

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT

DONALD G. RIDENHOUR, P.E.

DISTRICT ENGINEER

FILED

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

SEP 13 2011

September 13, 2011

Clerk of the Napa Superior Court
By: *A. Baerman*
Deputy

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

Judge Price:

The Lake Berryessa Resort Improvement District (LBRID) 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, F11, F12 and Recommendations numbered R1 and R4.

Finding No. F1

"LBRID's water and sewer problems are due to aging infrastructure and deferred maintenance."

Response to Finding No. F1

LBRID's governing board agrees with the finding.

Finding No. F2

"Between 1995 and 2010 the RWQCB issued notices of violation and a Cease and Desist Order to the LBRID Board of Directors."

Response to Finding No. F2

LBRID's governing board agrees with the finding.

Received
Napa Superior Court

SEP 16 2011

Court Executive Office

LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT
1195 Third Street • Suite 201 • Napa, CA 94559
(707) 253-4351 • FAX (707) 253-4627

Finding No. F3

"LBRID water and sewer rate increases have been insufficient to cover operating expenses."

Response to Finding No. F3

LBRID's governing board agrees with the finding.

Finding No. F4

"LBRID does not have an up-to-date Master Facilities Plan."

Response to Finding No. F4

LBRID's governing board disagrees with the finding. Typically, a master facilities plan addresses future plans for the District – for example, a plan for full build out of all lots within Berryessa Estates. LBRID believes that it has addressed typical master facilities plan issues through actions and reports that are comparable in sum to a master facilities plan without the expense of engaging in yet another study of the situation.

LBRID recently completed construction of a new water treatment plant, which will serve District residents for many years to come. In addition, LBRID has a number of facility improvement plans in place to address current facility shortfalls. In 2007, LBRID issued a Final Engineer's Report. This report was compiled by Winzler & Kelly Consulting Engineers together with District staff, and contained -- among other things -- future improvements identified as the "project" and a proposed assessment for each parcel of land within the Assessment District to pay for the project. This report was used to support a successful bond issuance, which has funded needed system improvements. In addition, LBRID has a Sanitary Sewer Management Plan (SSMP) as required by the Waste Discharge Requirements promulgated by the State Water Resources Control Board.

On November 9, 2010, the Board of Supervisors approved an agreement with an environmental engineering consultant to prepare an Inflow/Infiltration Capacity Evaluation Report and a Wastewater Facilities Improvement Plan, both to be completed in September 2011. These documents will be used specifically to address improvements needed to satisfy the Regional Water Quality Control Board's requirements of the District.

Finding No. F5

"Adequate reserves have not been set aside to address ongoing infrastructure needs and emergencies."

Response to Finding No. F5

LBRID's governing board partially disagrees with the finding. 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

LBRID's governing board agrees with the finding.

Finding No. F7

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

Response to Finding No. F7.

LBRID's governing board agrees with the finding.

Finding No. F8

"The LBRID Board of Directors has requested a loan of \$345,000 to balance the FY 2010/11 budget."

Response to Finding No. F8

LBRID's governing board agrees with the finding. LBRID requested and received a loan from the County in the amount of \$345,000 to balance the FY 2010/11 budget.

Finding No. F9

"LBRID 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. F9

LBRID's governing board agrees with the finding.

Finding No. F11

"The composition of the LBRID 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. F11

LBRID's governing board disagrees with this finding as it is an inaccurate statement of 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 detailed in the Response to Finding No. F12 below, LBRID was appropriately formed in 1965 with the Board of Supervisors as its governing board. The LBRID governing board has never exercised its discretionary authority to create a resident based board of directors. (Pub. Res. Code § 13032.)

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 governing board of LBRID (Pub. Res. Code § 13031), provide the LBRID governing board *discretionary* authority to appoint a resident based board of directors (Pub. Res. Code § 13032), and provide the LBRID governing board the ability to assign the resident board of directors those powers the LBRID governing boards sees fit for it to exercise (Pub. Res. Code § 13033). Read within this context, it is apparent that Public Resources Code § 13034, which addresses the make-up of such a resident based board of directors, would therefore only apply to LBRID if and when the Board of Supervisors as LBRID's governing board exercised its discretionary authority under Public Resources Code §§ 13032-13033. LBRID's governing board has never exercised this discretion and accordingly Public Resources Code §13034 has no application to LBRID's governance at this time.

