

RESOLUTION NO. 2022-__ (NBRID)

**RESOLUTION OF THE GOVERNING BOARD OF THE NAPA
BERRYESSA RESORT IMPROVEMENT DISTRICT, CONFIRMING THE
REPORT OF THE DISTRICT ENGINEER AND APPROVING THE
IMPOSITION OF WATER AND SEWER STANDBY (IMMEDIATE
AVAILABILITY) CHARGES FOR FISCAL YEAR 2022-2023**

WHEREAS, prior to January 1, 1977, the Napa Berryessa Resort Improvement District ("District") imposed water and/or sewer standby charges pursuant to the County Service Area Law (Chapter 2.5 (commencing with section 25210) of Part 2 of Division 2 of Title 3 of the Government Code) as authorized by California Public Resources Code section 13031; and

WHEREAS, as a consequence the District is authorized by Public Resources Code section 13215 and 13216 to continue to collect standby charges at the same rate that existed prior to January 1, 1997 from the parcels to which water or sewers are made available for any purpose, whether the water or sewers are actually used or not, subject to the requirements of Government Code section 25215.6; and

WHEREAS, the charge to be imposed shall continue to not apply to lands permanently dedicated exclusively to the public transportation of persons or property; and

WHEREAS the charge to be imposed shall continue to not exceed thirty dollars (\$30.00) per month for each acre of land, and thirty dollars (\$30.00) per month for each parcel of land of less than one acre, for either water standby charges or sewer standby charges, thus ensuring that new, increased or extended assessments are not proposed; and

WHEREAS, the Uniform Standby Charge Procedures Act (Chapter 12.4 (commencing with Section 54984) of Part 1 of Division 2 of Title 5 of the Government Code) authorizes the Governing Board of the District to collect standby charges at the same time and in the same manner as is available to it under applicable law; and

WHEREAS, in 1997, the Governing Board of the District passed Ordinance No. 24 (NBRID) establishing a procedure for imposing and collecting standby charges in the same manner and at the same time as *ad valorem* real property taxes are collected within the District; and

WHEREAS, pursuant to Ordinance No. 24 (NBRID):

1. The District Engineer of the Napa Berryessa Resort Improvement District filed with the District Secretary his written report describing the parcels in the District for which water and sewer service is available and recommending that the standby charge for water for

fiscal year 2022-2023 continue to be set at \$10.00 per parcel per month in the Napa Berryessa Resort Improvement District and that the standby charge for sewer for fiscal year 2021-2022 continue to be set at \$10.00 per parcel per month in the Napa Berryessa Resort Improvement District; and

2. The standby charges recommended by the District Engineer are based on the same rates and methodology used to impose standby charges in the District for fiscal year 1996-97, and therefore such charges are exempt from the requirements of Proposition 218 pursuant to Section 5(a) of Article XIII D of the California Constitution; and

3. On April 19, 2022 and on April 28, 2022, notice was given that a public hearing would be held on May 3, 2022, regarding the water and sewer standby charges proposed to be imposed during fiscal year 2022-2023; and

WHEREAS, on May 3, 2022, the Governing Board of the District conducted a public hearing at which time all persons were given an opportunity to address the Board regarding the proposed water and sewer standby charges to be imposed during the 2022-2023 fiscal year and to and express support or opposition to the proposed standby charges; and

WHEREAS, after hearing the testimony and reviewing the report of the District Engineer, the Governing Board of the District has concluded that the report and recommendation of the District Engineer should be approved and each charge recommended in the report should be confirmed without change:

NOW, THEREFORE, BE IT HEREBY RESOLVED by the Governing Board of the Napa Berryessa Resort Improvement District as follows:

1. The foregoing recitals are true and correct.

2. The recommendation made by the District Engineer regarding water and sewer standby charges in the Napa Berryessa Resort Improvement District is approved and each charge recommended by that report is confirmed without change, to wit: the standby charge for water for fiscal year 2022-2023 is set at \$10.00 per parcel per month, and the standby charge for sewer for fiscal year 2022-2023 is set at \$10.00 per parcel per month within the Napa Berryessa Resort Improvement District.

3. The District Secretary shall transmit a certified copy of this Resolution to the Auditor for the County of Napa for collection of the standby charges at the same time and in the same manner as the collection of *ad valorem* real property taxes are collected within the District by the County of Napa.

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED by the Governing Board of the Napa Berryessa Resort Improvement District at a regular meeting of the Board held on May 3, 2022, by the following vote:

AYES:	SUPERVISORS	_____

NOES:	SUPERVISORS	_____
ABSTAIN:	SUPERVISORS	_____
ABSENT:	SUPERVISORS	_____

NAPA BERRYESSA RESORT IMPROVEMENT
DISTRICT, a special district of the State of
California

By: _____
RYAN GREGORY, Chair of the Governing
Board of the Napa Berryessa Resort Improvement
District

APPROVED AS TO FORM Office of County Counsel / District Legal Counsel By: <u>Thomas C. Zeleny</u> Interim County Counsel Date: April 19, 2022 ProLaw Doc. No. 71560	APPROVED BY THE BOARD OF SUPERVISORS, AS THE GOVERNING BOARD OF THE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT Date: Processed By: _____ Deputy Secretary of the District Board	ATTEST: NEHA HOSKINS Secretary of the District Board By: _____
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