

**The People of the County of Napa ordain as follows:**

**SECTION 1. Title.**

This measure shall be known and may be cited as “The Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Act of 2026.”

**SECTION 2. Findings.**

As recent wildfire events and periods of drought have demonstrated, Napa County faces increasingly severe wildfire seasons and drought conditions that threaten our homes, agriculture and communities. Meanwhile, the organizations that work to mitigate these risks and protect our open spaces and drinking water sources need stable, long-term funding. Without reliable resources, wildfire prevention and response efforts risk falling short just when the need is greatest. Our trails, parks and natural lands require ongoing care to remain safe, accessible and defensible to wildfire, while creeks, lakes and reservoirs must be protected from pollution, overuse and wildfire damage. Napa County needs to invest in safeguarding our natural resources and communities through intelligent resilience strategies and projects which will protect our citizens, businesses, and our open space and ecological values. Without stronger wildfire protections and reducing the risk in our area, insurance companies will cancel more policies or charge significantly more for fire insurance. As projects are completed, durable funding allows us to protect our progress and ensure that our completed work is maintained.

A group of local Napa residents is proposing a one-half cent sales tax that would generate approximately \$23 million annually for 18 years, with essentials like groceries and prescriptions exempt. All funds would be locally controlled and dedicated to investing in resilience, to reducing the growing wildfire risk, preserving Napa County’s open spaces, and safeguarding our water sources. These funds will work as matching dollars and substantially increase the success of future grants from State and Federal sources. Every dollar would remain in Napa County and could not be taken by the State or Federal Government.

The wildfire prevention and open space measure would provide a dedicated source of locally controlled funding to support three critical goals, all aimed at making Napa County a safer, more resilient community for residents, businesses and visitors:

- **Wildfire Preparedness** — Reducing wildfire risk by removing hazardous fuels like brush, dead trees and other fire hazards, establishing and maintaining firebreaks and fire-safe evacuation routes and more.
- **Watershed Protection** — Protecting drinking water by preserving land around lakes, rivers and streams, safeguarding reservoirs and watersheds from wildfire damage and contamination and more.
- **Open Space Preservation** — Maintaining open space for hiking, biking and recreation, managing lands to preserve native species and reduce wildfire danger and more.

The measure is also built upon transparency, fiscal accountability and local control, with key provisions ensuring that all funds are spent as promised:

- All funds would remain under local control and could not be taken by the State or Federal Government.

- Citizen oversight, annual independent audits and public reporting would be required.
- Funds could be spent only on Wildfire Preparedness, Watershed Protection and Open Space preservation, as outlined in the detailed Expenditure Plan written into the measure.

With the passage of this Measure, the People of Napa County hereby find and declare that the County's public purposes are served by expending money, including through the provision of grants, on wildfire prevention, watershed protection and open space preservation. The Measure is drafted in a manner which accomplishes these public purposes and protects public funds. The People of Napa County find that the expenditure plan contemplated by this Measure includes projects which are necessary to address the problems outlined in this Section, and believe the proper application of Government Code section 26227 provides Napa County with the direct public benefit necessary to address the significant issues the County faces.

**SECTION 3. The Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Act of 2026.**

Chapter 3.38 is added to Title 3 of the Napa County Code as follows:

Chapter 3.38 – The Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Act of 2026.

Section 3.38.010. TITLE.

This Ordinance shall be known, and may be cited, as the “The Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Act of 2026,” and may hereinafter be referred to as the “Ordinance.” The County of Napa hereinafter shall be called the "County." This Ordinance shall be applicable in the incorporated and unincorporated territory of the County.

Section 3.38.020. IMPLEMENTATION OF THE NAPA COUNTY WILDFIRE PREPAREDNESS, WATERSHED PROTECTION AND OPEN SPACE PRESERVATION ACT OF 2026; COMPLIANCE WITH STATE LAW.

A. Effective Date; Operative Date. This chapter shall be effective ten (10) days after certification by the Board of Supervisors of the returns of the election indicating approval by a majority of the voters voting in the election of the measure enacting this chapter. The transactions (sales) and use tax imposed hereunder shall be operative the first day of the first calendar quarter commencing more than one hundred ten (110) days after the adoption of this chapter ("Operative Date"). The Operative Date for the retail transactions (sales) and use tax imposed hereunder shall be on April 1, 2027.

B. Termination Date. The authority to levy the tax imposed by this chapter shall expire on March 31, 2045.

C. Purpose.

1. This Ordinance is adopted to achieve, and directs that the provisions hereof be interpreted in order to accomplish, the following purposes:

- a. To adopt a retail transactions and use tax ordinance within the County in the amount of one-half of a cent per dollar as provided herein for the specific purpose of generating funds to be deposited into the Napa County Wildfire Preparedness, Watershed

Protection and Open Space Preservation Transactions and Use Tax Account that may only be used for the purposes specified herein, including, among other specified purposes, wildfire preparedness; watershed protection and open space preservation.

