

NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT

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FILED

SEP 19 2011

Clerk of the Napa Superior Court
By: C. Brennan
Deputy

September 13, 2011

The Honorable Diane M. Price
Presiding Judge
Napa County Superior Court
825 Brown Street
Napa, CA 94559

SUBJECT: Response to the Grand Jury 2010-2011 Final Report on Napa County
Napa Berryessa Resort Improvement District

Judge Price:

The Napa Berryessa Resort Improvement District (NBRID) has reviewed the findings and recommendations contained in the 2010-2011 Final Report. The Grand Jury is to be commended for its work on behalf of the citizens of Napa County. This letter is intended to respond to Findings numbered F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, F13, and F14 and Recommendations numbered R1, R2 and R5.

Finding No. F1

"NBRID's Board of Directors has only met once in Cappell Valley with NBRID residents and property owners to update them on District issues."

Response to Finding No. F1

NBRID's governing board agrees with the finding only to the extent that it applies to a meeting of a quorum of the governing board in Capell Valley. Both staff and less than a quorum of the governing board frequently meet with engaged residents to discuss District issues both at the County's offices and in the District. Due to the increased costs of staff time and travel that are borne by the District when meetings are held at locations other than the County's Administrative Offices, it is expected that meetings of the full governing board at the Capell Valley Fire Station will only be held on an as-needed basis as determined by the governing board. It is expected, however, that members of the governing board and staff will continue to meet with members of the community on a regular basis.

Received
Napa Superior Court

SEP 16 2011

Court Executive Office

Finding No. F2

“NBRID’s continuing water and sewer problems are due to aging infrastructure and deferred maintenance.”

Response to Finding No. F2

NBRID’s governing board agrees with the finding.

Finding No. F3

“Between 1995 and 2010 the RWQCB issued several notices of violations and three Cease and Desist Orders to the NBRID Board of Directors.”

Response to Finding No. F3

NBRID’s governing board agrees with the finding.

Finding No. F4

“NBRID does not have an up-to-date Master Plan.”

Response to Finding No. F4

NBRID’s governing board agrees with the finding; however, it is important to note that updates to the Master Plan will be forthcoming by November 2011 as required by the Cease and Desist Order. Specifically, in 2006, NBRID completed a Master Plan Study of its water and wastewater treatment systems. This led to the development of an Engineer’s Report to support a bond sale for capital improvements to the two systems. While this report since has been determined to require revisions and updates based on the Bureau of Reclamation’s concessionaire contract and other information obtained by further analysis of the system, it does constitute a Master Plan and updates will be reported to the Regional Water Quality Control Board as required by the Cease and Desist Order.

In addition, NBRID does have a Sanitary Sewer Management Plan (SSMP) as required by the Waste Discharge Requirements promulgated by the State Water Resources Control Board. Further, on January 11, 2011, the County Board of Supervisors approved an agreement with an environmental engineering consultant to prepare a Preliminary Infiltration & Inflow Assessment Report, Preliminary Wastewater Facilities Plan, a Preliminary Collection System Improvement Plan and a Wastewater Facilities Financing Plan to be completed in November 2011. These documents will be used specifically to address improvements needed to satisfy the Regional Water Quality Control Board.

Finding No. F5

"Adequate reserves have not been set aside to address ongoing infrastructure needs to keep facilities up to date."

Response to Finding No. F5

NBRID's governing board agrees to the extent that it does not currently have adequate reserves. Although the current budget does not include a reserve fund, a reserve fund did exist until 1985.

Finding No. F6

"For the past two years current revenues have not been sufficient to cover operating expenses."

Response to Finding No. F6

NBRID's governing board agrees with the finding.

Finding No. F7

"The NBRID residents have expressed interest in converting to an independent community services district and would like to be part of a transition committee."

Response to Finding No. F7.

NBRID's governing board agrees that some residents have expressed interest in converting to a community services district. On June 14, 2011, NBRID's governing board appointed five of its customers and one representative of the concessionaire for Lupine Shores to serve on a transition committee.

Finding No. F8

"The NBRID Board of Directors has requested loans from the County to cover operating shortfalls."

Response to Finding No. F8.

NBRID's governing board agrees with the finding.

Finding No. F9

"The NBRID Board of Directors received a loan of \$205,000 from the County to balance the FY 2010/11 budget."

Response to Finding No. F9

NBRID's governing board agrees with the finding. The County of Napa granted the loan to NBRID on May 10, 2011.

Finding No. F10

"NBRID does not have a rate calculation in place to establish and maintain a reserve balance for emergencies and ongoing repair maintenance."

Response to Finding No. F10

NBRID's governing board agrees with the finding.

Finding No. F11

"By their actions the Board of Supervisors formed a Board of Directors for NBRID within the meaning of Public Resources Code § 13034."

Response to Finding No. F11

NBRID's governing board disagrees with this finding. As detailed below in NBRID's Response to Finding No. F13, the Napa County Board of Supervisors formed NBRID and properly established itself as NBRID's governing board in conformance with Public Resources Code §§ 13030 et seq. as those code sections existed in 1964 and 1965. Pursuant to Section 13031, the Napa County Board of Supervisors named itself the governing body, an action that was subsequently affirmed by the voters of the District. Section 13031 states in relevant part that, "The Board of Supervisors is the governing board of the district . . .".