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

Finding No. F12

“The LBRID Board of Directors has no legal existence.”

Response to Finding No. F12

LBRID’s governing board disagrees with the finding.

To the extent Finding No. F12 is intended to question the appropriateness of the Board of Supervisors serving as LBRID’s governing board, Public Resources Code § 13031 and the Resolutions forming LBRID are determinative. Accordingly, this response to Finding No. F12 details the procedures taken to create LBRID and simultaneously name the Board of Supervisors as the governing board.

At the time LBRID was formed in 1965 the process for forming a resort improvement district was set forth in former Public Resources Code § 13030.¹ 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, LBRID was formed pursuant, as nearly as practicable, to the procedures set forth in Government Code §§ 25210.10 et seq. as those sections existed in 1965.² The steps taken to follow those procedures and form LBRID are explicitly stated in Resolutions 65-21, 65-34, 65-35, and 65-55 adopted by the Napa County Board of Supervisors on February 16, 1965, March 23, 1965 (both 65-34 and 65-35 were adopted on this date), and May 11, 1965 respectively. LBRID attaches these resolutions for the benefit of the Grand Jury and the community. These

¹ 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.

² Government Code §§ 25210.10 et seq. were subsequently repealed by Stats.2008, c.158 (SB 1458) effective January 1, 2009.

resolutions illustrate that the procedures to create LBRID included, but were not limited to, the following:

- All of the landowners within the proposed boundaries of LBRID signed and filed a petition with the Clerk of the Board of Supervisors to create LBRID. (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 LBRID's boundaries be as set forth in the petition.
- A Notice of Intention to form LBRID was filed with LAFCO along with all necessary documents.
- On January 13, 1965, LAFCO called a public hearing on the proposal to form LBRID for February 10, 1965. (See Gov. Code § 25210.13 [repealed effective January 1, 2009].)
- On February 10, 1965, LAFCO unanimously approved the initiation of proceedings for the formation of LBRID. (See Gov. Code § 25210.13 [repealed effective January 1, 2009].)
- On February 16, 1965, the Board of Supervisors adopted Resolution 65-21 finding the prior proceedings to create LBRID to have been taken in full compliance with the law, noticing its intent to establish LBRID, and setting a hearing for March 23, 1965 for a hearing on the establishment of LBRID 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 65-21 also included the required elements set forth in former Government Code § 25210.15 and notice of the March 23, 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 March 23, 1965, the Board of Supervisors held a public hearing as noted above and adopted Resolution 65-34, making various findings as required by former Government Code § 25210.18, including, in relevant part, the following:
 - "4. . . . No protests of any kind were made either orally or in writing to this Board or to the Clerk of this Board at [the March 23] hearing or prior thereto.
 - ...
 - 7. This Board of Supervisors shall be the governing body of the district until otherwise determined as provided by law."
 - ...
 - 9. Said LAKE 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 65-35, 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 LBRID, the proposition of whether the resolution of the Board of Supervisors, No. 65-34, adopted March 23, 1965, establishing said district should be approved. The special election was noticed by publication in the form and 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 April 27, 1965, the special election was held and conducted in all respects as required by law. (Resolution 65-55; Gov. Code § 25210.19.)
- On May 11, 1965, the Board of Supervisors adopted Resolution 65-55 finding both the special election resulted in seven (7) votes in favor and zero (0) against the formation of LBRID, and a majority of the voters voting in the special formation election voted to approve Resolution 65-34 establishing LBRID, and further ordering the Clerk to cause a copy of the map and description of the boundaries of LBRID to be promptly filed with (a) the State Board of Equalization, and (b) the Assessor of the County of Napa.

Accordingly, LBRID was properly established in conformance with state law and the Board of Supervisors was named the governing board of LBRID in Resolution 65-34, which was subsequently ratified by a vote of the community as shown in Resolution 65-55.

