



Agenda Date: 8/2/2005  
Agenda Placement: 8A  
Set Time: 9:00 AM PUBLIC HEARING  
Estimated Report Time: 10 Minutes

## NAPA COUNTY BOARD OF SUPERVISORS Board Agenda Letter

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**TO:** Board of Supervisors  
**FROM:** Kim Henderson for Robert Peterson - Director  
Public Works  
**REPORT BY:** Kathleen Dubrin, Staff Services Analyst II , 259-8683  
**SUBJECT:** Public Hearing and adoption of a resolution authorizing and levying assessments for County Service Area No. 3

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### **RECOMMENDATION**

Director of Public Works requests the following actions relating to County Service Area No. 3 (CSA No. 3):

1. Open Public Hearing to consider any objections or protests with respect to the assessments for adoption in CSA No. 3, and tabulation of ballots from the landowners within the North Area Annexation;
2. Close Public Hearing and adopt a resolution authorizing and levying assessments for Fiscal Year 2005-2006;
3. Open Public Hearing to accept testimony on the Fiscal Year 2005-2006 budget, with a total appropriation of \$284,502; and
4. Close Public Hearing and continue consideration to August 9, 2005 at 9:00 A.M. for final adoption.

### **EXECUTIVE SUMMARY**

Government Code Section 25210.77a requires an annual written report for each County Service Area be submitted to the Clerk of the Board. The report must identify each parcel of real property receiving extended services and the assessment for each parcel. After the report has been filed, a public hearing is to be scheduled to hear and consider all objection or protests, if any, to the proposed annual assessments.

On June 14, 2005, an "Engineer's Report" was submitted to the Board in compliance with the requirements of Government Code Section 25210.77a and Proposition 218. After receiving the report, the Board, by resolution, declared the County's intent to levy assessments for CSA No. 3, set a time for a public hearing for 9:00 a.m., August 2, 2005 to consider any protests to the proposed assessments, authorized 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 would have the same opportunity, as required by Proposition 218, to vote on the assessments and assessment methodology, and designated the Napa County Airport Manager as the person to answer questions regarding the assessments.

The first action before the Board is a public hearing to consider any objections or protests with respect to the assessments for adoption in CSA No. 3, and tabulation of ballots from the landowners within the North Area Annexation. Upon conclusion of the public hearing, the Board may adopt, revise, change, reduce, or modify any proposed assessment by resolution. Subsequently, a second public hearing will be held to consider the proposed budget for Fiscal Year 2005-2006 for County Service Area No. 3, with a total appropriation of \$284,502.

### **FISCAL IMPACT**

Is there a Fiscal Impact?	Yes
Is it currently budgeted?	Yes
Where is it budgeted?	County Service Area No. 3
Is it Mandatory or Discretionary?	Discretionary
Discretionary Justification:	Approval of and levying of assessments, and adoption of the CSA No. 3 Fiscal Year 2005-2006 budget, will provide the funding and appropriations necessary for the extended services provided in CSA No. 3.
Is the general fund affected?	No
Future fiscal impact:	None. The proposed assessments and budget are for Fiscal Year 2005-2006 only.
Consequences if not approved:	If the proposed assessments are not levied, and the budget not adopted, there will be insufficient funds to pay for the extended services provided in CSA No. 3.
Additional Information:	

### **ENVIRONMENTAL IMPACT**

General Rule. It can be seen with certainty that there is no possibility the proposed action may have a significant effect on the environment and therefore CEQA is not applicable [See Guidelines For the Implementation of the California Environmental Quality Act, 14 CCR 15061(b)(3)].

### **BACKGROUND AND DISCUSSION**

In 1994 the Board adopted Resolution No. 94-27 adding structural fire protection, streetside landscaping, street and highway lighting and street sweeping as extended services to CSA No. 3. These services are funded by assessments levied in accordance with Proposition 218, which requires that the County levy assessments according to the special benefit each parcel receives.

In 1997, an election was held pursuant to Proposition 218, and 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.

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 became 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.

Government Code Section 25210.77a requires an annual written report for each County Service Area be submitted to the Clerk of the Board. The report must identify each parcel of real property receiving extended services and the assessment for each parcel. After the report has been filed, a public hearing is to be scheduled to hear and consider all objection or protests, if any, to the proposed annual assessments.

On June 14, 2005, an "Engineer's Report" was submitted to the Board in compliance with the requirements of Government Code Section 25210.77a and Proposition 218. After receiving the report, the Board, by resolution, declared the County's intent to levy assessments for CSA No. 3, set a time (9:00 A.M. August 2, 2005) for a public hearing to consider any protests to the proposed assessments, authorized 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 would have the same opportunity, as required by Proposition 218, to vote on the assessments an assessment methodology and designated the Napa County Airport Manager as the person to answer questions regarding the assessments. The first action before the Board is a public hearing to consider any objections or protests with respect to the assessments for adoption in CSA No. 3, and tabulation of ballots from the landowners within the North Area Annexation

The total proposed assessment for CSA No. 3 for Fiscal Year 2005-2006 is \$284,502. The proposed assessments do not exceed the range of assessments previously approved by the Board and the owners of the parcels of real property in CSA No. 3. Upon conclusion of the public hearing and the tabulation of ballots for the North Area Annexation, the Board may adopt, revise, change, reduce, or modify any proposed assessment by resolution. After adoption of a resolution authorizing and levying assessments for CSA No. 3, a second public hearing will be held to consider the proposed budget for Fiscal Year 2005-2006 for County Service Area No. 3, with a total appropriation of \$284,502.

### **SUPPORTING DOCUMENTS**

- A . Resolution
- B . Schedule 13
- C . Schedule 14
- D . Schedule 15
- E . FY 05-06 Budget

CEO Recommendation: Approve

Reviewed By: Andrew Carey