Finding No. F11 by the Grand Jury appears to confuse the descriptive use of the term Directors or Board of Directors as used to refer to Napa County Board of Supervisors when sitting as the NBRID governing board and the specific use of discretionary authority held but never utilized by the NBRID governing board to form a resident based board of directors pursuant to Public Resources Code § 13032. Section 13032 states: "*If deemed advisable* by the board of supervisors a board of directors for the district *may* be formed." [Italics added for emphasis.] To take such an action, the NBRID governing board would need to expressly form a resident board of directors under Public Resources Code § 13032 and delegate specific authority to the resident-based

board of directors in conformance with Public Resources Code § 13033.¹ To date, the NBRID governing board has never exercised this discretionary authority. Accordingly, Public Resources Code §§ 13034 et seq., which pertains to the make-up and election of a resident based board of directors, do not currently apply to NBRID.²

While the NBRID governing board has referred to itself using the terms “Directors” or “Board of Directors,” this has been done for the purpose of delineating NBRID business from County business and is consistent with the general use of the terms Directors or Board of Directors when the Board of Supervisors conducts business on behalf of other dependent special districts. The use of these descriptive terms in reference to the Board of Supervisors as NBRID’s governing board has never intended to, nor has it exercised, the NBRID governing board’s discretionary authority to provide powers to a resident based board of directors.

Finding No. F12

“The composition of the NBRID Board of Directors is not in compliance with Public Resources Code § 13034, since the members are not elected by the residents of the district.”

Response to Finding No. F12

NBRID’s governing board disagrees with this finding as it is a misstatement of both law and fact. Public Resources Code § 13031 states in relevant part that, “The board of supervisors is the governing body of the district.” Accordingly, as previously stated in the response to Finding No. F11, NBRID was appropriately formed in 1965 with the Board of Supervisors as its governing board. The NBRID governing board has never exercised its discretionary authority to create a resident based board of directors. (Pub. Res. Code § 13032.) Accordingly, Public Resources Code § 13034, which sets forth how such a discretionary board of directors would be elected, has no application to NBRID’s governance at this time.

To understand Public Resources Code § 13034, it must be read in context of the statutory provisions that immediately precede it. Specifically, Public Resources Code §§ 13031, 13032, and 13033 provide the relevant context. Collectively those code sections require the Board of Supervisors to be the NBRID governing board (Pub. Res. Code § 13031), provide the NBRID governing board *discretionary* authority to appoint a resident based board of directors (Pub. Res. Code § 13032), and provide the NBRID governing board the ability to assign the resident board of directors those powers the NBRID governing board sees fit for it to exercise (Pub. Res. Code § 13033). Read with this context, it is apparent Public Resources Code § 13034, which addresses the make-up of such a resident based board of directors, would therefore only apply if and

¹ Pub. Res. Code § 13033 states, “The board of directors of any district formed pursuant to this division shall have such powers as the board of supervisors may from time to time give to them. The board of supervisors may grant to the board of directors of the district any powers herein given to the board of supervisors.”

² Pub. Res. Code § 13034 states, “The district board shall consist either of five members, four of which shall be elected from the district and the fifth which shall be the supervisor who represents the area in which the district or major portion thereof is located; or, if the district so elects, by unanimous vote of the directors, the district board shall consist of five members who shall be elected from the district.”

when the Board of Supervisors as NBRID's governing board exercised its discretionary authority under Public Resources Code §§ 13032-13033. NBRID's governing board has never exercised this discretion and accordingly Public Resources Code § 13034 has no application to NBRID's governance at this time.

Finding No. F13

"The NBRID Board of Directors has no legal existence."

Response to Finding No. F13

NBRID's governing board disagrees with the finding.

This response to Finding No. F13 details the procedures taken to legally create NBRID and simultaneously name the Board of Supervisors as its governing board.

At the time NBRID was formed in 1965 the process for forming a resort improvement district was set forth in former Public Resources Code § 13030.³ Section 13030 stated as follows:

"Proceedings for the establishment of a district shall be instituted and conducted as nearly as may be practicable, in the same manner as is prescribed by Article 2 (commencing with Section 25210.10), Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code for the proceedings for the establishment of a county service area, except that the resolution of the board of supervisors establishing the district shall not become effective unless and until it has been submitted to the voters of the proposed district at a special election called and conducted by the board of supervisors and has been approved by a majority of the voters voting at such election. The elections shall be conducted insofar as not otherwise provided in this division as a special county election. The cost of the election shall be a proper charge against the county."

