

**RESOLUTION NO. 2023-\_\_\_\_**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF NAPA COUNTY, STATE OF CALIFORNIA CONSOLIDATING VARIOUS SPECIAL ELECTIONS WITH THE STATEWIDE PRIMARY ELECTION TO BE HELD ON MARCH 5, 2024 FOR THE TOWN OF YOUNTVILLE (INCREASING APPROPRIATIONS LIMIT), THE LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT (INCREASING APPROPRIATIONS LIMIT), AND THE HOWELL MOUNTAIN ELEMENTARY SCHOOL DISTRICT (BOND MEASURE), AND DIRECTING THE REGISTRAR OF VOTERS AND THE ELECTION DIVISION OF THE ASSESSOR-RECORDER-COUNTY CLERK DEPARTMENT TO PROVIDE ELECTION SERVICES TO THE TOWN AND DISTRICTS**

**WHEREAS**, the Town of Yountville, the Howell Mountain Elementary School District, and the Lake Berryessa Resort and Improvement District have each called special elections and have requested that the Napa County Board of Supervisors consolidate their respective special elections with the March 5, 2024, statewide primary election; and

**WHEREAS**, the Town of Yountville has called a special municipal election to be held on March 5, 2024, which will increase the Town's appropriations limit for Fiscal Year 2022/23 through Fiscal Year 2026/2027, and which the Registrar of Voters has designated as Measure "U"; and

**WHEREAS**, pursuant to Elections Code section 10403, the Town of Yountville adopted and timely filed the required resolution (Yountville Resolution No. 23-4233) with the Clerk of the Board of Supervisors, requesting that the Board of Supervisors consolidate the Town's special municipal election with the March 5, 2024 statewide primary election; and

**WHEREAS**, the Town of Yountville has agreed to reimburse the County in full for the costs of all elections services provided by the Registrar of Voters; and

**WHEREAS**, the Lake Berryessa Resort Improvement District (LBRID) has called an election to be held on March 5, 2024, placing LBRID Ordinance No. 2024-01 on the ballot with the question of whether the appropriations limit should be increased for Fiscal Year 2024/2025 through Fiscal Year 2027/2028, and which the Registrar of Voters has designated as Measure "U"; and

**WHEREAS**, pursuant to Elections Code section 10403, LBRID has adopted and timely filed the required resolution (LBRID Resolution No.\_\_\_\_) with the Clerk of the Board of Supervisors, requesting that the Board of Supervisors consolidate LBRID's special election with the March 5, 2024 statewide primary election; and

**WHEREAS**, LBRID has agreed to reimburse the County in full for the costs of all elections services provided by the Registrar of Voters; and

**WHEREAS**, the Howell Mountain Elementary School District, has ordered a special election pursuant to California Education Code Sections 5304, 5322, 15100 *et seq.*, and 15266, and paragraph (3) of subdivision (b) of Section 1 of Article XIII A of the California Constitution and subdivision (b) of Section 18 of Article XVI of the California Constitution, to be held within the boundaries of the District on March 5, 2024, for the purpose of submitting to the registered voters of the District a bond measure, which has been designated as Measure D by the Registrar of Voters; and

**WHEREAS**, Education Code section 15266 provides that any such election must be held at a primary or general election, a regularly scheduled local election at which all of the electors of the school district are entitled to vote, or a statewide special election; and

**WHEREAS**, pursuant to Elections Code section 10403 and Education Code section 5342, the Howell Mountain Elementary School District has adopted and timely filed the required resolution (Resolution No. 2023-07) with the Clerk of the Board of Supervisors, requesting that the Board of Supervisors consolidate the District's special election with the March 5, 2024 statewide primary election; and

**WHEREAS**, the Howell Mountain Elementary School District is required and has agreed to reimburse the County in full for all costs of the bond election pursuant to Education Code section 5421 and Elections Code section 10002; and

**WHEREAS**, the projects to be funded from the proposed bonds will not require matching funds from the State of California and therefore section 15122.5 of the Education Code is not applicable and the statement contained therein shall not be included in the sample ballot materials; and

**WHEREAS**, Elections Code sections 10400 and 10401 provide that a city or district election may be consolidated with a statewide election if ordered by the Board of Supervisors; and

**WHEREAS**, March 5, 2024 is a regularly scheduled statewide election date as provided in Elections Code section 1001; and

**WHEREAS**, the Board believes that consolidating these three special elections with the statewide primary election would be cost effective and is the most appropriate manner in which to proceed.

**NOW, THEREFORE, BE IT RESOLVED** that the Board of Supervisors of Napa County, State of California, hereby approves the requests of the Town of Yountville, the Lake Berryessa Resort Improvement District and the Howell Mountain Elementary School District to

consolidate their respective elections with the statewide primary election to be held on March 5, 2024, and to have the Registrar of Voters conduct said elections.