- b. To impose a retail transactions and use tax in accordance with the provisions of Part 1.6 (commencing with section 7251) of Division 2 of the Revenue and Taxation Code and section 7285.5 of Part 1.7 of Division 2 which authorizes the County to adopt this tax Ordinance provided that a majority of the electors voting on the measure vote to approve the imposition of the tax at an election called for that purpose.
- c. To adopt a retail transactions and use tax ordinance that incorporates provisions identical to those of the Sales and Use Tax Law of the State of California insofar as those provisions are not inconsistent with the requirements and limitations contained in Part 1.6 of Division 2 of the Revenue and Taxation Code.
- d. To adopt a retail transactions and use tax ordinance that imposes a tax and provides a measure therefor that can be administered and collected by the California Department of Tax and Fee Administration in a manner that adapts itself as fully as practicable to, and requires the least possible deviation from, the existing statutory and administrative procedures followed by the California Department of Tax and Fee Administration in administering and collecting the California State Sales and Use Taxes.
- e. To adopt a retail transactions and use tax ordinance that can be administered in a manner that will be, to the greatest degree possible, consistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, minimize the cost of collecting the transactions and use taxes, and at the same time, minimize the burden of record keeping upon persons subject to taxation under the provisions of this Ordinance.
- f. To establish a local funding source for wildfire preparedness, watershed protection, and open space preservation throughout the incorporated and unincorporated territory of the County, in accordance with section 3.38.040.
- g. To increase the appropriations limit for the County to ensure that the proceeds of the proposed special tax may be expended for their intended purposes.

D. Contract With State. Prior to the Operative Date, the County shall contract with the California Department of Tax and Fee Administration to perform all functions incident to the administration and operation of this transactions and use tax Ordinance; provided, that if the County shall not have contracted with the California Department of Tax and Fee Administration prior to the Operative Date, it shall nevertheless so contract and in such a case the Operative Date shall be the first day of the first calendar quarter following the execution of such a contract.

E. Transactions (Sales) Tax. For the privilege of selling tangible personal property at retail, a tax is hereby imposed upon all retailers in the incorporated and unincorporated territory of the County at the rate of one half of one percent (1/2%) of the gross receipts of any retailer from the sale of all tangible personal property sold at retail in said territory on and after the Operative Date of this Ordinance.

F. Use Tax. An excise tax is hereby imposed on the storage, use or other consumption in the County of tangible personal property purchased from any retailer on and after the Operative Date of this Ordinance for storage, use or other consumption in said territory at the rate of one half of one percent (1/2%) of the sales price of the property. The sales price shall include delivery charges when such charges are subject to state sales or use tax regardless of the place to which delivery is made.

G. Deposit Into Special Account. The County Auditor-Controller shall establish the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account and all retail transactions and use proceeds generated by this Ordinance shall be deposited by the County Auditor-Controller into the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account. Such proceeds shall be used only for the specific purposes and allocations identified in section 3.38.040.

H. Place Of Sale. For the purposes of this Ordinance, all retail sales are consummated at the place of business of the retailer unless the tangible personal property sold is delivered by the retailer or his agent to an out-of-state destination or to a common carrier for delivery to an out-of-state destination. The gross receipts from such sales shall include delivery charges, when such charges are subject to the state sales and use tax, regardless of the place to which delivery is made. In the event a retailer has no permanent place of business in the State or has more than one place of business, the place or places at which the retail sales are consummated shall be determined under rules and regulations to be prescribed and adopted by the California Department of Tax and Fee Administration.

I. Adoption Of Provisions Of State Law. Except as otherwise provided in this Ordinance and except insofar as they are inconsistent with the provisions of Part 1.6 of Division 2 of the Revenue and Taxation Code, all of the provisions of Part 1 (commencing with section 6001) of Division 2 of the Revenue and Taxation Code are hereby adopted and made a part of this Ordinance as though fully set forth herein.

J. Limitations On Adoption Of State Law And Collection Of Use Taxes. In adopting the provisions of Part 1 of Division 2 of the Revenue and Taxation Code:

1. Wherever the State of California is named or referred to as the taxing agency, the name of this County shall be substituted therefor. However, the substitution shall not be made when:
  - a. The word "State" is used as a part of the title of the State Controller, State Treasurer, State Treasury, or the Constitution of the State of California;
  - b. The result of that substitution would require action to be taken by or against this County or any agency, officer, or employee thereof rather than by or against the California Department of Tax and Fee Administration, in performing the functions incident to the administration or operation of this Ordinance.
  - c. In those sections, including, but not necessarily limited to sections referring to the exterior boundaries of the State of California, where the result of the substitution would be to:
    - i. Provide an exemption from this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not otherwise be exempt from this tax while such sales, storage, use or other consumption remain subject to tax by the State under the provisions of Part 1 of Division 2 of the Revenue and Taxation Code, or;
    - ii. Impose this tax with respect to certain sales, storage, use or other consumption of tangible personal property which would not be subject to tax by the state under the said provision of that code.
  - d. In sections 6701, 6702 (except in the last sentence thereof), 6711, 6715, 6737, 6797 or 6828 of the Revenue and Taxation Code.

2. The word "County" shall be substituted for the word "State" in the phrase "retailer engaged in business in this State" in section 6203 and in the definition of that phrase in section 6203.

a. "A retailer engaged in business in the County" shall also include any retailer that, in the preceding calendar year or the current calendar year, has total combined sales of tangible personal property in this State or for delivery in the State by the retailer and all persons related to the retailer that exceeds five hundred thousand dollars (\$500,000). For purposes of this section, a person is related to another person if both persons are related to each other pursuant to section 267(b) of Title 26 of the United States Code and the regulations thereunder.

K. Permit Not Required. If a seller's permit has been issued to a retailer under section 6067 of the Revenue and Taxation Code, an additional transactor's permit shall not be required by this Ordinance.

L. Exemptions And Exclusions.

1. There shall be excluded from the measure of the transactions tax and the use tax the amount of any sales tax or use tax imposed by the State of California or by any city, city and county, or county pursuant to the Bradley-Burns Uniform Local Sales and Use Tax Law or the amount of any state-administered transactions or use tax.