Accordingly, NBRID was formed pursuant to the procedures set forth in Government Code §§ 25210.10 et seq. as those sections existed in 1964-1965.⁴ The steps taken to follow those procedures and form NBRID are explicitly stated in Resolutions 64-77, 65-7, 65-8, and 65-31 adopted by the Napa County Board of Supervisors on December 15, 1964, January 19, 1965 (both 65-7 and 65-8), and March 9, 1965 respectively. NBRID attaches these resolutions for the

³ Pub. Res. Code § 13030 was subsequently repealed by Stats.2008, c.158 (SB 1458) effective January 1, 2009. The legislative history of SB 1458 explains that Section 13030 was repealed as it had become obsolete after the legislature adopted Section 13003, which prevented the formation of new resort improvement districts. Neither the adoption of Section 13003 nor the repeal of Section 13030 have any effect on NBRID as it was formed consistent with Section 13030 when that Section was in force when the law still allowed for the formation of new resort improvement districts.

⁴ Government Code §§ 25210.10 et seq. were subsequently repealed by Stats.2008, c.158 (SB 1458) effective January 1, 2009.

benefit of the Grand Jury and the community. These resolutions illustrate that the procedures to create NBRID included, but were not limited to, the following:

- All of the landowners within the proposed boundaries of NBRID and 10% of the registered voters signed and filed a petition with the Clerk of the Board of Supervisors to create NBRID. (See Gov. Code §§ 25210.11 and 25210.12 [repealed effective January 1, 2009].)
- The proposal for formation was submitted to the Boundary Commission of the County of Napa, which reviewed the description at a public meeting and recommended in a report filed with the Board of Supervisors and the proponents that NBRID's boundaries be as set forth in the petition.
- A Notice of Intention to form NBRID was filed with LAFCO along with all necessary documents.
- On November 12, 1964, LAFCO called a public hearing on the proposal to form NBRID for December 9, 1964. (See Gov. Code § 25210.13 [repealed effective January 1, 2009].)
- On December 9, 1964, LAFCO unanimously approved the initiation of proceedings for the formation of NBRID. (See Gov. Code § 25210.13 [repealed effective January 1, 2009].)
- On December 15, 1964, the Board of Supervisors adopted Resolution 64-77 finding the prior proceedings to create NBRID to have been taken in full compliance with the law, noticing its intent to establish NBRID, and setting a hearing for January 19, 1965 for a hearing on the establishment of NBRID to provide "all interested persons or taxpayers for or against the establishment of such district, the extent of said district, or the furnishing of specified types of services" the opportunity to be heard. (See Gov. Code §§ 25210.14 and 25210.16 [repealed effective January 1, 2009].) Resolution 64-77 also included the required elements set forth in former Government Code § 25210.15 and notice of the January 19, 1965 meeting was completed in conformance with former Government Code § 25210.16. (See Gov. Code §§ 25210.15 and 25210.16 [repealed effective January 1, 2009].)
- On January 19, 1965, the Board of Supervisors held a public hearing and adopted Resolution 65-7, making various findings as required by former Government Code § 25210.18, including, in relevant part, the following:

•
"4. . . . Written protests against the establishment of the proposed district were not filed by the owners of one-half (1/2) or more of the value of the territory proposed to be included in said district as shown by the last equalized assessment roll. No other protests were made by anyone orally or in writing to this Board or the Clerk of this Board at the hearing or prior to said hearing.

...
7. This Board of Supervisors shall be the governing body of the district until otherwise determined as provided by law."

...
9. The said NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT is hereby established subject to the approval of the voters as provided in Section 13030 of the Public Resources Code of the State of California.”

- Pursuant to Resolution 65-8, the Board of Supervisors called a special election in conformance with former Government Code § 25210.18a for the purpose of submitting to the qualified voters of the proposed NBRID, the proposition of whether the resolution of the Board of Supervisors, No. 65-7, adopted January 19, 1965, establishing said district should be approved. The special election was noticed by publication in the form an manner required by law. Additional notice of said election was given by posting a notice of election in three public spaces in the said district and by mailing postage prepaid to all qualified voters in said district sample ballots and polling place cards in the manner, form, and time required by law.
- On March 2, 1965, the special election was held and conducted in all respects as required by law. (Reso. 65-31; Gov. Code § 25210.19.)
- On March 9, 1965, the Board of Supervisors adopted Resolution 65-31 finding the special election resulted in twenty-five (25) votes in favor and zero (0) against the formation of NBRID, a majority of the voters voting in the special formation election voted to approve Resolution 65-7 establishing NBRID, and ordering the Clerk to cause of copy of the map and description of the boundaries of NBRID to be promptly filed with (a) the State Board of Equalization, and (b) the Assessor of the County of Napa.

Accordingly, NBRID was properly established in conformance with state law and the Board of Supervisors was named the governing board of NBRID in Resolution 65-7, which was subsequently ratified by of vote of the community as illustrated by Resolution 65-31.

Finding No. F14

“Since the NBRID Board of Directors does not legally exist, meetings and resolutions in its name can be legally challenged on that ground.”

Response to Finding No. F14

NBRID’s governing board disagrees with the finding. As mandated by Resort Improvement District law, the County Board of Supervisors is the governing board of the District. (Pub. Res. Code § 13031.) As more fully set forth in the response to Finding No. F13, the Napa County Board of Supervisors legally formed NBRID and established itself as the governing body.

Recommendation No. R1

“NBRID Board of Directors meets quarterly in Cappell Valley with NBRID residents and property owners to update them on District issues.”