Recommendation No. R1

“LBRID Board of Directors meets quarterly with LBRID property owners in Lake Berryessa Resort to update them on District issues and the Master Facilities Plan.”

Response to Recommendation No. R1

LBRID’s governing board does not intend to implement the recommendation because it is not warranted. There is no appropriate facility to hold such a meeting within LBRID; however, the governing board met with the residents on August 2, 2011 at Pope Valley Farm Center as the closest appropriate facility outside LBRID’s District boundaries. In addition, 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. For example, the rate increase that was adopted on August 16, 2011 was preceded by numerous discussions between less than a quorum of the governing board, staff, and a group of concerned customers. 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 Pope Valley Farm Center will only be held on an as-needed basis as determined by the governing board.

Recommendation No. R4

“LBRID 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. R4

LBRID’s governing board has not implemented the recommendation because it requires further analysis. Prior to Proposition 13, the increased regulatory compliance costs and downturn in the economy, LBRID did maintain reserve funds. While a recent rate increase was adopted on August 16, 2011 that will increase water and sewer rates by five (5) percent each year for the next five years, these increases are not expected to result in sufficient revenue to provide for the establishment or maintenance of a reserve balance; additional loans will likely be necessary to meet operations and maintenance costs.

To set water and sewer rates at a sufficient level to provide for a reserve, the governing board must comply with Proposition 218 and it is unclear whether the necessary rate increases could survive a majority protest hearing. Moreover, under current economic conditions an immediate rate increase of the amount recommended by the grand jury could result in fewer ratepayers and reductions in revenue.

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. Thank you.

Sincerely,



Bill Dodd
Chairman

CC LBRID 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

CERTIFIED COPY

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

RESOLUTION NO. 65-21

Filed FEB 18 1965
C. S. SHIPPY, Clerk
By E. M. REAMS
Deputy Clerk

RESOLUTION OF INTENTION TO ESTABLISH PROPOSED LAKE BERRYESSA RESORT 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 within said proposed Lake Berryessa Resort Improvement District, pursuant to the provisions of Division 11 of the Public Resources Code, to be known as proposed Lake Berryessa Resort 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 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 January 26, 1965, 1965, 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 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 received by said Local Agency Formation Commission, said Local Agency Formation Commission at its regular meeting on January 13, 1965, fixed the date, time and place for a public hearing on the 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, February 10, 1965, 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 the 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 6801 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 54785 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 he 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 to exercise the powers of Article 2, Title 3 of the Government Code.

4. The name of said proposed district shall be Berryessa Resort Improvement District. The boundaries of said district shall be as shown on a map of said district attached hereto and a description thereof attached hereto.

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.

(l) 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 with such district.

6. Notice is hereby given and the Board of Supervisors hereby fixes Tuesday, March 23, 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 16 day of February, 1965, by the following vote:

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

(SEAL)

J. CAIOCCA, JR.
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

FEB 18 1965

ATTEST.....

C. S. SHIPPY

CLERK OF THE BOARD OF SUPERVISORS, COUNTY OF NAPA, STATE OF CALIFORNIA

DEPUTY.....

EXHIBIT A

BOUNDARY DESCRIPTION
LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT

(A Resort Improvement District)

All that real property situated in the County of Napa, State of California, being a portion of Township 10 North, Range 5 West, M.D.B.&N., described as follows:

In Section 10: East half of Southeast quarter.

In Section 14: West half of Northwest quarter; West half of Southwest quarter; that portion of the Southeast quarter of the Southwest quarter lying Southwesterly of the natural center line of Putah Creek.

In Section 15: East half of East half; West Half of Southeast quarter; Southeast quarter of Southwest quarter; Southwest quarter of the Southwest quarter.

In Section 22: Northeast quarter of Northwest quarter; Northwest quarter of Northeast quarter; Northeast quarter of Northeast quarter; West half of the West half.

East half of the Southwest quarter; the Southeast quarter of the Northwest quarter; the Southwest quarter of the Northeast quarter; West half of the Southeast quarter; the Southeast quarter of the Northeast quarter; North half of the Northeast quarter of the Southeast quarter.