2. There are exempted from the computation of the amount of transactions tax the gross receipts from:

- a. Sales of tangible personal property, other than fuel or petroleum products, to operators of aircraft to be used or consumed principally outside the County in which the sale is made and directly and exclusively in the use of such aircraft as common carriers of persons or property under the authority of the laws of this State, the United States, or any foreign government.
- b. Sales of property to be used outside the County which is shipped to a point outside the County, pursuant to the contract of sale, by delivery to such point by the retailer or his agent, or by delivery by the retailer to a carrier for shipment to a consignee at such point. For the purposes of this paragraph, delivery to a point outside the County shall be satisfied:
  - i. With respect to vehicles (other than commercial vehicles) subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, and undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code by registration to an out-of-County address and by a declaration under penalty of perjury, signed by the buyer, stating that such address is, in fact, his or her principal place of residence; and
  - ii. With respect to commercial vehicles, by registration to a place of business out-of-County and declaration under penalty of perjury, signed by the buyer, that the vehicle will be operated from that address.
- c. The sale of tangible personal property if the seller is obligated to furnish the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.

- d. A lease of tangible personal property which is a continuing sale of such property, for any period of time for which the lessor is obligated to lease the property for an amount fixed by the lease prior to the operative date of this Ordinance.
  - e. For the purposes of subparagraphs (3) and (4) of this section, the sale or lease of tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
3. There are exempted from the use tax imposed by this Ordinance, the storage, use or other consumption in this County of tangible personal property:
- a. The gross receipts from the sale of which have been subject to a transactions tax under any state-administered transactions and use tax ordinance.
  - b. Other than fuel or petroleum products purchased by operators of aircraft and used or consumed by such operators directly and exclusively in the use of such aircraft as common carriers of persons or property for hire or compensation under a certificate of public convenience and necessity issued pursuant to the laws of this State, the United States, or any foreign government. This exemption is in addition to the exemptions provided in sections 6366 and 6366.1 of the Revenue and Taxation Code of the State of California.
  - c. If the purchaser is obligated to purchase the property for a fixed price pursuant to a contract entered into prior to the operative date of this Ordinance.
  - d. If the possession of, or the exercise of any right or power over, the tangible personal property arises under a lease which is a continuing purchase of such property for any period of time for which the lessee is obligated to lease the property for an amount fixed by a lease prior to the operative date of this Ordinance.
  - e. For the purposes of subparagraphs (3) and (4) of this section, storage, use, or other consumption, or possession of, or exercise of any right or power over, tangible personal property shall be deemed not to be obligated pursuant to a contract or lease for any period of time for which any party to the contract or lease has the unconditional right to terminate the contract or lease upon notice, whether or not such right is exercised.
  - f. Except as provided in subparagraph (7), a retailer engaged in business in the County shall not be required to collect use tax from the purchaser of tangible personal property, unless the retailer ships or delivers the property into the County or participates within the County in making the sale of the property, including, but not limited to, soliciting or receiving the order, either directly or indirectly, at a place of business of the retailer in the County or through any representative, agent, canvasser, solicitor, subsidiary, or person in the County under the authority of the retailer.
  - g. "A retailer engaged in business in the County" shall also include any retailer of any of the following: vehicles subject to registration pursuant to Chapter 1 (commencing with section 4000) of Division 3 of the Vehicle Code, aircraft licensed in compliance with section 21411 of the Public Utilities Code, or undocumented vessels registered under Division 3.5 (commencing with section 9840) of the Vehicle Code. That retailer shall be required to collect use tax from any purchaser who registers or licenses the vehicle, vessel, or aircraft at an address in the County.

4. Any person subject to use tax under this Ordinance may credit against that tax any transactions tax or reimbursement for transactions tax paid to a district imposing, or retailer liable for a transactions tax pursuant to Part 1.6 of Division 2 of the Revenue and Taxation Code with respect to the sale to the person of the property the storage, use or other consumption of which is subject to the use tax.

M. Amendments. All amendments subsequent to the effective date of this Ordinance to Part 1 of Division 2 of the Revenue and Taxation Code relating to sales and use taxes and which are not inconsistent with Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, and all amendments to Part 1.6 and Part 1.7 of Division 2 of the Revenue and Taxation Code, shall automatically become a part of this Ordinance, provided however, that no such amendment shall operate so as to affect the rate of tax imposed by this Ordinance.

N. Enjoining Collection Forbidden. No injunction or writ of mandate or other legal or equitable process shall issue in any suit, action or proceeding in any court against the State or the County, or against any officer of the State or the County, to prevent or enjoin the collection under this Ordinance, or Part 1.6 of Division 2 of the Revenue and Taxation Code, of any tax or any amount of tax required to be collected.

O. Compliance with California Environmental Quality Act (CEQA). Pursuant to the State CEQA Guidelines section 15378(b)(4), adoption of this transaction and use tax Ordinance and Expenditure Plan is not a project subject to the requirements of CEQA. Prior to commencement of any project included in the Expenditure Plan, any necessary environmental review required by CEQA shall be completed. Estimated costs in the Expenditure Plan include the cost of such environmental review.

#### Section 3.38.030. APPROPRIATIONS LIMIT.

The appropriations limit for the County shall be increased for the maximum period permitted by law (four years) to allow for the use of all proceeds raised by the special tax imposed by this Ordinance.

#### Section 3.38.040. EXPENDITURE PLAN.

A. Statement of Intent. The fundamental principle guiding this Expenditure Plan is to provide a dedicated source of locally controlled funding in order to better prepare Napa County for wildfires, protect Napa County's watersheds and water quality, and preserve and maintain Napa County's natural open spaces for public use and disaster preparedness.