Response to Recommendation No. R1

NBRID’s governing board does not intend to implement the recommendation because it is not warranted. Due to the increased costs of staff time and travel that are borne by the District when meetings are held at locations other than the County’s Administrative Offices, it is expected that meetings of the full governing board at Capell Valley Fire Station will only be held on an as-needed basis as determined by the governing board. Residents are always welcome to attend regular meetings and are able to view the meetings live over the internet. Additionally, staff and less than a quorum of the governing board frequently meet with engaged residents to discuss District issues both at the County’s offices and in the District when appropriate.

Recommendation No. R2

“NBRID Board of Directors facilitates the formation of a transition committee to serve until conversion to an independent community service district is complete.”

Response to Recommendation No. R2

NBRID’s governing board implemented the recommendation prior to receipt of the Grand Jury report. The NBRID Board of Directors created a Transition Committee on April 5, 2011. On June 14, 2011 five applicants were appointed to the Committee as well as a representative from Pensus Group.

Recommendation No. R5

“NBRID Board of Directors includes in future rate calculations a formula to provide for the establishment and maintenance of a reserve balance.”

Response to Recommendation No. R5

NBRID’s governing board has not yet implemented the recommendation, but it is the intent of the governing board to implement such a rate in the future. The timing of this will depend in large part on the Bureau of Reclamation’s progress with its concessionaire agreement. Notably, the governing board cannot make such increases to rates until it has complied with Proposition 218 and it is unclear whether the necessary rate increases could survive a majority protest hearing.

The Honorable Diane M. Price, Presiding Judge
Napa County Superior Court

September 13, 2011

Thank you for your efforts in evaluating agencies within Napa County and ensuring they are all serving the citizens honestly, efficiently and effectively. If you have any questions regarding the responses above, please direct them to the District Engineer, Don Ridenhour, PE at 259-8321 or Don.Ridenhour@countyofnapa.org.

Sincerely,



Bill Dodd
Chairman

CC NBRID Board of Directors
County of Napa Board of Supervisors
Don Ridenhour, PE, District Engineer
Phillip M. Miller, PE, Deputy District Engineer
Judith Bernat, Forewoman 2010-2011 Napa County Grand Jury

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

RESOLUTION NO. 65-31

RESOLUTION DECLARING RESULT OF
FORMATION ELECTION
NAPA-BERRYESSA RESORT IMPROVEMENT DISTRICT

WHEREAS, pursuant to Section 13,030 of the Public Resources Code, the Board of Supervisors of the County of Napa, in its Resolution No. 65-8, adopted January 19, 1965, called a special election to be held March 2, 1965, for the purpose of submitting to the qualified voters of the proposed Napa-Berryessa Resort Improvement District, the proposition of whether the resolution of this Board, No. 65-7, adopted January 19, 1965, establishing said district, should be approved, and

WHEREAS, notice of said election was duly given in the manner and form required by law, by publishing said notice of election calling said election and setting forth the time, manner and place of voting, and all the necessary matters in the Napa Register, a newspaper printed in Napa County and of general circulation in said proposed district, on January 22 and 29, 1965, and

WHEREAS, additional notice of said election was given by posting a notice of election in three public places in said district and by mailing postage prepaid to all qualified voters in said district sample ballots and polling place cards in the manner, form and time required by law, and

WHEREAS, said election was duly held on Tuesday, March 2, 1965, and was conducted in all respects as required by law, and

WHEREAS, said Board of Supervisors has canvassed all the returns of said election, including absent voter ballots and determined the result of said election to be as follows:

1. The whole number of votes cast in said election was 25.

2. The only measure or matter voted on in said election was:

:
: MEASURE: Shall Resolution No. 65-7 :
: adopted January 19, 1965, :
: by the Board of Supervisors of Napa :
: County, State of California establish- :
: ing proposed NAPA-BERRYESSA IMPROVEMENT: :
: DISTRICT be approved? :
:

3. The number of votes cast in the precincts for and against said measure was:

STEELE PARK PRECINCT "A"

For: Against:

1 0

Absentee Ballots:

For: Against:

24 0

4. The total number of votes given in said election for and against said measure:

For: 25 Against: 0

5. As reflected in said canvass hereinabove and pursuant to Section 13,058 of the Public Resources Code, this Board of Supervisors provided in its Resolution No. 65-8, adopted January 19, 1965, that each voter shall have one vote, and additional voting power in proportion to the assessed valuation of the land and improvements owned by him as shown on the last equalized County assessment roll, not to exceed one vote per Five-Thousand Dollars (\$5,000.00) of assessed valuation as set forth on the certificate of the Assessor, County of Napa, attached hereto as "Exhibit A."

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, AS FOLLOWS:

1. All the matters set forth above are true and correct and this Board so finds and determines.

2. The manner and form in which notice of election was actually published and otherwise given are hereby ratified and approved.

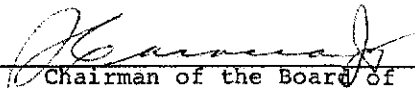
3. This Board hereby finds and determines that a majority of the voters voting at said special formation election have approved Resolution No. 65-7 adopted by this Board on January 19, 1965, establishing Napa-Berryessa Resort Improvement District.

