

FEATHER RIVER AIR QUALITY MANAGEMENT DISTRICT
MEMORANDUM
06/06/2022

TO: FRAQMD BOARD OF DIRECTORS

FROM: Christopher D. Brown, AICP, APCO

SUBJECT: Authorize the APCO to execute all ballots for land owned by Feather River Air Quality Management District concerning the Feather River West Levee Financing Authority's proposed new assessments in order to fund ongoing operation and maintenance expenses for the west Feather River levees.

RECOMMENDATION:

Discuss and vote Yes – In Favor of the Assessment or No – Opposed to the Assessment.

BACKGROUND:

The Feather River Air Quality Management District has received a Notice of Public Hearing and Assessment Ballot Procedure Regarding the Proposed Formation and New Assessments from the Feather River West Levee Financing Authority (FRWLFA) and FRWLFA Operations and Maintenance Assessment District.

The purpose of the notice is to provide information to the record owners of property with the jurisdiction of the FRWLFA regarding proceedings, annual assessments, the transition of Assessment Ballots and identify the time and place of the scheduled public hearing regarding these matters.

The purpose of FRWLFA and the proposed new assessment on properties within its boundaries is to provide a stable revenue source to fund the ongoing special benefit expenses associated with the Operation, Maintenance, Repair, Rehabilitation, and Replacement (OMRR&R program for the west Feather River levees within the jurisdictions of LD1, LD9 and Maintenance area 3 within Sutter County (FRWLFA Levees).

The FRWLFA Levees consist of twenty-seven (27) miles of the west Feather River levee improvements from Paseo Road south to the confluence of the Sutter Bypass that must be maintained in compliance with strict State and Federal standards and regulations. The OMRR&R of these levee improvements are considered a particular

and distinct special benefit to properties within the proposed District and the assessments are intended to support the ongoing maintenance associated with the FRWLFA Levees.

FISCAL IMPACT:

Should the Board decide to vote yes on the Tax Assessment increase the Districts annual taxes could be increased by \$133.35 for the upcoming tax year and a CPI would be added each tax year thereafter.



**NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEDURE
REGARDING THE PROPOSED FORMATION AND NEW ASSESSMENTS**

RECEIVED

MAY 10 2022

**Feather River West Levee Financing Authority
FRWLFA Operations and Maintenance Assessment District**

**FEATHER RIVER
AQMD**

Purpose of this Notice

The purpose of this notice that includes both this document and the accompanying Assessment Ballot, is:

- to provide information to the record owners of property within the jurisdiction of the Feather River West Levee Financing Authority ("FRWLFA"), regarding proceedings being undertaken by FRWLFA for the formation of the **FRWLFA Operations and Maintenance Assessment District** ("District") and to levy annual assessments for this District which includes your property; and
- to transmit an Assessment Ballot to the owners of property within the proposed District, to enable such owner or owners to express support or opposition to the proposed assessment on such property, by completing and returning the accompanying Assessment Ballot; and,
- to identify the time and place of the scheduled public hearing on these matters and to provide instructions to assist the owners of property in completing and returning the Assessment Ballot.

Reason for the Assessment

The Feather River West Levee Financing Authority (FRWLFA) is a joint powers agency of Levee District 1 ("LD1"); Levee District 9 ("LD9") and Sutter County. The purpose of FRWLFA and the proposed new assessment on properties within its boundaries is to provide a stable revenue source to fund the ongoing special benefit expenses associated with the Operation, Maintenance, Repair, Rehabilitation, and Replacement ("OMRR&R") program for the west Feather River levees within the jurisdictions of LD1, LD9, and Maintenance Area 3 within Sutter County (hereafter collectively referred to as the "FRWLFA Levees"). The FRWLFA Levees consist of twenty-seven (27) miles of the west Feather River levee improvements from Paseo Road south to the confluence of the Sutter Bypass that must be maintained in compliance with strict State and Federal standards and regulations. The OMRR&R of these levee improvements are considered a particular and distinct special benefit to properties within the proposed District and the assessments are intended to support the ongoing maintenance associated with the FRWLFA Levees.