B. Purpose and Authority. The Expenditure Plan for the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Act of 2026 (the "Ordinance") provides for investment into programs which include: wildfire preparedness; watershed protection and open space preservation and maintenance; and related countywide administrative expenditures which are reasonable, necessary and directly related to the planning and ongoing implementation of the Ordinance. The tax proceeds must be spent for the purposes authorized in this Expenditure Plan and may not be used for other purposes. This Ordinance establishes the authority and procedures for the County to make competitive Grants to entities which can provide important public services that accomplish the specific purposes of the Ordinance. Expenditures made pursuant to the Ordinance shall serve a direct and primary public purpose, consistent with Article XVI, Section 6 of the California Constitution. Any private benefit to a Qualified 501c3 Nonprofit Organization shall be

incidental to the accomplishment of a public purpose. The Ordinance is adopted pursuant to the County's powers under Government Code section 26227, as may be amended, to regulate the conduct of its fiscal affairs.

C. Definitions.

1. "Grant" means a discretionary award of public funds made by the Napa County Board of Supervisors or the Napa County Regional Park and Open Space District to Grantee for the purposes of providing public services or benefits, and not primarily for the acquisition of goods or services for the County.
2. "Grant Agreement" means a written contract executed by the County and a Grantee that prescribes the terms and conditions of a Grant.
3. "Grantee" means any entity which receives a Grant from Napa County or the Napa County Regional Park and Open Space District.
4. "Public purpose" means a direct benefit conferred upon the residents of Napa County that is reasonably related to the County's governmental responsibilities and does not consist primarily of private benefit.
5. "Qualified 501c3 Nonprofit Organization" means:
  - a. A corporate entity which has received a tax exemption from the Internal Revenue Service under Internal Revenue Code section 501(c)(3); and
  - b. Has retained such tax exemption continuously for at least ten years; and
  - c. Is not a religious organization as defined in Internal Revenue Code section 501(c)(3), or, if affiliated with a religious organization, certifies that Grant funds will be used exclusively for secular purposes authorized by the Ordinance and will not be used to promote or advance religious activities; and
  - d. If required, is registered and in good standing with the California Attorney General's Registry of Charitable Trusts; and
  - e. Is authorized to conduct operations within the State of California and within Napa County; and
  - f. Is headquartered in Napa County.

D. Permissible Use of Funds. The revenues generated by the retail transactions and use tax imposed by this Ordinance shall be allocated by Napa County and the Napa County Regional Park and Open Space District on an annual basis with additional independent oversight provided by the Oversight Committee described in section 3.38.050 to ensure expenditures are consistent with this section. The County and Napa County Regional Park and Open Space District may use funds permissibly by providing Grants to Qualified 501c3 Nonprofit Organizations, as set forth in this section. The Napa County Regional Park and Open Space District may use funds permissibly by providing grants to Qualified 501c3 Nonprofit Organizations and public agencies, including municipalities, existing entirely within the borders of Napa County, which can accomplish the specific purposes set forth in this section, so long as Grantees satisfy the criteria set forth in this section.

E. Permissible Projects. Funds shall be allocated to programs and projects that do the following:

1. Wildfire Preparedness. Creating, implementing, and maintaining projects and programs to assist the community with wildfire preparedness, protection and risk mitigation; educating, encouraging and enabling residents to take direct action to make their properties, families and the community safer from wildfires through information, demonstration, and cost share programs to help residents make the entire County safer from wildfire. Such projects include, but are not limited to:

a. Hazardous Fuel Reduction, Improved Forest Health and Forest Resilience, including:

i. Roadside clearing of hazardous fuels along County Roads and critical access roads identified by Napa County Fire Department (NCFD) for safer evacuation and emergency access for first responders.

ii. Critical Fuel reduction and forest health work along strategic topographical locations, identified by NCFD to improve wildfire containment and response.

iii. Forest Health and Resilience for Strategic Lands: Project Development, execution, maintenance and monitoring.

iv. Implementation and maintenance of Perimeter Fuel breaks around vulnerable suburban communities and HOA's in the Wildland Urban Interface. These communities include but are not limited to Circle Oaks, Berryessa Estates, Angwin, Tucker Acres, and Silverado HOAs, and communities in Calistoga, St Helena, Yountville, Napa City and American Canyon identified by NCFD.

v. Chipping Programs and community fuel reduction projects.

vi. Removal of invasive species in fire prone areas.

vii. Purchase of required capital equipment and assets to effectively complete Hazardous Fuel Reduction and Forest Health prescriptions, including, but not limited to: masticators, excavators, or utility vehicles.

viii. Develop wildfire resilience plans for protected lands with input from CAL FIRE, Napa County Fire and other appropriate wildfire and forest health experts to guide and inform forest and wildfire management priorities.

ix. Environmental Compliance and permitting.

b. Implementation of projects identified by the County and in the Napa County Community Wildfire Protection Plan (CWPP) and local Fire Safe Council CWPPs.

c. Cost Share programs to support Defensible Space and Home Hardening for vulnerable homes in high, very high and adjacent fire hazard severity zones:

i. Conduct evaluations of Defensible Space and Structure hardening/vulnerability and provide recommendations for remediation steps that can be taken by homeowners to improve the safety of their homes from ignition.

ii. Provide resource assistance for qualifying landowners to implement defensible space and home hardening recommendations.

