submitted, and not withdrawn, weighting those assessment ballots by the amount of the proposed assessment to be imposed upon the identified parcel for which each assessment ballot was submitted.

The professional services agreement with Kristin Lowell, Inc. further specifies that for Fiscal Year 2007-2008 she

will prepare assessment ballots to be mailed to every property owner who owns more than one acre of planted vineyard for voter reapproval of the assessment. She will tabulate all the returned assessment ballots to determine if the District may proceed with the assessment. Provided that the proposed extension receives the required votes to authorize another five-year term for the assessment program, Kristin Lowell, Inc. will then prepare the Engineer's Report describing each parcel for Fiscal Year 2007-2008 and will assist the County to update its database of existing planted vineyard acreage within CSA No. 4 for purposes of levying the assessment for Fiscal Year 2007-2008.

The CSA No. 4 Advisory Committee has recommended that the Board of Supervisors approve and execute the professional services agreement, with the cost to be paid by CSA No. 4.

SUPPORTING DOCUMENTS

None

CEO Recommendation: Approve

Reviewed By: Maiko Klieman