Basis upon which the assessments are calculated

The estimated annual OMRR&R program costs are allocated to parcels within the District based on a benefit formula that equitably distributes those costs in proportion to the special benefit of each parcel. A calculated Flood Damage Reduction Benefit ("FDRB") that reflects each parcel's special benefit is established based on specific parcel characteristics including land use category, parcel size (acreage), building/structure size (square footage), and relative flood depth (flood depth range/zone). For this District, the properties to be assessed may be categorized as Agricultural (Orchard & Non Orchard); Commercial (Public & Private); Industrial (Public & Private); Residential (Mobile Home, Multi Family, & Single Family); and Vacant (Commercial, Industrial, Public, & Residential) properties. The total eligible special benefit expenses ("Balance to Levy"), is divided by the total calculated FDRB of all special benefiting parcels within the District. The result of this calculation establishes an assessment rate per Flood Damage Reduction Benefit ("Levy per FDRB" or "Assessment Rate"). This Assessment Rate multiplied by each parcel's calculated FDRB equals each parcel's annual assessment amount.

$$\begin{aligned} \text{Total Balance to Levy} / \text{Total FDRB} &= \text{Levy per FDRB (Assessment Rate)} \\ \text{Levy per FDRB} \times \text{Parcel's calculated FDRB} &= \text{Parcel Assessment Amount} \end{aligned}$$

The proposed assessment for your property is listed on the enclosed ballot. Utilizing the Assessment Calculator, available at www.frwlfa.org you can enter your parcel number or physical address to find your parcel's land use category, structure footprint (square feet), property size (acreage), and flood depth zone. A more detailed description of the OMRR&R program, the FRWLFA Levees, and basis upon which the assessments have been calculated is in the Engineer's Report, which is on file with the FRWLFA Board Clerk and available at www.frwlfa.org.

The Total Annual Assessment Proposed to be Charged

The total annual amount of the assessments being balloted to properties within District is \$1,931,321.39. This total amount balloted divided by the total calculated Flood Damage Reduction Benefit ("FDRB") of 3,828,571,338 for all parcels results in a proposed new assessment rate of **\$0.00050445** per FDRB (Maximum Assessment Rate for Fiscal Year 2022/2023). The amount of the proposed assessment identified on the accompanying Assessment Ballot as "Your Parcel's Balloted Assessment Amount" is based upon this Maximum Assessment Rate and your property's proportional special benefit based on your parcel's FDRB assignment.

Inflationary Adjustment

Because the cost of servicing and maintaining the FRWLFA Levees are impacted by inflation over time, the proposed maximum assessment rate of \$0.00050445 per FDRB and your parcel's corresponding assessment includes an annual inflationary adjustment based on the lesser of four percent (4%) or the percentage increase in the Consumer Price Index (CPI) for All Urban Consumers (CPI-U), established for the San Francisco-Oakland-Hayward, California area, all items, base period 1982-84=100, as developed and defined by the U.S. Bureau of Labor Statistics. The CPI-U used shall be for the 12-month percent change in the Annual Data. As part of your support or opposition to the assessment described in this notice and presented on the accompanying Assessment Ballot, you are also indicating your support or opposition to this annual inflationary adjustment that may be applied to future assessments. If the assessment is approved, this annual inflationary adjustment shall be applied annually commencing in fiscal year 2023/2024.

Duration of the Assessments

If approved, the proposed assessment plus inflationary adjustment indicated on the accompanying ballot may be assessed and appear on your 2023/2024 property tax bill. At the FRWLFA Board of Directors' discretion, a lesser amount may be assessed. Because the proposed assessments will provide annual funding for the ongoing maintenance and operation of the FRWLFA Levees, there is no sunset (no end date) on the assessments, but the annual budget and assessments shall be presented at a public hearing each fiscal year, which is open to the public for comment and testimony.

Public Hearing

Notice is hereby given that a public hearing regarding the proposed District and assessment amounts will be held during a scheduled meeting of the Feather River West Levee Financing Authority Board of Directors, in the Yuba City Council Chambers at Yuba City Hall, located at 1201 Civic Center Boulevard, Yuba City, California, on the following date and commencing at the following time:

Wednesday, June 22, 2022, starting at 2:00 P.M.

