



Agenda Date: 6/14/2005
Agenda Placement: 6G

NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

TO: Board of Supervisors
FROM: Robert Peterson - Director
Airport
REPORT BY: Kathleen Dubrin, Staff Services Analyst II , 259-8683
SUBJECT: Acceptance of Fiscal Year 2005-2006 proposed budget, adoption of a Resolution approving a service plan, and adoption of a Resolution declaring intent to levy assessments and to hold a ballot election within County Service Area No. 3

RECOMMENDATION

Director of Public Works/Aviation requests the following actions concerning County Service Area No. 3:

1. Acceptance of the Fiscal Year 2005-2006 proposed budget for County Service Area No. 3 with a total appropriation of \$263,316;
2. Adoption of a resolution approving a service plan for County Service Area No. 3 in accordance with Chapter 3.10 of the Napa County Code;
3. Adoption of a resolution accepting the Engineer's Report for County Service Area No. 3 for streetside landscaping, street and highway lighting, street sweeping, and structural fire protection services, setting a public hearing on the proposed levy of assessments generally, and the conduct of a mailed ballot election regarding imposition of the assessments within the newly annexed North Area Annexation portion of County Service Area No. 3;
4. Set Public Hearing for August 2, 2005 at 9:00 A.M. to hear protests to the proposed assessment, including tabulation of ballots from the landowners within the North Area Annexation;
5. Direct the Clerk of the Board to comply with the requirements of Article XIII D of the California Constitution with respect to the public notice requirements for the proposed assessments within County Service Area No. 3 and the mailed notice and ballots requirements for imposition of the proposed assessments within the newly annexed North Area Annexation portion of County Service Area No. 3; and
6. Designate Wanda Kennedy, Airport Manager, as the person to answer questions regarding the assessments and protest proceedings.

EXECUTIVE SUMMARY

The Board of supervisors has historically accepted the proposed budgets for special districts in June, and subsequently held budget hearings and adopted final budgets in August. Acceptance of the Fiscal Year 2005-2006 proposed budget for County Service Area No. 3 will enable this special district to continue operations until

adoption of its final budget in August 2005.

Pursuant to Proposition 218 an Engineer's Report is being submitted which includes the methodology for determining the assessments and an estimated budget for the extended services which provide fire protection services, street lighting, street sweeping, and median landscaping.

Other actions related to the CSA No. 3 budget and assessments for Fiscal year 2005-2006, requiring Board approval are noted below:

- | Adoption of a Resolution identifying the extended services provided in the service plan within each zone of benefit for Fiscal Year 2005-2006: structural fire protection, streetside landscaping, street and highway lighting and street sweeping;
- | Adoption of a resolution declaring the County's intent to levy benefit the assessments for Fiscal Year 2005-2006, setting a time to hold a public hearing to consider any protests, authorizing the notice and ballot procedures required under Proposition 218 for imposition of the assessments within the newly annexed North Area Annexation portion of County Service Area No. 3; and designating the Napa County Airport Manager as the person to answer questions regarding the assessments.

FISCAL IMPACT

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	No
What is the revenue source?	Annual assessments.
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	The proposed actions are necessary in order to maintain spending authority pending adoption of the final 2005-6 budget in August and in order to commence the procedures required under the County Code, County Service Area Law, and Proposition 218 to levy assessments within the existing and newly annexed portions of County Service Area No. 3
Is the general fund affected?	Yes
Future fiscal impact:	These actions are necessary in order to raise from the benefited properties the funds needed to provide these extended services within County Service Area No. 3 without having to either discontinue these services or use general fund revenues to pay the cost.
Consequences if not approved:	County Service Area No. 3 will have neither spending authority nor assessment revenue-raising authority to provide the specified miscellaneous extended services during Fiscal Year 2005-2006.
Additional Information:	None

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 March 1979, the Napa County Board of Supervisors adopted Resolution of Formation No. 79-28, by which County Service Area No. 3 (CSA No. 3) was formed. CSA No. 3, which is located within the Napa County Airport Industrial Area, was formed in response to a property owners' petition seeking the delivery of County services not otherwise provided to residents in the unincorporated areas of the County. Currently, CSA No. 3 provides structural fire protection, streetside landscaping, street and highway lighting and street sweeping within the district.