In Section 23: Northwest quarter of Northwest quarter; that portion of the Northwest quarter of the Northeast quarter and the Northeast quarter of the Northwest quarter lying Southerly of the natural center line of Putah Creek; East half of Southeast quarter; that portion of Lot 1 and the Southeast quarter of the Northeast quarter lying Southwesterly of the natural center line of Putah Creek.

In Section 24: Southwest quarter of Southeast quarter; West half of Southwest quarter; Southeast quarter of Southwest quarter; that portion of Lot 4, and the South half of the Northwest quarter, the Northwest quarter of the Southeast quarter, and the Northeast quarter of the Southwest quarter, lying Southwesterly of the natural center line of Putah Creek.

In Section 25: Lot 1; West half of Northeast quarter; Northwest quarter; Northwest quarter of Southwest quarter.

In Section 26: Northeast quarter of Southeast quarter.

In Section 27: Northwest quarter of the Northwest quarter.

CERTIFIED COPY

MAR 23 1965
E. W. REAGAN

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

RESOLUTION NO. 65-34

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

WHEREAS, the Board of Supervisors of the County of Napa, State of California, adopted its Resolution No. 65-21, making certain findings and declaring its intention to establish proposed LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT and fixed Tuesday, March 23, 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 (a) the text of the resolution, (b) the time and place for the hearing, and (c) a statement that at the hearing the testimony of all interested persons or taxpayers for or against the establishment of the district, the extent of the district or the furnishing or specified types of services will be heard, was duly published, pursuant to Section 6061 of the Government Code, in The Napa Register, a newspaper of general circulation published in the County of Napa and circulated within said proposed district, on March , 1965, said publication having been completed at least seven days before the date of said hearing.

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 LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT is (a) unincorporated, (b) particularly

suitable to and used for recreation resort purposes, (c) is held and used by residents of this State, but inhabited only seasonally, and (d) lies entirely 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, March 23, 1965, an opportunity was provided to all persons so desiring to protest against the establishment of said district, the extent thereof, and the furnishing of specified types of services within the district. No protests of any kind were made either orally or in writing to this Board, or to the Clerk of this Board at said hearing or prior thereto.

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 so declares and hereby establishes LAKE BERRYESSA RESORT 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 of said district were valid and in conformity with the requirements of Division 11 of the Public

Resources Code and Chapter 2.2, Article 2, Part 2, Division 2, Title 3 of the Government Code.

9. Said LAKE 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.

PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS on this 23rd day of March, 1965, by the following vote:

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

(SEAL)

JULIUS CAIOCCA, JR.

 Chairman of the Board of
 Supervisors of the County of Napa

ATTEST:

s/ C. S. SHIPPY
 Clerk of Said Board

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

ATTEST: *[Signature]*

 CLERK OF THE BOARD OF SUPERVISORS OF THE COUNTY OF NAPA STATE OF CALIFORNIA
[Signature] DEPUTY.

BOARD OF SUPERVISORS
COUNTY OF NAPA, STATE OF CALIFORNIA

RESOLUTION NO. 65-35

RESOLUTION CALLING AND PROVIDING FOR AN ELECTION TO BE HELD ON TUESDAY, APRIL 27, 1965, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS OF PROPOSED LAKE BERRYESSA RESORT 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. 65-34, adopted March 23, 1965, determined that the proposed LAKE BERRYESSA RESORT 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, April 27, 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. 65-104 Adopted
March 23, 1965, by the Board of
Supervisors of Napa County, State of California
establishing proposed LAKE BERRYESSA RESORT
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 5 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 LAKE BERRYESSA RESORT 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 eight 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)
<p>.....</p> <p>OFFICIAL BALLOT</p> <p>SPECIAL DISTRICT FORMATION ELECTION</p> <p>PROPOSED LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT</p> <p>NAPA COUNTY, STATE OF CALIFORNIA</p>		
<p>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 distinguishing marks or erasures are forbidden and make the ballot void. If you wrongly stamp, tear or deface this ballot, return it to the Inspector of Election and obtain another. On absent voter ballots mark a cross (x) with pen or pencil.</p>		
<p>MEASURE(S) SUBMITTED TO VOTE OF THE VOTERS</p>		
MEASURE:	Shall Resolution No. <u>65-54</u> adopted March 23, 1965, by the Board of Supervisors of Napa County, State of California, establishing proposed LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT be approved.	YES _____
		NO _____