The Board of Directors shall consider all objections and protests, if any, to the proposed District and assessment which has been deemed necessary for the operation, maintenance, repair, rehabilitation, and replacement program for the FRWLFA Levees. Any interested person shall be permitted to present written and oral testimony regarding these proceedings. The Board of Directors may impose reasonable time limits on both the length of the entire public hearing and the length of each interested person's oral testimony. The Board of Directors may also continue the public hearing.

Protest Provisions

Pursuant to California Constitution Article XIID, Section 4 (e), at the Public Hearing, the Board of Directors shall consider all protests against the proposed assessment. In addition to the property owner assessment ballots, written protests regarding the District and assessments may be filed with the FRWLFA Board Clerk prior to or during the Public Hearing. The FRWLFA Board shall not impose an assessment and will abandon the formation of the District, if there is a majority protest, as calculated below.

Assessment Ballot

The amount of the assessment identified on the accompanying Assessment Ballot as "Your Parcel's Balloted Assessment Amount" represents your parcel's proportional special benefit of the total amount being balloted at the maximum assessment rate. Any time before the end of the Public Hearing, you may submit the Assessment Ballot to the FRWLFA Board Clerk. To do so: mark the Ballot either " YES — IN FAVOR OF THE ASSESSMENT" or " NO — OPPOSED TO THE ASSESSMENT", sign the Ballot, seal the Ballot in the enclosed return envelope, and mail or deliver it to the FRWLFA Board Clerk. If you do not use the envelope provided, the return envelope should have the words "ASSESSMENT BALLOT, DO NOT OPEN" printed on the outside to ensure it is not opened in advance of the Public Hearing. The Ballot may be submitted, changed or withdrawn at any time before the end of the Public Hearing. If you need a replacement Ballot, call the FRWLFA Hotline or email as listed below.

Any Ballot returned unmarked or unsigned, or not received by the FRWLFA Board Clerk before the end of the public hearing will be rejected and not counted. **The proposed District will be abandoned and a new assessment will not be imposed if the Ballots submitted in opposition to the assessment exceed the Ballots submitted in favor of the assessment, with each Ballot weighted according to the dollar amount of the assessment on the property to which that Ballot relates.** Only valid ballots received by the FRWLFA Board Clerk before the end of the public hearing shall be counted. In addition to the property owner assessment ballots, written protests regarding the District and assessments may be filed with the FRWLFA Board Clerk prior to or during the Public Hearing. Please ensure that your Assessor's Parcel Number (APN) listed on the accompanying Assessment Ballot is included on any written protest or correspondence so that your property can be correctly identified for the record.

Additional Information

For more information or to receive a replacement ballot, call the FRWLFA Hotline at (800) 401-8302 and leave a message or email FRWLFA at info@frwlfa.org.

This Ballot is for the property designated as Assessor's Parcel Numbers: **51-434-016**

This is your official property owner assessment ballot for the proposed levy of new assessments for the FRWLFA Operations and Maintenance Assessment District ("District") to fund the ongoing special benefit expenses associated with the Operation, Maintenance, Repair, Rehabilitation, and Replacement ("OMRR&R") program associated with the west Feather River levees as described in the accompanying Notice and described more fully in the Engineer's Report, which is on file with the FRWLFA Board Clerk. This balloting process was initiated on April 20, 2022 and approved by the Board of Directors.

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FEATHER RIVER AIR QLTY MGMT DI
541 WASHINGTON AVE
YUBA CITY, CA 95991-2836

To complete your ballot, mark an (X) in the voting square next to the word "YES" or next to the word "NO" below, sign and date the ballot, and return the entire ballot to the FRWLFA Board Clerk. If you wrongly mark, tear, or deface this ballot, return it to the FRWLFA Board Clerk with a request for a replacement ballot. All completed ballots must be received by the FRWLFA Board Clerk no later than the close of testimony at the public hearing scheduled for June 22, 2022.