Funding for the delivery of services to CSA No. 3 derives from assessments levied upon property within the district in proportion to the level of benefits provided for each property. In 1997 voting was conducted pursuant to the requirements of Proposition 218, wherein property owners within the service area were asked to vote on the methodology used to determine assessments. The property owners approved the assessment methodology, set assessments for Fiscal Year 1997-1998, and approved the concept of cost of living increases for future years. Thereafter, the budget and assessments for CSA No. 3 have been approved by the Board of Supervisors each fiscal year in conformance with the requirements of Proposition 218, County Service Area Law, and the methodology approved by the voters of CSA No. 3 in 1997.

On November 20, 1985, the Local Agency Formation Commission (LAFCO) approved a Sphere of Influence (SOI) for CSA 3. On July 25, 2002, LAFCO adopted a resolution approving an amendment to the County Service Area No. 3 SOI, and thereby adding approximately 290 acres of generally undeveloped land north of the previously existing Sphere of Influence (SOI).

On December 14, 2004, the Board of Supervisors adopted a Resolution of Application requesting LAFCO to undertake proceedings for annexing the properties in the North Area SOI into County Service Area 3. On February 7, 2005, LAFCO approved the annexation of the North Area SOI properties into CSA No. 3. In order for these recently annexed properties to receive the same services as all other parcels within CSA No. 3 and to fund such services through payment of assessments, it is necessary to conduct a mail ballot election for the approval of such assessments as required by Section 4 of Article XIID of the California Constitution.

The following actions, which are related to the CSA No. 3 budget and assessments for Fiscal year 2005-2006, require Board approval:

1. **Acceptance of the Fiscal Year 2005-2006 proposed budget for County Service Area No. 3 with a total appropriation of \$263,316.** The proposed budget for Fiscal Year 2005-2006 includes appropriations for street sweeping, utilities, street side landscaping, and fire protection services, and funding for a consultant to prepare the annual Engineer's Report for CSA No. 3. Acceptance of the Fiscal Year 2005-2006 proposed budget for County Service Area No. 3 will enable this special district to continue operations until adoption of the final budget on August 9, 2005.
2. **Adoption of a resolution approving a service plan for County Service Area No. 3 in accordance with Chapter 3.10 of the Napa County Code.** Napa County Code requires the Board to approve by resolution on or before June 30 of each fiscal year a service plan that indicates all of the authorized services that the Board proposes to provide within each zone of benefit of CSA No. 3 in the succeeding year. CSA No. 3 plans to continue to provide (a) structural fire protection, (b) streetside landscaping, (c) street and highway lighting, and (d) street sweeping services in Fiscal Year 2005-2006 as outlined in Exhibit "A" of the Resolution. These services are the same services as provided in Fiscal Year 2004-2005.
3. **Adoption of a resolution accepting the Engineer's Report for County Service Area No. 3 for streetside landscaping, street and highway lighting, street sweeping, and structural fire protection**

services, setting a public hearing on the proposed levy of assessments generally, and the conduct of a mailed ballot election regarding imposition of the assessments within the newly annexed North Area Annexation portion of County Service Area No. 3.

4. **Set Public Hearing for August 2, 2005 at 9:00 A.M. to hear protests to the proposed assessment, including tabulation of ballots from the landowners within the North Area Annexation.**
5. **Direct the Clerk of the Board to comply with the requirements of Article XIII D of the California Constitution with respect to the public notice requirements for the proposed assessments within County Service Area No. 3 and the mailed notice and ballots requirements for imposition of the proposed assessments within the newly annexed North Area Annexation portion of County Service Area No. 3.**
6. **Designate Wanda Kennedy, Airport Manager, as the person to answer questions regarding the assessments and protest proceedings.**

Items 3-6 above (see attached Resolution declaring intent to levy assessments and to hold ballot election) express the intent of the Board to consider adopting structural fire protection, streetside landscaping, street and highway lighting and street sweeping assessments in CSA No. 3 for Fiscal Year 2005-6, set a public hearing on those assessments, authorize public notice of the hearing to be given, and authorize the conduct of a mail ballot election to be held as part of the public hearing so that the landowners within the newly annexed North Area Annexation will have the same opportunity, as required by Proposition 218, to vote on the assessments and assessment methodology, which was given in 1997 to the landowners within the remaining portions of County Service Area No. 3. The public protest hearing and the tabulation of ballots for the North Area Annexation landowners will be held on August 2, 2005, at 9:00 a.m., and the resolution approving and imposing the assessments will be considered for action by the Board at the conclusion of the protest hearing.

SUPPORTING DOCUMENTS

- A . Resolution approving service plan
- B . Resolution declaring intent to levy assessments and to hold ballot election

CEO Recommendation: Approve

Reviewed By: Andrew Carey