**BE IT FURTHER RESOLVED** that the following question, which the Registrar of Voters has designated as Measure U, shall be submitted to the Town of Yountville’s voters, as set forth in the Town’s Resolution No. 23-4233. The Registrar is hereby instructed to place the question on the ballot at said election in substantially the following form:

To fully utilize TOT and sales tax generated from visitors for public services, parks & recreation, police and fire emergency programs, shall the appropriations limit set by Article 13B of the California Constitution be increased by \$3,000,000 and the growth in TOT for each year commencing fiscal year 2022/2023 through fiscal year 2026/2027? By approving this appropriation limit, no new taxes are created nor will any existing tax be increased.	Yes
	No

**BE IT FURTHER RESOLVED** that the following question, which the Registrar of Voters has designated as Measure U, shall be submitted to the voters of the Lake Berryessa Resort Improvement District, as set forth in the District Resolution No. \_\_\_\_\_. The Registrar is hereby instructed to place the question on the ballot at said election in substantially the following form:

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

**BE IT FURTHER RESOLVED** that the following question, which the Registrar of Voters has designated as Measure D, shall be submitted to the voters of the Howell Mountain Elementary School District , as set forth in the District Resolution No. 2023-07. The Registrar is hereby instructed to place the question on the ballot at said election in substantially the following form:

To construct an early learning center to support transitional kindergarten, upgrade technology, renovate/replace roofs, windows, flooring, cabinetry, HVAC systems and music building, and improve playfields and paved surfaces, shall the Howell Mountain Elementary School District measure authorizing \$9,000,000 in bonds, at legal interest rates, and levying approximately \$30 per \$100,000 of assessed valuation (raising \$531,000 annually) while bonds are outstanding, be adopted, with an appointed	Yes
	No

citizens' oversight committee and independent audits to assure proper expenditure of funds?"	
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**BE IT FURTHER RESOLVED** that the entire text of the Howell Mountain Elementary School District's Measure D, Town of Yountville's Measure U and LBRID's Measure U shall be printed in the voter information guide.

**BE IT FURTHER RESOLVED** that the tax rate statement relating to Howell Mountain Elementary School District's Measure D shall be mailed to the voters as part of the voter information guide for the bond election as required by Elections Code sections 9401 and 13303.

**BE IT FURTHER RESOLVED** that Registrar of Voters shall take all steps to conduct these consolidated special elections in accordance with state law.

**BE IT FURTHER RESOLVED** that the polls shall be open from the hours of 7:00 a.m. to 8:00 p.m. on March 5, 2024. The manner of holding the elections and the procedure for voting for and against the questions presented shall be as set forth in the Elections Code for special municipal and district elections as provided by state law, which are consolidated with a statewide primary election.

**BE IT FURTHER RESOLVED** that the Election Division of the Assessor-Recorder County Clerk Department is hereby authorized and directed to procure and furnish all election services requested by the Town of Yountville, the Lake Berryessa Resort Improvement District, and the Howell Mountain Elementary School District pursuant to each entity's respective resolutions.

**BE IT FURTHER RESOLVED** that the impartial analysis by the County Counsel in the form required by Elections Code section 9500 for the Howell Mountain Elementary School District shall be prepared and filed with the Registrar of Voters on or before 5:00 pm on December 8, 2023; the impartial analysis by the County Counsel, acting as LBRID counsel, in the form required by Elections Code 9313 shall also be prepared and filed with the Registrar of Voters on or before 5:00 pm on December 8, 2023; and the impartial analysis by the Town of Yountville's Attorney shall be prepared and filed with the Registrar of Voters on or before 5:00 pm on December 8, 2023.

**BE IT FURTHER RESOLVED** that notice be, and it hereby is, given that the Registrar of Voters has determined that the final date for submission of arguments for or against the measures shall be December 15, 2023, and that such arguments shall be submitted to the Registrar at the Office of the Registrar, 1127 1<sup>st</sup> Street, Ste E, Napa, California, 94559, no later than 4:30 p.m. on said day.

**BE IT FURTHER RESOLVED** that notice be, and it hereby is, given that the Registrar of Voters has determined that the final date for submission of rebuttal arguments for or against the measures, to the extent rebuttal arguments are permitted by the Elections Code, shall be December 22, 2023 and that such arguments shall be submitted to the Registrar at the Office of

the Registrar, 1127 1<sup>st</sup> Street, Ste E., Napa, California, 94559, no later than 5:00 p.m. on said day.

**BE IT FURTHER RESOLVED** that the Registrar conducting the election shall publish the notices required by Elections Code section 9502.

**BE IT FURTHER RESOLVED** that the Registrar is directed to submit to each of the entities invoices for the election services provided by the Elections Division of the Assessor-Recorder-County Clerk's office in conformity with Elections Code section 10002.

**THE FOREGOING RESOLUTION** was duly and regularly adopted at a regular meeting of the Board of Supervisors of the County of Napa, State of California, held on the 5<sup>th</sup> day of December, 2023, by the following vote:

AYES: SUPERVISORS \_\_\_\_\_

NOES: SUPERVISORS \_\_\_\_\_

ABSENT: SUPERVISORS \_\_\_\_\_

NAPA COUNTY, a political subdivision of  
the State of California

By \_\_\_\_\_  
BELIA RAMOS, Chair of the  
Board of Supervisors

<p>APPROVED AS TO FORM Office of County Counsel</p> <p>By: <u>Silva Darbinian</u> Deputy County Counsel</p> <p>Date: November 21, 2023</p>	<p>APPROVED BY THE NAPA COUNTY BOARD OF SUPERVISORS</p> <p>Date: _____ Processed By: _____ _____ Deputy Clerk of the Board</p>	<p>ATTEST: NEHA HOSKINS Clerk of the Board of Supervisors</p> <p>By: _____</p>
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