4. The Clerk shall cause a copy of the map and a description of the boundaries of said District to be promptly filed with (a) the State Board of Equalization, and (b) the Assessor of the County of Napa, in compliance with Section 54,900 of the Government Code.


PASSED AND ADOPTED this 9th day of March, 1965, by the following vote:

AYES: Supervisors ANDERSEN, CLARK, FEGUSON and CAIOCCA
NOES: NONE
ABSENT OR NOT VOTING: DICKENSON

(SEAL)


Chairman of the Board of
Supervisors, County of Napa

ATTEST:


Clerk of Said Board

ENDORSED
Filed _____
C.S. DEPT. 1004
C. J. DEANE
By _____

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

RESOLUTION NO. 1-77

RESOLUTION OF INTENTION TO ESTABLISH PROPOSED
NAPA-BERRYESSA IMPROVEMENT DISTRICT,
A RESORT IMPROVEMENT DISTRICT,
IN THE COUNTY OF NAPA, FIXING TIME AND PLACE
FOR HEARING AND PROVIDING NOTICE THEREOF

WHEREAS, there has been filed with the Clerk of the Board of Supervisors, County of Napa, State of California, a Petition signed by all the landowners and over 10% of the registered voters within said proposed Napa-Berryessa Improvement District, and by a written request signed by two members of the Napa County Board of Supervisors requesting the formation in the County of Napa of a resort improvement district pursuant to the provisions of Division 11 of the Public Resources Code, to be known as proposed Napa-Berryessa Improvement District; and

WHEREAS, said proposed district will cover and include territory in the County of Napa, near adjoining Lake Berryessa, as is more fully shown on a map of said proposed district and a description thereof which are attached to said Petition and Request; and

WHEREAS, the proposal for the formation of said proposed resort improvement district was submitted to the Boundary Commission of the County of Napa pursuant to the provisions of Chapter 3, Division 1 of Title 6, California Government Code; and pursuant to said chapter said Boundary Commission duly reviewed said proposal and the map and description of said proposed district and at its meeting duly called, noticed and held on Tuesday, November 10, 1964, recommended in a report filed with the Board of Supervisors and the proponents of said district that the proposed resort improvement district boundaries be as set forth in the description and on the map of said proposed

64-77

district attached to the Petition and filed with said Board of Supervisors; and

WHEREAS, a Notice of Intention to form said resort improvement district was filed with the Local Agency Formation Commission of the County of Napa pursuant to the provisions and as required by Chapter 6.6 of Part 1, Division 2, Title 5, California Government Code; and

WHEREAS, said notice contained the specific boundaries and a description of the kind of district proposed to be formed and all other matters required by said Chapter 6.6, and was filed with said Local Agency Formation Commission prior to the circulation of said petition for the formation of the proposed resort improvement district; and

WHEREAS, after the provisions of law relating to consideration of the proposal by the Napa County Boundary Commission had been complied with and notice of the action of said Boundary Commission had been received by said Local Agency Formation Commission, said Local Agency Formation Commission at its regular meeting on November 12, 1964, fixed the date, time and place for a public hearing on said resort improvement district proposal, said date of hearing being within sixty days of the date said notice was received from said Boundary Commission; and

WHEREAS, said public hearing was fixed for Wednesday, December 9, 1964, at 7:30 P.M., at the regular meeting place of the Board of Supervisors, Napa County, County Courthouse, Napa, California; and

WHEREAS, the Local Agency Formation Commission gave not less than fifteen days notice of the date, time and place of said hearing to 1) the governing body of each city or special district having jurisdiction within the boundaries of said proposed district, 2) the governing body of each city and special district within 3 miles of the exterior boundaries of the proposed district, 3) any interested party who had filed a written request with th

executive officer of said Commission for such notice, and
4) the proponents of said district; and

WHEREAS, notice of said hearing was duly published pursuant to Section 6061 of the Government Code by publication in the Napa Register, a newspaper of general circulation in each city or district within the proposed district, at least fifteen days prior to the date fixed for said hearing; and

WHEREAS, at said public hearing said Local Agency Formation Commission carefully reviewed said proposal and considered all the factors to be considered as set forth in said Chapter 6.6, including but not limited to those factors referred to in Section 54786 of the Government Code; and at the conclusion of said hearing unanimously approved the initiation of proceedings for the formation of said proposed resort improvement district and the circulation of the Petition with respect thereto,

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. The foregoing recitals and each of them are true and correct and the Board of Supervisors hereby so finds and determines.

2. This Board of Supervisors has reviewed all proceedings heretofore taken and has found as a result of such review and does hereby determine that all acts, conditions and things required by law to exist, happen and be performed prior to the fixing of a final hearing on the formation of a resort improvement district, have existed, happened and been performed in the time, form and manner as required by law.

3. It is the intention of this Board of Supervisors to establish a resort improvement district pursuant to the provisions of Division 11 of the Public Resources Code and in accordance with Article 2, Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code.

