

RESOLUTION NO. _____ (LBRID)

**RESOLUTION OF THE GOVERNING BOARD OF THE LAKE
BERRYESSA RESORT IMPROVEMENT DISTRICT CALLING A
SPECIAL ELECTION AND REQUESTING IT BE CONSOLIDATED
WITH THE MARCH 5, 2024, PRESIDENTIAL PRIMARY ELECTION,
TO ENABLE THE REGISTERED VOTERS OF THE DISTRICT TO
ESTABLISH THE DISTRICT'S APPROPRIATIONS LIMIT FOR FISCAL
YEARS 2024-2025 THROUGH 2027-2028**

WHEREAS, the Lake Berryessa Resort Improvement District ("District") is a Resort Improvement District organized and operating pursuant to section 13000 et seq. of the Public Resources Code; and

WHEREAS, the District is required by Article XIII B of the California Constitution to establish an appropriations limit; and

WHEREAS, section 4 of Article XIII B authorizes the electorate of a governmental entity to amend that entity's appropriations limit, provided the duration of the amendment cannot exceed four years from the most recent vote of the electors increasing the limit; and

WHEREAS, a special tax known as the "T-1" special tax was approved by the voters of the District on January 13, 1998, and a corresponding increase in the District's appropriations limit was approved at that same election to avoid having to return some or all of that tax revenue in the form of a revision of the tax rates or fee schedules rather than utilizing said tax revenues for the purposes set forth in the tax measure; and

WHEREAS, on July 18, 2000, the voters of the District approved a second special tax known as the "T-2000" special tax and again approved an increase in the District's appropriations limit to avoid having to return a portion of the tax revenues received from the T-1 and T-2000 special taxes (during the period beginning with Fiscal Year 2000-2001 and ending with Fiscal Year 2003-2004) in the form of a revision of the tax rates or fee schedules rather than utilizing said tax revenues for the purposes set forth in those tax measures; and

WHEREAS, on June 29, 2004, the voters of the District approved and established a new appropriations limit for the period beginning with Fiscal Year 2004-2005 and ending with Fiscal Year 2007-2008 to avoid having to return a portion of the revenues that would be received from the T-1 and T-2000 special taxes in the form of a revision of the tax rates or fee schedules rather than utilizing the tax revenues for the purposes set forth in those tax measures; and

WHEREAS, on September 16, 2008, the voters of the District approved and established a new appropriations limit for the period beginning with Fiscal Year 2008-2009 and ending with Fiscal Year 2011-2012 to avoid having to return a portion of the revenues that would be received from the T-1 and T-2000 special taxes in the form of a revision of the tax rates or fee schedules rather than utilizing the tax revenues for the purposes set forth in those tax measures; and

WHEREAS, on June 30, 2010, the T-2000 special tax expired; and

WHEREAS, on May 8, 2012, the voters of the District approved and established a new appropriations limit for the period beginning with Fiscal Year 2012-2013 and ending with Fiscal Year 2015-2016 to avoid having to return a portion of the revenues that were expected to be received from property tax, excess ERAF, and the T-1 special tax in the form of a revision of the tax rates or fee schedules rather than utilizing those revenues for the purpose of operating the District; and

WHEREAS, on October 11, 2016, the voters of the District approved and established a new appropriations limit for the period beginning with Fiscal Year 2016-2017 and ending with Fiscal Year 2019-2020 to avoid having to return a portion of the revenues that were expected to be received from property tax, excess ERAF, and the T-1 special tax in the form of a revision of the tax rates or fee schedules rather than utilizing those revenues for the purpose of operating the District; and

WHEREAS, on May 19, 2020, the voters of the District approved and established a new appropriations limit for the period beginning with Fiscal Year 2020-2021 and ending with Fiscal Year 2023-2024 to avoid having to return a portion of the revenues that were expected to be received from property tax, excess ERAF, and the T-1 special tax in the form of a revision of the tax rates or fee schedules rather than utilizing those revenues for the purpose of operating the District; and

WHEREAS, on June 30, 2024, the authorization for an appropriations limit that exceeds the base appropriations limit will expire, and unless a new appropriations limit is approved and established by the voters, the District's appropriations limit will revert to \$55,870.00; and

WHEREAS, it is now necessary for the voters to approve and establish a new appropriations limit to avoid having to return a portion of the revenues that are expected to be received from property tax, excess ERAF, and the T-1 special tax during Fiscal Years 2024-2025 through 2027-2028 in the form of a revision of the tax rates or fee schedules rather than utilizing those revenues for the purpose of operating the District; and

WHEREAS, the Governing Board of the District ("Board") believes that establishing a new appropriations limit as set forth herein is in the best interests of the residents of the District; and

WHEREAS, the Board desires to call a special election to establish the District's appropriations limit, and to consolidate the special election with the Presidential Primary Election to be held on March 5, 2024; and

WHEREAS, to consolidate a District election with a statewide election, the Board is required to file a resolution with the Board of Supervisors requesting consolidation, pursuant to Elections Code section 10403;

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

1. The District's appropriations limit should be established as follows:

Fiscal Years

2024-2025 through
2027-2028

Proposed Appropriations Limit

\$510,000.00 for Fiscal Year 2024-2025, with this limit to be adjusted annually to the extent authorized by Section 1 of Article XIII B of the California Constitution for Fiscal Years 2025-2026, 2026-2027 and 2027-2028.