- d. Protection of critical infrastructure from catastrophic wildfire, including Fuel clearing around critical infrastructure such as Watersheds, reservoirs, and other critical water storage and conveyance infrastructures, Critical communications infrastructure, Critical Healthcare, long-term care and emergency responder infrastructure.
- e. Establishment, re-establishment, and maintenance of critical dozer fire containment lines and access roads to ensure pre-fire containment infrastructure is established and maintained, including:
  - i. Analysis of existing legacy fire roads for re-establishment.
  - ii. Analysis of potential fire behavior and site selection for new roads to be implemented following best practices for slope stability and erosion control.
- f. Wildfire Mitigation.
  - i. Support of existing and creation of new Fire Safe Councils, offering direct interaction and communications with residents to achieve results that increase the resilience of the county.
  - ii. Development of new and updating of existing Community Wildfire Protection Plans (CWPP) to prioritize wildfire mitigation work.
  - iii. Implementation of community National Fire Protection Association (NFPA) Firewise plans and renewal of Firewise designations to help residents get any discounts offered by their insurance carriers.
- g. Mapping of strategic resilience work and integration and implementation of that work into the fire response platforms and map systems utilized by fire fighters.
- h. Mapping of Strategic Resilience access, attributes, assets, for fire response and integration into incident management systems and platforms.
- i. Emergency 911 address signage, and mapping to make homes more discoverable by first responders during a fire or in other emergencies.
- j. Grant Writing to leverage County dollars to secure additional funds from State, Federal and other agencies in pursuit of State, Federal and Private Sector grant and philanthropic funds to advance the elements and projects identified in the Napa County and Fire Safe Council CWPPS. Money from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account may be used to “match” such grants, as necessary.
- k. Prescribed (Rx) Fire projects and promotion and support of Rx burns, including:
  - i. Provide Rx Fire project development assistance to landowners to conduct Rx burns.
  - ii. Assist landowners with land preparations for Rx burning including broadcast burning and pile burning.
  - iii. Assist landowners with responsible burning and monitoring.
- l. Wildfire Preparedness Outreach and Education: Maintain awareness through workshops, community meetings, and informational communication efforts to

engage and educate the public in measurable steps that can be taken to improve wildfire safety and elevate vigilance about wildfire.

m. Development of and adherence to applicable environmental compliance requirements for work with public funds including but not limited to CEQA, NEPA and other elements including Notice of Exemption, Negative Declaration or Programmatic Environmental Impact Reports like the CAL VTP PSA.

n. Investments in water storage and water conveyance in strategic locations to ensure adequate supplies of water are available for fire response.

o. Eligible costs associated with wildfire preparedness include, but are not limited to, staff costs to operate the program; contracted and volunteer services; equipment and materials; and permitting and recording fees.

2. Watershed Management and Open Space Protection. Preservation and appropriate management of the most valuable of Napa County's open space lands, including watersheds, rivers, lakes and wildlife habitat, is the primary goal of this portion of the expenditure plan. Such projects include:

a. Management, Restoration, Maintenance and Public Access Priorities on protected lands include the following:

i. Restore native riparian habitat along streams, ensuring natural filtration of water to protect water quality;

ii. Decrease the risk to both people and natural systems from catastrophic wildfire on protected lands through such practices as improved forest management practices and invasive weed control to reduce fuel loads, eliminate fuel ladders and maintain forest diversity (avoiding even-aged, overly dense and single-species forests); develop wildfire resilience plans for protected lands with input from CAL FIRE, Napa County Fire, and other appropriate wildfire and forest health experts to guide and inform forest and wildfire management priorities; ensure appropriate post-fire management;

iii. Remove invasive species and restore Napa's native species;

iv. Reduce erosion into streams, lakes and other wetlands through projects such as reshaping and installing erosion control features on ranch roads and trails on protected watershed lands and taking steps to reduce erosion on protected watershed lands after wildfires; maintain roads on protected lands in order to facilitate management of protected lands as well as access for first responders and fire suppression efforts; maintain other infrastructure and resources, including water systems, access roads, facilities and Native American and historic resources located on public lands or publicly-accessible lands;

v. Construct, maintain, and enhance walking, hiking, biking and equestrian trails; provide non-urban nature-based recreation opportunities for all recreational interests, ages and abilities; improve and maintain protected lands to ensure they are clean, safe and welcoming public open spaces for healthy living--for play, for exercise and to relieve stress; complete the public facilities and recreational trail network proposed in the Napa County Regional Park and Open Space District Master Plan, as amended; provide or

fund, through a competitive grant process to agency or non-profit partners, interpretive programs and youth outdoor education to provide Napa County students the opportunity for outdoor educational field experiences and to study the environment, how it functions, and how to take care of it;

vi. Eligible costs associated with restoration, maintenance and public access include, but are not limited to, staff costs to operate the program; contracted and volunteer services; equipment and materials; permitting and recording fees; and grant writing to leverage County dollars by securing additional funds from State, federal and philanthropic sources. Money from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account may be used to “match” such grants, as necessary.

b. Watershed and Open Space Preservation. Preservation of watershed and open space lands may be through acquisition of fee title ownership, or easement, or any other conveyance of partial ownership interest in real property and associated rights including but not limited to water and mineral rights. Priorities include the following:

i. Protect local drinking water sources; preserve important watershed open space lands; protect water quality in rivers, creeks and lakes; The following are examples of Watershed Preservation projects: protect open space lands within the watersheds of reservoirs and lakes that provide municipal water supplies and drinking water, such as the Lake Hennessey and Milliken Reservoir watersheds that provide water for residents of the City of Napa, Kimball Reservoir serving City of Calistoga residents, Bell Canyon Reservoir serving City of St. Helena residents, the Friesen Lakes serving Angwin residents, and Rector Reservoir serving Yountville and Veterans Home residents; protect open space lands important for protecting and improving water quality in Putah Creek, Capell Creek, Pope Creek, Lake Curry, and Lake Berryessa; protect riparian habitat along both perennial and ephemeral streams and rivers; protect priority habitat at important vernal pools and seeps; protect sites providing habitat for Napa’s special status and rare native species; protect scenic hillsides surrounding Napa Valley.