4. The name of said proposed district shall be Napa-Berryessa Improvement District, and the boundaries thereof shall be as shown on a map of said district attached to said written request and a description thereof attached hereto as "Exhibit A."

5. It is proposed that the district may acquire, construct, maintain and operate property, works and facilities for the following purposes within said district:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection, and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

(c) Protection against fire.

(d) Comprehensive planning for the physical growth of the area within the district.

(e) The collection or disposal of garbage or refuse matter.

(f) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings for all-year recreation, including but not limited to facilities for public and private meetings and other public squares and places.

(g) Street lighting.

(h) Mosquito abatement.

(i) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.

(j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities as defined in Section 385 of the Vehicle Code, with respect to highways

under their jurisdiction.

(k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities, as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.

(1) The construction and maintenance of parking facilities, and other transportation facilities.

Where applicable and pursuant to law, except where funds are otherwise available, a tax sufficient to pay for all such services which are actually furnished will be annually levied upon all taxable property within such district.

6. Notice is hereby given and the Board of Supervisors hereby fixes TUESDAY, JANUARY 19, 1965, at 2:30 P.M., Napa, California at the County Courthouse as the time and place for the hearing on the establishment of said proposed district, which said date of hearing is not less than thirty nor more than sixty days after the date of adoption of this resolution. At said hearing the testimony of all interested persons or taxpayers for or against the establishment of such district, the extent of said district, or the furnishing of specified types of services will be heard.

7. The Clerk of the Board of Supervisors is hereby ordered to publish notice of said hearing and this resolution once in the Napa Register, a newspaper of general circulation, circulated within said proposed district. Publication shall be complete at least seven days prior to the date of hearing.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS on this 15 day of December, 1964, by the following vote:

AYES: Supervisors EBY, CAIOCCA, FAGIANI and CLARK

NOES: NONE

ABSENT: DICKENSON

N. D. CLARK
Chairman of the Board of Supervisors
County of Napa, California, PRO TEM.

(SEAL)

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA
RESOLUTION NO. 65-7

RESOLUTION ESTABLISHING BOUNDARIES
OF AND ESTABLISHING PROPOSED
NAPA-BERRYESSA IMPROVEMENT DISTRICT,
A RESORT IMPROVEMENT DISTRICT

FILED
JAN 19 1965
C. S. SMITH, Clerk
E. W. BEAMS
Deputy Clerk

WHEREAS, the Board of Supervisors of the County of Napa, State of California, adopted its Resolution No. 64-77 making certain findings and declaring its intention to establish the proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT, a resort improvement district, and fixed Tuesday, January 19, 1965, at 2:30 P.M., at the County Courthouse, Napa, California, as the time and place for the public hearing thereon, and

WHEREAS, notice of said hearing containing the text of the resolution, the time and place for the hearing, and stating that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the area, the extent of the area or the furnishing of specified types of extended services will be heard, was duly published in The Napa Register, a newspaper of general circulation, circulated within said proposed district on December 19, 1964.

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, STATE OF CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

1. The foregoing recitals and each of them are true and correct and the Board of Supervisors hereby so finds and determines.
2. All of the territory of the proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT is unincorporated and particularly suited to and used for recreation resort purposes and lies in the County of Napa.

3. Eighty percent (80%) or more of the assessed valuation of the land in said district as shown on the last equalized County assessment roll is in non-resident ownership.

4. At said public hearing fixed by the Board of Supervisors for Tuesday, January 19, 1965, an opportunity was provided to hear all protests against the establishment of said district, the extent of said district and the furnishing of specified types of extended services within the area. Written protests against the establishment of the proposed district were not filed by the owners of one-half (1/2) or more of the value of the territory proposed to be included in said district as shown by the last equalized assessment roll. No other protests were made by anyone orally or in writing to this Board or the Clerk of this Board at said hearing or prior to said hearing.

5. This Board hereby determines that all of the territory shown on the map of said district on file with the County Clerk will be benefited by the establishment of said district, and said Board hereby establishes NAPA-BERRYESSA IMPROVEMENT DISTRICT.

6. The boundaries of said district are hereby finally determined and established to be as set forth on the map and description of said district on file with said County Clerk.

7. This Board of Supervisors shall be the governing body of the district until otherwise determined as provided by law.

8. The said district may acquire, construct, maintain and operate property, works and facilities for any one or more of the following purposes:

(a) To supply the inhabitants of the district with water for domestic use, irrigation, sanitation, industrial use, fire protection and recreation.

(b) The collection, treatment or disposal of sewage, waste and storm water of the district and its inhabitants.

- (c) Protection against fire.
- (d) Comprehensive planning for the physical growth of the area within the district.
- (e) The collection or disposal of garbage or refuse matter.
- (f) Public recreation by means of parks, including but not limited to aquatic parks and recreational harbors, playgrounds, golf courses, swimming pools or recreation buildings for all-year recreation, including but not limited to facilities for public and private meetings and other public squares and places.
- (g) Street lighting
- (h) Mosquito abatement.
- (i) The equipment and maintenance of a police department or other police protection to protect and safeguard life and property.
- (j) The opening, widening, extending, straightening, and surfacing, in whole or part of any street in such district, subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.
- (k) The construction and improvement of bridges, culverts, curbs, gutters, drains, and works incidental to the purposes specified in subdivision (j), subject to the consent of the State Department of Public Works, with respect to state highways, and local authorities as defined in Section 385 of the Vehicle Code, with respect to highways under their jurisdiction.
- (l) The construction and maintenance of parking facilities and other transportation facilities.