2. The Board, pursuant to the provisions of Elections Code section 12001, hereby orders and proclaims that the question of whether District's appropriations limit for Fiscal Years 2024-2025 through 2027-2028 should be established as set forth herein shall be submitted to the electors of the District as LBRID Measure U at a special election to be held and conducted on March 5, 2024.

3. The Board hereby requests the special election be consolidated with the Presidential Primary Election to be held on March 5, 2024, acknowledging that the consolidated election will be held and conducted in the manner prescribed by Elections Code section 10418.

4. Pursuant to section 10002 of the Elections Code, the Napa County Board of Supervisors is requested to permit the Napa County Registrar of Voters ("Registrar") to act as the elections official for this special election. Subject to approval of the District's request by the Board of Supervisors, the District shall reimburse the County in full for the costs of any services so provided.

5. That the following question be submitted as a measure on the ballot at said special election, and that the Registrar is requested to place the same on the ballot in the following form:

Shall Lake Berryessa Resort Improvement District Ordinance No. 2024-01 (LBRID) be approved?

☐ **YES**

(The Ordinance will establish the District's appropriations limit at \$510,000.00, for Fiscal Years 2024-2025 through 2027-2028 and this limit will be adjusted annually commencing in Fiscal Year 2025-2026 to the extent authorized by Article XIII B, Section 1 of the California Constitution for Fiscal Years 2025-2026 through 2027-2028.)

☐ **NO**

6. County Counsel, acting as District Counsel, shall prepare an impartial analysis of the measure in the form required by Elections Code section 9313.

7. Pursuant to Elections Code sections 9316 and 9317, the Registrar shall fix and determine reasonable dates before the special election for the submission of an argument in favor of and against the measure, and additional rebuttal arguments, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 First Street, Suite E, Napa, California 94559, no later than 5:00 p.m. on said dates.

8. The Registrar is requested to include Exhibit “A” (the proposed ordinance setting the District’s appropriations limit for Fiscal Years 2024-2025 through 2027-2028) as a part of the official ballot materials, as authorized by Elections Code section 9313.

9. Should LBRID Measure U be approved by a majority of ballots timely cast, the Chair of the District Board shall sign the proposed ordinance attached hereto as Exhibit “A.”

THE FOREGOING RESOLUTION WAS DULY AND REGULARLY ADOPTED
by the Governing Board of the Lake Berryessa Resort Improvement District at a regular meeting held on the 28th day of November, 2023, by the following vote:

AYES:	MEMBERS	_____

NOES:	MEMBERS	_____
ABSTAIN:	MEMBERS	_____
ABSENT:	MEMBERS	_____

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

BELIA RAMOS, Chair of the Governing Board

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>Date: <u>November 14, 2023</u> PL Doc. No. 103539</p>	<p>APPROVED BY THE BOARD OF SUPERVISORS, AS THE GOVERNING BOARD OF THE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT</p> <p>Date: _____ Processed By: _____ _____ Deputy Secretary of the District</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District</p> <p>By: _____</p>
---	---	--

EXHIBIT “A”

ORDINANCE NO. 2024-01 (LBRID)

AN ORDINANCE OF THE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT, SETTING THE DISTRICT’S APPROPRIATIONS LIMIT FOR FISCAL YEARS 2024-2025 THROUGH 2027-2028, PURSUANT TO SECTION 4 OF ARTICLE XIII B OF THE CALIFORNIA CONSTITUTION

The people of the Lake Berryessa Resort Improvement District (“District”) do ordain as follows:

SECTION 1. Recitals.

- (a) The District is required by Article XIII B of the California Constitution to establish an appropriations limit.
- (b) The District anticipates that it will exceed its base appropriations limit in Fiscal Year 2024-2025, and subsequent fiscal years as the result of revenues expected to be received from property taxes, excess ERAF, and the T-1 special tax.
- (c) Section 4 of Article XIII B authorizes the electorate of a governmental entity to increase its appropriations limit, and the electorate of the District wants to do so to ensure that all the revenues from these three sources will continue to be used for their intended purpose which is to operate the District’s water and sewer facilities.

SECTION 2. Setting of Appropriations Limit.

- (a) The District’s appropriations limit shall be \$510,000.00 for Fiscal Years 2024-2025 through 2027-2028, and this limit will be adjusted annually commencing in Fiscal Year 2025-2026 to the extent authorized by subparagraph (b). This \$510,000.00 appropriations limit is an increase over the Base Appropriations Limit that was established in 1979, as adjusted annually for changes in the cost of living and changes in population during subsequent years,

which adjustments are expressly permitted by section 1 of Article XIII B of the California Constitution.

(b) For Fiscal Years 2025-2026 through 2027-2028, this \$510,000.00 appropriations limit shall be adjusted annually to the extent authorized by section 1 of Article XIII B of the California Constitution.

This ordinance shall be considered as adopted upon the date the vote is declared by the District Board and shall go into effect ten (10) days after that date, pursuant to Elections Code section 9320.

The foregoing ordinance was passed by a vote of the people of the Lake Berryessa Resort Improvement District located in Napa County, on March 5, 2024, by the following vote:

AYES: _____

NOES: _____

The vote on this ordinance was declared by the District Board on _____, 2024.

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

_____, Chair of the Governing Board

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>Date: <u>November 14, 2023</u></p>	<p>APPROVED BY THE BOARD OF SUPERVISORS, AS THE GOVERNING BOARD OF THE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT</p> <p>Date: _____ Processed By: _____ _____ Deputy Secretary of the District</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District</p> <p>By: _____</p>
--	---	--