ii. Protect natural areas including oak woodlands and other forested lands; preserve native biodiversity by protecting critical habitats and wildlife corridors; complete regional parks and close gaps between protected local, state and federal lands to ensure contiguous corridors

iii. Support the continuation of agriculture by protecting key agricultural lands;

iv. Acquire rights-of-ways and land needed to implement the public access goals of the Napa County Regional Park and Open Space District Master Plan, as amended; provide open space parks close to where people live, where possible within 10 minutes of Napa County’s cities and town, and trails that connect communities to nature;

v. Take advantage of one-time opportunities to preserve important open space lands or address immediate threats to water quality, water supply, and natural habitats;

vi. All acquisitions funded with revenues generated by this ordinance shall only be completed in partnership with willing sellers and the transaction prices will be based upon fair market appraisals. Therefore, the priorities and projects identified are subject to the availability of willing sellers at reasonable prices. Revenues generated by the ordinance may only be used for real property acquisition projects located wholly or at least partially within Napa County;

vii. Eligible costs associated with land acquisition include, but are not limited to, purchase price; transaction costs such as appraisals, surveys, title expenses, legal fees associated with purchase; access rights or other legal matters that are required to fulfill land acquisition requirements; permitting and recording fees; staff costs to operate the program; contracted and volunteer services; and grant writing to leverage County dollars by securing additional funds from State, federal and philanthropic sources. Money from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account may be used to “match” such grants, as necessary.

#### F. Distribution of Funds.

1. Fifty percent (50%) of the funds in the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account shall be allocated to the Napa County Regional Park and Open Space District to accomplish the specific purposes set forth in this section, and must be made in compliance with the Ordinance and in congruence with its District Master Plan, as amended. Distributions by the Napa County Regional Park and Open Space District may be made to Qualified 501c3 Nonprofit Organizations, or public agencies within the geographic boundaries of Napa County.

2. Fifty percent (50%) of the funds in the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account shall be distributed by the Napa County Board of Supervisors to accomplish the specific purposes set forth in this section, and in congruence with the Community Wildfire Protection Plan. Distributions by the County may be made to Qualified 501c3 Nonprofit Organizations.

3. By the end of each fiscal year, the entirety of funds held within the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account shall be allocated by Napa County to achieve the purposes set forth in this section. Nothing in this section shall require the County or any Grantee to expend all moneys allocated from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account within a specific time period.

#### G. Grant Limits and Qualifications.

1. Grant funds shall not be used for:

a. Support of or opposition to any political party, candidate, ballot measure, or campaign activity;

- b. Lobbying activities beyond those permitted for federal tax-exempt entities;
  - c. Purposes not authorized by the Grant Agreement.
2. No Public elected official, Public employee, or appointed official shall participate in the making, awarding, or administration of a Grant where prohibited by Government Code section 1090 or the Political Reform Act (Government Code section 87100 et seq.).
3. All Grants shall be approved in an open and public meeting pursuant to the Ralph M. Brown Act (Government Code section 54950 et seq.) based on staff reports analyzing Grant applications provided by Qualified 501c3 Nonprofit Organizations.
- a. Staff reports recommending a Grant award shall include:
    - i. Statement of public purpose;
    - ii. Proposed scope of services;
    - iii. Proposed performance measures;
    - iv. Proposed Grant amount;
    - v. Identification of any known conflicts of interest; and
    - vi. Confirmation of compliance with eligibility requirements.
  - b. All Grant awards shall be publicly posted on the County's or the Napa County Regional Park and Open Space District's website within thirty (30) days of approval and retained online for not less than five (5) years.
4. No Grant funds shall be disbursed without an executed Grant Agreement. Each Grant Agreement shall include:
- a. Description of public purpose;
  - b. Scope of work, budget, and eligible use of funds;
  - c. Prohibitions described in this section;
  - d. Reporting requirements and performance metrics;
  - e. Right of County inspection and audit;
  - f. Insurance and indemnification requirements, where appropriate;
  - g. Clawback and termination provisions; and
  - h. Record retention requirements.

#### H. Provision and Receipt of Grants.

1. Except as provided in subdivision 4, the Napa County Regional Park and Open Space District may use money allocated from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account to issue competitive Grants in compliance with the Ordinance to Qualified 501c3 Nonprofit Organizations or public agencies within the geographic boundaries of Napa County, including, but not limited to, municipalities, the Napa County Resource Conservation District and the Napa County Flood Control and Water Conservation District. Such Grants shall be issued based on an application process developed by the Napa County Regional Park and Open Space District, and shall be issued specifically to accomplish one or more

of the specific purposes set forth in this section, and in congruence with the District Master Plan, as amended. The Open Space District may seek to use funds permissibly by providing Grants to such Grantees which can accomplish the specific purposes set forth in this section

2. Except as provided in subdivisions 3 and 4, the Napa County Board of Supervisors shall use money allocated from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account to issue competitive Grants to Qualified 501c3 Nonprofit Organizations. Such Grants shall be issued based on an application process developed by the County in compliance with the Ordinance and shall be issued specifically to accomplish one or more of the specific purposes set forth in this section, and in compliance with this Ordinance and the Napa County Community Wildfire Protection Plan.