8, This Board hereby finds that all of the proceedings leading up to the establishment by this Board of said district were valid and in conformity with the requirements of Division 11 of the Public Resources Code and Chapter 2.2, Part 2, Division 2, Title 3 of the Government Code.

9. The said NAPA-BERRYESSA IMPROVEMENT DISTRICT is hereby established subject to the approval of the voters as provided in Section 13030 of the Public Resources Code of the State of California

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS on this 19th day of January, 1965, by the following vote:

AYES: Supervisors

ANDERSEN, CLARK,
FERGUSON and CAIOCCA

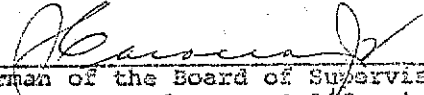
NOES:

NONE


ABSENT:

DICKINSON

(SEAL)


Chairman of the Board of Supervisors
County of Napa, California

ATTEST:



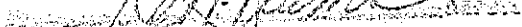
THE FOREGOING INSTRUMENT IS A CORRECT COPY
OF THE ORIGINAL ON FILE IN THIS OFFICE

JAN 20 1965

ATTEST.....

C. S. SHIPPY

COUNTY CLERK
OF CALIFORNIA



DUPLICATED COPY

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

ENDORSED

JAN 19 1965

C. S. SHIPPY, Clerk
E. M. REAMS

RESOLUTION NO. 65-8

By E. M. REAMS
Deputy Clerk

RESOLUTION CALLING AND PROVIDING FOR AN ELECTION TO BE HELD ON TUESDAY, MARCH 2, 1965, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF PROPOSED NAPA-BERRYESSA IMPROVEMENT DISTRICT IN NAPA COUNTY A MEASURE TO DETERMINE WHETHER OR NOT SAID DISTRICT SHALL BE FORMED; PRESCRIBING THE MANNER OF HOLDING SAID ELECTION AND OF VOTING, THE FORM OF BALLOT TO BE USED; DESIGNATING PRECINCT, POLLING PLACE AND ELECTION BOARD THEREFOR; AND PROVIDING FOR THE FIXING OF NOTICE THEREOF.

WHEREAS, the Board of Supervisors in its Resolution No. 65-7, adopted January 19, 1965, determined that the proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT should be established in Napa County, California, and fixed and described the boundaries thereof; and

WHEREAS, pursuant to Section 13030 of the Public Resources Code, this Board of Supervisors desires to call a special election for the purpose of submitting to the qualified voters of said proposed district the question of whether or not said district shall be formed;

NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA, CALIFORNIA, DOES HEREBY RESOLVE, DETERMINE AND ORDER AS FOLLOWS:

Section 1. A special election is hereby called and ordered to be held in said proposed district on Tuesday, March 2, 1965, for the purpose of submitting to the qualified voters of said proposed district a measure to determine whether said proposed district shall be formed.

Section 2. Said measure to be submitted to the voters as aforesaid is as follows:

MEASURE: Shall Resolution No. Adopted
 January 19, 1965, by the Board of
Supervisors of Napa County, State of California
establishing proposed NAPA-BERRYESSA IMPROVEMENT
DISTRICT be approved.

Section 3. This Board of Supervisors hereby submits to the qualified voters of said proposed district at said special election said measure set forth in Section 2 of this Resolution and designates and refers to said measure as the form of measure to be set forth on the ballots to be used at said election.

(a) Said special district election shall be held and conducted, the votes thereat canvassed, the returns thereof made, and the result thereof ascertained and determined as herein provided; and in all particulars not prescribed by this Resolution said election shall be held as provided for in the Resort Improvement District Law and in all particulars not provided for therein said election shall be held in accordance with the law governing special county elections in the State of California.

(b) All qualified voters within the proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT shall be qualified to vote upon the measure submitted at said special formation election. A qualified voter means an owner of land within said district, as shown on the last equalized assessment roll of Napa County, or the officer appointed therefor by the Board of Directors of a corporation owner, or the legal representative of the owner, including one joint tenant or one tenant in common. "Legal representative" means an officer or other person or persons appointed to serve as such by the Board of Directors of a corporation owner.

(c) Each voter shall have one vote and will have one additional vote for each five thousand dollars (\$5,000) of assessed valuation of the land and improvements owned by him in said district as shown on the last equalized county assessment roll of Napa County.

(d) The polls for said election shall be opened at seven o'clock A.M. (Cal. P.S.T.) of said day of election and shall remain open continuously from said time until seven o'clock P.M. (Cal. P.S.T.) of said day, when said polls shall be closed.