BALLOT

Assessor's Parcel Number: 51-434-016
Proposed Balloted Maximum Assessment Rate: \$0.00050445 per FDRB
Your Parcels Balloted Maximum Assessment Amount: \$ 133.35

This is an annual assessment that is collected as part of your County property tax bill. The amount assessed each fiscal year shall be based on the net expenses to be assessed, but the assessments may not exceed the Proposed New Maximum Assessment Rate shown above plus the annual inflation adjustment without the approval of the property owners.

YES — IN FAVOR OF THE ASSESSMENT proposed for the District and the new assessment for my property shown above including the annual inflation adjustment equal to the lesser of 4% or the annual percentage increase of the Local Consumer Price Index (CPI) for "All Urban Consumers" for the San Francisco-Oakland-Hayward, California area.



NO — OPPOSED TO THE ASSESSMENT proposed for the District and the new assessment for my property shown above including the annual inflation adjustment equal to the lesser of 4% or the annual percentage increase of the Local Consumer Price Index (CPI) for "All Urban Consumers" for the San Francisco-Oakland-Hayward, California area.



I hereby declare, under penalty of perjury, that I am the record owner of the property (Assessor's Parcel Number) identified on this ballot or I am the authorized representative of that record owner.

Signed _____ Date _____

**INFORMATION ABOUT YOUR ASSESSMENT BALLOT AND
INSTRUCTIONS FOR COMPLETION AND DELIVERY OF ASSESSMENT BALLOT**

**Feather River West Levee Financing Authority
("FRWLFA")
FRWLFA Operations and Maintenance Assessment District**

To Cast Your Ballot: Prior to the public hearing, completed ballots may be mailed to the FRWLFA Board Clerk at the address indicated below or personally delivered to the Levee District 1 Office located at 243 Second Street, Yuba City California, Monday through Friday between 8 AM and 5 PM. A return envelope has been provided for your convenience that is addressed to the FRWLFA Board Clerk. You may also personally present completed ballots to the FRWLFA Board Clerk at the public hearing on June 22, 2022, at the Yuba City Council Chambers at 1201 Civic Center Boulevard, Yuba City, California. If you return your ballot by mail, please be sure to allow time for mail delivery. The FRWLFA Board Clerk must receive all ballots no later than the end of the public testimony portion of the public hearing on June 22, 2022. If you damage or misplace your ballot, a replacement ballot can be obtained by calling the FRWLFA Hotline at (800) 401-8302 or emailing info@frwlfa.org.

All submitted ballots must be clearly marked to indicate either "Yes — In Favor of assessment" or "No — Opposed to the assessment" and signed; otherwise, the ballot will be rejected and not counted. To ensure the privacy of your ballot prior to the ballot tabulation, please return your ballot in the envelope provided, or in a sealed envelope that indicates that a ballot is enclosed by noting on the front of the envelope "Assessment Ballot, Do Not Open".

A ballot previously submitted may be withdrawn at any time prior to the close of the public hearing by request to the FRWLFA Board Clerk by the person(s) that signed the submitted ballot. An assessment ballot may be changed at any time prior to the end of the public hearing by requesting a withdrawal of the previous ballot and requesting a replacement ballot. Only the person(s) signing the ballot may make such a request. The replacement ballot must be received by the FRWLFA Board Clerk prior to the deadline set forth herein.

If you have questions: Should you have any questions prior to the public hearing, please leave a message on the FRWLFA Hotline at (800) 401-8302 or email info@frwlfa.org, and FRWLFA staff will respond promptly.

Feather River West Levee Financing Authority
Attn: FRWLFA Board Clerk
P.O. Box M
Yuba City, CA 95991

*Completed ballots MUST be received by the FRWLFA Board Clerk no later than the close of the public testimony portion of the public hearing, which is scheduled to begin on **Wednesday, June 22nd at 2:00 p.m.**, in the Yuba City Council Chambers, located at 1201 Civic Center Boulevard, Yuba City, California*

How to cast your ballot:

1. **Check Yes or No**
2. **Sign and date it**
3. **Return to the FRWLFA Board Clerk on or before the Public Hearing on, June 22, 2022, in accordance with the deadlines referenced above**