3. Notwithstanding subdivision 2, the Napa County Board of Supervisors shall be permitted to use money allocated from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account to accomplish one or more of the specific purposes set forth in this section only if no Qualified 501c3 Nonprofit Organization submits compliant Grant Application to receive a Grant under this Ordinance.

4. Notwithstanding subdivisions 1 and 2, both the Napa County Regional Park and Open Space District and the Napa County Board of Supervisors may use money allocated from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transaction and Use Tax Account for the costs associated with seeking grants from the state and federal government, so long as money received from such grants is used to accomplish the specific purposes of the Ordinance, as well as planning associated with such grants. Money from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account may be used to “match” such grants, as necessary, and grant applications may be completed with the assistance of Grantees, other nonprofit entities or other municipal public agencies.

5. Grantees which receive funds allocated from the Ordinance shall be permitted to enter into agreements with any other local agency or entity which is delivering products and/or services which comply with this Ordinance and accomplish the purposes of this Ordinance.

#### I. Implementation

a. Implementation Costs. In addition to the purposes set forth in this section, Napa County is permitted to allocate funds raised by the Ordinance to pay for expenses incurred after the effective date of the Ordinance which relate to the planning and ongoing implementation of the tax, including payments necessary to review and approve Grants, as set forth in section 3.38.040(H), for the operation of the Oversight Committee, as set forth in section 3.38.050, and for other purposes necessary for the planning and ongoing implementation of the Ordinance. These expenses shall be accounted for, and any amount in excess of the amount allocated to the County shall be removed from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account prior to distribution of funds to Grantees.

b. Procedural Implementation. In addition to the provisions set forth in this Ordinance, as well as any other state or local laws setting forth procedural requirements associated with the implementation of this Ordinance, the County and the Napa County Regional Park and Open Space District, including the County Auditor-Controller, shall have the authority to set forth rules and

procedures for grantmaking, distribution and reporting of funds raised and distributed from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account, so long as such rules further the purposes of the Ordinance.

Section 3.38.050. INDEPENDENT OVERSIGHT COMMITTEE.

A. Composition. The Board of Supervisors shall establish an Oversight Committee consisting of nine appointed members to provide transparency and ensure fiscal accountability. The Committee shall review the receipt and expenditures of revenue from the Ordinance, including an annual report of each grantee's use of the tax. Any written report shall be a public record.

1. All Committee members shall be County residents.
2. The Napa County Board of Supervisors shall appoint all Committee members to sit on the Oversight Committee. Appointments shall be made based on the following qualifications:
  - a. Three (3) members of the general resident population of Napa County selected from a combined list of individuals nominated by the cities of American Canyon, Napa, Yountville, St. Helena and Calistoga and by the County government to achieve a geographic balance.
  - b. Three (3) members shall be selected from a combined list of individuals nominated by CAL FIRE, Napa County Fire Department and the local city Fire Departments within Napa County.
  - c. Three (3) members shall be selected from a combined list of individuals nominated by the Napa County Regional Park and Open Space District.
3. In order to assist the Oversight Committee in understanding the use of tax funds, County Operations and the use of funds for specific purposes of the Ordinance, the following shall serve as non-voting ex officio members of the Oversight Committee:
  - a. The General Manager of the Napa County Regional Park and Open Space District, or designee.
  - b. The County Fire Administrator, or designee.
  - c. The County Auditor-Controller, or designee.
4. A designee of each Grantee which received a Grant in the preceding year shall appear at each Oversight Committee meeting to provide testimony and input related to the use of Grant funds, unless the Oversight Committee requests any such designee appear at only specific meetings. Grantee designees shall not participate in Oversight Committee votes or other official considerations, apart from providing testimony and input requested by the Oversight Committee.
5. The Board of Supervisors shall approve bylaws related to the conduct of Oversight Committee meetings and business.
6. Committee Members will serve a three-year staggered term and are eligible to be reappointed by their appointing body.
7. No salary or stipend shall be paid to Oversight Committee members.

8. The Oversight Committee shall dissolve after all revenue collected from the proceeds generated by the Ordinance is expended and a final report is submitted and circulated to the Napa County community.

B. Annual Reports. The funds collected from the Ordinance shall be received and distributed by the County Auditor-Controller. Each Grantee which receives any amount from the Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account shall prepare and distribute to the Committee, no later than the last day of the sixth month following the end of the fiscal year, an annual report which includes the amount received from Napa County Wildfire Preparedness, Watershed Protection and Open Space Preservation Transactions and Use Tax Account and how it was used to accomplish the purposes of the Ordinance. The Committee shall review all such reports on at least an annual basis, and provide its findings to the County CEO for distribution to the Board of Supervisors, as well as the County Auditor-Controller, for inclusion in existing annual audits produced by the Auditor-Controller's office.

C. Committee Authority. To preserve the integrity and independence of the oversight process, the Committee's responsibilities shall not include decision making on spending priorities, financing plans or tax rate projections or assumptions, and the Committee shall have no authority to direct, nor shall it direct, County staff or officials or Napa County Regional Park and Open Space District staff or officials.

D. Ethics. Oversight Committee business shall be conducted in open and public meetings pursuant to the Ralph M. Brown Act (Government Code section 54950 et seq.). All Oversight Committee members with voting power shall participate in conflict of interest and ethics training pursuant to AB 1234.

