

RESOLUTION NO. 2023-__ (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 2023-2024

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 standby charges are proposed to remain unchanged, and therefore do not need prior voter approval under Proposition 218; 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 2023-2024 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 2023-2024 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 May 2, 2023 and on May 9, 2023, notice was given that a public hearing would be held on May 16, 2023, regarding the water and sewer standby charges proposed to be imposed during fiscal year 2023-2024; and

WHEREAS, on May 16, 2023, 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 2023-2024 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 2023-2024 is set at \$10.00 per parcel per month, and the standby charge for sewer for fiscal year 2023-2024 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 16, 2023, 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: _____
 BELIA RAMOS, Chair of the Governing Board of the Napa Berryessa Resort Improvement District

<p>APPROVED AS TO FORM Office of County Counsel / District Legal Counsel</p> <p>By: <u>Thomas C. Zeleny</u> Chief Deputy County Counsel</p> <p>Date: <u>April 24, 2023</u> PL Doc. No. 89689</p>	<p>APPROVED BY THE BOARD OF SUPERVISORS, AS THE GOVERNING BOARD OF THE NAPA BERRYESSA RESORT IMPROVEMENT DISTRICT</p> <p>Date: Processed By:</p> <p>_____ Deputy Secretary of the District Board</p>	<p>ATTEST: NEHA HOSKINS Secretary of the District Board</p> <p>By: _____</p>
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