(e) The ballots to be used at said special district formation election shall be substantially in the following form, to wit:

No.	(This number shall be torn off by the Inspector and handed to the voter)	MARK CROSS (X) ON BALLOT ONLY WITH RUBBER STAMP; NEVER WITH PEN OR PENCIL.
No. _____		ABSENTEE BALLOTS MAY BE MARKED WITH PEN AND INK OR PENCIL.
		(Fold ballot to this perforated line, leaving top margin exposed)

OFFICIAL BALLOT

SPECIAL DISTRICT FORMATION ELECTION

PROPOSED NAPA-BERRYESSA IMPROVEMENT DISTRICT

NAPA COUNTY, STATE OF CALIFORNIA

INSTRUCTIONS TO VOTERS: To vote on any measure, stamp a cross (X) in the voting square after the word "YES" or after the word "NO." All marks except the cross (X) are forbidden. All signatures, marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface the ballot, return it to the Inspector of Election and do not use it. Absent voter ballots mark a cross (X) in the voting square.

MEASURE SUBMITTED

f) Each voter to vote for the measure hereby submitted shall stamp a cross (X) in the blank space opposite the word "YES" on the ballot to the right of said measure, and to vote against said measure shall stamp a cross (X) in the blank space opposite the word "NO" on the ballot to the right of said measure. A cross (X) stamped in the voting square after the word "YES" shall be counted in favor of the adoption of said measure, and a cross (X) stamped in the voting square after the word "NO" shall be counted against the adoption of said measure.

g) The returns of said election shall be made out and signed by the election officers and deposited with the Clerk of the Board of Supervisors, County of Napa, and said Board of Supervisors shall meet at its usual place of meeting at its next regular meeting following said election to canvass the election returns and declare the results thereof.

Section 4. The precinct and polling place for said special district election shall be as designated and appointed in the notice of said election hereinafter set forth. The election board which will serve at said polling place in said precinct is as follows:

STEELE PARK PRECINCT "A"

Inspector: Claire W. Patterson
Judge: Travis B. Patterson
Clerk: Beecher C. Cromer
Clerk: Margaret A. Cromer

Section 5. Notice of said special district election shall be as follows:

NOTICE OF SPECIAL DISTRICT FORMATION ELECTION
PROPOSED NAPA-BERRYESSA IMPROVEMENT DISTRICT,
A RESORT IMPROVEMENT DISTRICT,
NAPA COUNTY

NOTICE IS HEREBY GIVEN TO the qualified voters of proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT of Napa County, State of California, that in accordance with law a special district formation election has been called and the same will be held on:

TUESDAY, March 2, 1965

between the hours of seven o'clock A.M. (Cal. P.S.T.) and seven o'clock P.M. (Cal. P.S.T.) during which period and between which hours the polls shall remain open, at which election there will be submitted the question of whether said proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT shall be formed as set forth in the following measure, to wit:

MEASURE: Shall Resolution No. 65-7, adopted January 19, 1965, by the Board of Supervisors of Napa County, State of California, establishing proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT be approved.

For the purpose of holding said election, said proposed district shall be consolidated into a portion of a general State and County election precinct which now includes the areas within said district as hereinafter provided, to wit:

The general election precinct hereinafter designated by name or by name and number is part of an election precinct as now established of record by the Board of Supervisors of Napa County, State of California, for general State and County election purposes within the boundaries of said district named and numbered and designated for general election purposes by said Board of Supervisors. Said election precinct and the polling place therein is and shall be as hereinafter set forth, to wit:

STEELE PARK PRECINCT "A"

Comprising a portion of the Napa County precinct Monticello which is within the boundaries of the proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT.

Polling Place: Steele Park Headquarters

Any qualified voter of proposed NAPA-BERRYESSA IMPROVEMENT DISTRICT may vote at said special district formation election. If any qualified voter of the proposed district expects to be absent from the district on election day, or will be unable to vote

by reason of physical disability, or will be unable to go to his polling place because the tenets of his religion prevent him from doing so throughout the day of election, he may apply in person or by mail for an absent voter's ballot at the office of the County Clerk, County of Napa, Napa, California.

DATED: January 19, 1965

BY ORDER OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA

/s/ J. Caiocca, Jr.

Section 6. The County Clerk is hereby directed to cause this resolution to be published once a week for two (2) successive weeks before said special district formation election in THE NAPA REGISTER, a newspaper of general circulation in said proposed district, and said Clerk is hereby further directed to mail a notice of appointment to each election officer, and to mail a notice of polling place and sample ballot to each qualified voter of said proposed district.

Section 7. This resolution shall take effect immediately.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF NAPA COUNTY this 19th day of January, 1965, by the following vote:

AYES:	Supervisors	ANDERSON, CLARK, FERGUSON and CAIOCCA
NOES:		NONE
ABSENT:		DICKENSON

(SEAL)

ATTEST:

[Signature]

[Signature]
Chairman of the Board of Supervisors
County of Napa, California

THE FOREGOING INSTRUMENT IS A CORRECT COPY OF THE ORIGINAL ON FILE IN THIS OFFICE

ATTEST..... JAN 20 1965

[Signature]
COUNTY CLERK
COUNTY OF NAPA STATE OF CALIFORNIA
DEPUTY