#### Section 3.38.060. OVERSIGHT AND ADMINISTRATION.

A. Oversight of this Ordinance will be the responsibility of the Oversight Committee which reports to the Napa County Board of Supervisors and the Board of Directors of the Napa County Regional Park and Open Space District. The County and the Napa County Regional Park and Open Space District are charged with a fiduciary duty in administering the tax proceeds in accordance with applicable laws and the Ordinance. Receipt of tax proceeds by Grantees other than the County and the Napa County Regional Park and Open Space District may be subject to appropriate terms and conditions, including, but not limited to: the right to require recipients to execute Grant Agreements; the right to audit recipient's use of the tax proceeds; compliance with environmental reporting, review, and approval procedures as provided for under the National Environmental Policy Act, and/or California Environmental Quality Act or other applicable laws will be adhered to as a prerequisite to the planning and ongoing implementation of any project. Actual tax proceeds may be higher or lower than estimated over the duration of the Ordinance. Pursuant to section 3.38.040(G)(4), Grant Agreements shall be required before any tax proceeds are allocated as Grants to Grantees.

B. California Department of Tax and Fee Administration Costs Payment for the costs of contracting with the California Department of Tax and Fee Administration for administration of the tax shall be the responsibility of the County. If the election is successful, the County shall be reimbursed for any fee charged by the California Department of Tax and Fee Administration from the proceeds of the tax, and any amounts in excess of the allocation to the County shall be deducted from the

annual proceeds from the tax before quarterly distribution to the agencies and entities enumerated in section 3.38.040.

C. The reasonable annual administrative costs necessary for the planning and ongoing implementation of the Ordinance which are borne by the County's Auditor-Controller and other County staff, the Oversight Committee administrative costs, and the California Department of Tax and Fee Administration, to the extent such costs are in excess of the allocation provided to the County, will be deducted from the annual proceeds from the tax before annual distribution to Grantees, or any other entities enumerated in section 3.38.040.

D. The Board of Supervisors may amend, by a four-fifths (4/5) majority vote, technical, procedural and administrative provisions of the Ordinance, including deadlines, error correction or conforming amendments required by changes to state law, provided that such amendments are consistent with and further the purposes of the Ordinance, and allow for the continued collection and expenditure of funds in the manner set forth in the Ordinance. Amendments to the tax rate, termination date, allocation percentages, or fundamental purposes shall require approval by a majority of voters.

#### Section 3.38.070. SEVERABILITY.

If any provision of this Ordinance or the application thereof to any person or circumstance is held invalid, the remainder of the Ordinance and the application of such provision to other persons or circumstances shall not be affected thereby. The County declares that it would have adopted each part of this Ordinance irrespective of the validity of any other part.

#### **SECTION 4. Effective Date and Operative Date.**

This chapter shall be effective ten (10) days after certification by the Board of Supervisors of the returns of the election indicating approval by a majority of the voters voting in the election of the measure enacting this chapter. The operative date for the transactions (sales) and use tax imposed hereunder shall be on April 1, 2027.

#### **SECTION 5. Termination.**

The authority to levy the tax imposed by this measure shall expire on March 31, 2045.

#### **SECTION 6. Severability.**

If any provision of this measure, or part thereof, or the applicability of any provision or part to any person or circumstances, is for any reason held to be invalid or unconstitutional, the remaining provisions and parts shall not be affected, but shall remain in full force and effect, and to this end the provisions and parts of this measure are severable. The People of Napa County hereby declare that this measure, and each portion and part, would have been adopted irrespective of whether any one or more provisions or parts are found to be invalid or unconstitutional. The People of Napa County further declare their desire that this measure provide funding as described for wildfire preparedness; watershed protection and open space; and that each of these vital County services are independently important of one another.

### **SECTION 7. Conflicting Measures.**

This measure is intended to be comprehensive. It is the intent of the People of Napa County that, in the event this measure appears on the same ballot as one or more measures relating to the imposition of sales and use tax, the implementation of which sales and use tax would, in combination with this Measure, exceed the permissible sales and use tax cap placed on any jurisdiction within Napa County by the state, the provisions of the other measure or measures shall be deemed in conflict with this measure. In the event that this measure receives a greater number of affirmative votes, the provisions of this measure shall prevail in their entirety, and the provisions of the other measure or measures may be implemented only to the extent that those provisions are not in conflict with each provisions this measure. The provisions of a conflicting measure or measures shall be deemed in conflict with this measure if such conflicting measure or measures would, after accounting for this measure's sales and use tax imposition, impose a sales and/or use tax in excess of the limits placed on the imposition of such taxes in Napa County by the State of California. If this measure is approved by a majority of the voters, but does not receive a greater number of affirmative votes than any other measure or measures appearing on the same ballot regarding the imposition of sales and use tax set forth herein, then this measure shall take effect to the extent not in conflict with said other measure or measures.

### **SECTION 8. Amendment.**

The Board of Supervisors may amend, by a four-fifths (4/5) majority vote, technical, procedural and administrative provisions of the Ordinance, including deadlines, error correction or conforming amendments required by changes to state law, provided that such amendments are consistent with and further the purposes of the Ordinance, and allow for the continued collection and expenditure of funds in the manner set forth in the Ordinance. Amendments to the tax rate, termination date, allocation percentages, or fundamental purposes shall require approval by a majority of voters.

### **SECTION 9. Liberal Construction.**

This measure is an exercise of the initiative power reserved to the People of Napa County for funding wildfire preparedness; watershed protection and open space; and shall be liberally construed to effectuate that purpose.

### **SECTION 10. Municipal Affair.**

The People of Napa County hereby declare that, separately and together, the following purposes constitute municipal affairs: wildfire preparedness; watershed protection and open space. The People of Napa County hereby further declare their desire for this measure to coexist with any similar tax measures adopted at the city, county or state levels.