



A Tradition of Stewardship
A Commitment to Service

Agenda Date: 5/23/2017

Agenda Placement: 6M

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors

FROM: Minh Tran - County Counsel
County Counsel

REPORT BY: Jeffrey Richard, Chief Deputy County Counsel - 253-4234

SUBJECT: Adoption of a resolution implementing actions necessary for the imposition of assessments for County Service Area No. 4

RECOMMENDATION

County Counsel requests adoption of a resolution providing for the following:

1. Acceptance of the Engineer's Report relating to the assessments for County Service Area No. 4 to provide funding for the farmworker housing centers;
2. Setting a public hearing for July 11, 2017 at 9:30 a.m. to hear protests to the proposed assessment, including tabulation of ballots from qualifying property owners;
3. Directing the Clerk of the Board to comply with applicable notice requirements with respect to the proposed assessment and the mailed notice and ballot requirements for imposition of the proposed assessment; and
4. Designating Cathy Kisler-Caravantes of the County Counsel's office as the person to answer questions regarding the assessments and protest proceedings.

EXECUTIVE SUMMARY

The recommended action commences the process necessary for County Service Area No. 4 to impose assessments on qualifying property owners for an additional five-year period. The assessments are imposed to provide funding for the three farmworker housing centers (Calistoga, Mondavi and River Ranch). Adoption of the resolution accepts the required Engineer's Report and starts the balloting process necessary under the requirements of Proposition 218, which will culminate in the imposition of assessments if a majority protest does not occur upon tabulation of the ballots.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	Assessments are levied on qualifying property owners who have one acre or more of planted vineyards. The proposed assessments fund the farmworker housing activities and are budgeted in County Service Area No. 4. Currently, State legislation expressly defines that no assessment shall be greater than \$10.00 per planted vineyard acre per year. Per the Engineer's Report, for Fiscal Year 2017-18 there are 45,733 assessable planted vineyard acres. Assessing the 45,733 acres at the maximum allowed rate of \$10.00 per acre equals \$457,330, which is approximately 34% of the full cost to operate the 3 housing centers, \$1,360,700. The difference in cost is covered through farmworker rents and other contributions.
Is it Mandatory or Discretionary?	Mandatory
Is the general fund affected?	No
Future fiscal impact:	The proposed assessments fund the farmworker housing activities of County Service Area No. 4. If assessments are not imposed, or there is a successful Proposition 218 protest to the imposition of the assessments, County Service Area No. 4 would not have sufficient funding for the next five years.
Consequences if not approved:	The proposed assessments fund the farmworker housing activities of County Service Area No. 4. If assessments are not imposed, County Service Area No. 4 would not have sufficient funding for the next five years.
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

In 2002, the Board of Supervisors established County Service Area No. 4 (CSA4) to provide funding for farmworker housing programs. Subsequently, owners of parcels of real property containing one or more acres of planted vineyards approved an annual assessment not to exceed ten dollars (\$10.00) per year to provide such funding. The duration of the approval of the assessments is for five years as provided in Government Code section 25213.2, with the present five-year period expiring June 30, 2017. In order to levy the assessment for an additional five-year term, it is necessary to conduct another assessment balloting procedure in compliance with the requirements of Proposition 218.

Adoption of the resolution will implement the actions necessary to obtain qualifying property owners' approval to impose the assessment for another five-year period. As required, an Engineer's Report is submitted for acceptance. The report calls for a per acre levy of \$10.00 for Fiscal Year 2017-2018. As discussed in the report and in the proposed Notice to Assess that will accompany the ballots, a proposed legislative amendment is pending

and, if enacted, would allow the Board to increase the assessment to a maximum level of \$15 per planted acre per year. However, even if enacted, that legislative change will not be effective and available for implementation by the Board until Fiscal Year 2018-2019. Nevertheless, the property owners to whom the assessments would apply will be asked to consider the five-year extension of the CSA4 assessments, which may range up to a maximum of \$15 per planted acre per year in the four fiscal years from 2018-2019 through 2021-2022.

The Napa County Housing Commission, in its role as the CSA4 Advisory Committee, has concurred with the Report's recommendation. The funds collected under the CSA4 assessment program will be utilized to provide funding to assist the Napa County Housing Authority in its operation of the three farmworker housing centers known as River Ranch, Calistoga and Mondavi.

The proposed resolution calls for balloting procedures to commence, culminating with a public hearing on July 11, 2017 at 9:30 a.m., at which time the ballots will be tabulated and the assessment imposed unless a protest exists. A protest exists if the assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment exceed one-half of all assessment ballots submitted, weighing the ballots by the amount of the proposed assessment attributable to each parcel.

This item is specifically exempt from the voting requirements of Article XIIC of the California Constitution because it is an assessment or property related fee imposed in accordance with the provisions of Article XIID.

SUPPORTING DOCUMENTS

A . Resolution

CEO Recommendation: Approve

Reviewed By: Helene Franchi