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

SPECIAL PRECINCT "A"

Inspector: Edwin G. Coop~~ion~~
Judge: John M. Roos
Clerk: Robert Roog
Clerk: Henry N. Kuechler

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

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

NOTICE IS HEREBY GIVEN TO the qualified voters of proposed LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT of Napa County, State of California, that in accordance with law a special district

TUESDAY, April 27, 1965

between the hours of eight 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 LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT shall be formed as set forth in the following measure, to wit:

MEASURE: Shall Resolution No. 45-34, adopted March 23, 1965, by the Board of Supervisors of Napa County, State of California, establishing proposed LAKE BERRYESSA RESORT 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 the 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:

SPECIAL PRECINCT "A"

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

Polling Place: Paul Carlisle residence,
Stage Coach Canyon Road,
Napa County

Any qualified voter of proposed LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT may vote at said special district formation

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: March 23, 1965

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

JULIUS 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 NAPPA 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.

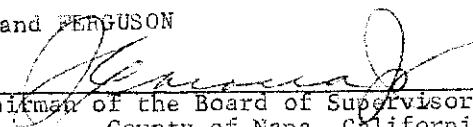
PASSED AND ADOPTED BY THE BOARD OF SUPERVISORS OF
NAPA COUNTY THIS 23rd day of March, 1965, by the following vote:

AYES: Supervisors ANDERSEN, CLARK and CAIOCCA


NOES: NONE

ABSENT: DICKENSON and FERGUSON

(SEAL)


Chairman of the Board of Supervisors
County of Napa, California

ATTEST:


CLERK of said Board.

CERTIFIED COPY

BOARD OF SUPERVISORS

COUNTY OF NAPA, STATE OF CALIFORNIA

MAY 11 1965
C. S. SHIPPY, Clerk

RESOLUTION NO. 65-55

RESOLUTION DECLARING RESULT OF FORMATION ELECTION
LAKE 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. 65-35, adopted March 23, 1965, called a special election to be held April 27, 1965, for the purpose of submitting to the qualified voters of the proposed Lake Berryessa Resort Improvement District, the proposition of whether the resolution of this Board, No. 65-34, adopted March 23, 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

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, April 27, 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:

65-55

1. The whole number of votes cast in said election was 7

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

MEASURE: Shall Resolution No. 65-35 adopted March 23, 1965 by the Board of Supervisors of Napa County, State of California, establishing proposed LAKE BERRYESSA RESORT IMPROVEMENT DISTRICT be approved?

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

SPECIAL PRECINCT "A"

For:	Against:
<u>4</u>	<u>0</u>

Absentee Ballots:

For:	Against:
<u>3</u>	<u>0</u>

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

For: 7	Against: 0
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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. adopted March 23, 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. 75-34, adopted by this Board on March 23, 1965, establishing Lake 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 11th day of May, 1965, by the following vote:

AYES:	Supervisors	ANDERSEN, CLARK, DICKENSON, FERGUSON AND CAIOCCA
NOES:		NONE
ABSENT OR NOT VOTING:		NONE

(SEAL)


Chairman of the Board of
Supervisors, County of Napa

ATTEST:

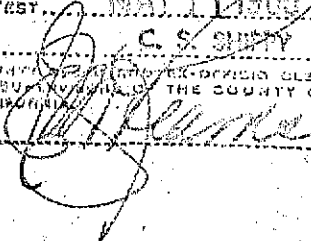
R/ C. E. SHIPPY
Clerk of Said Board

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

ATTEST MAY 11 1965

C. E. SHIPPY

CLERK OF THE BOARD
OF SUPERVISORS, THE COUNTY OF NAPA STATE OF
CALIFORNIA

By  DEPUTY.