NAPA COUNTY BOARD OF SUPERVISORS
Board Agenda Letter

TO: Board of Supervisors
FROM: Helene Franchi for Minh Tran - County Executive Officer
County Executive Office
REPORT BY: Leigh Sharp, Management Analyst II - 707-253-4825
SUBJECT: Approval of an $869,000 Loan from the Napa County General Fund to the Napa Berryessa Resort Improvement District

RECOMMENDATION
County Executive Officer requests adoption of a Resolution to renew an $869,000 loan for the Napa Berryessa Resort Improvement District (the “District”).

EXECUTIVE SUMMARY
The Napa Berryessa Resort Improvement District has requested approval of a loan renewal for $869,000 from Napa County for the term of three years ending on June 30, 2022 in order to repay an $869,000 loan the District received from Napa County on June 14, 2016.

FISCAL IMPACT
Is there a Fiscal Impact? Yes
Is it currently budgeted? Yes
Where is it budgeted? General Fund.
Is it Mandatory or Discretionary? Discretionary
Discretionary Justification: Pursuant to Government Code Section 25214.4, the Board of Supervisors may loan any available funds of the county to a county service area to pay for any lawful expenses of the county service area.
Is the general fund affected? Yes

Future fiscal impact: The District will repay the loan within three years, as required by Government Code Section 25214.4.

Consequences if not approved:

Additional Information:

ENVIRONMENTAL IMPACT

ENVIRONMENTAL DETERMINATION: The proposed action is not a project as defined by 14 California Code of Regulations 15378 (State CEQA Guidelines) and therefore CEQA is not applicable.

BACKGROUND AND DISCUSSION

The Napa Berryessa Resort Improvement District ("District") is a special district of the State of California organized in 1965 under the Resort Improvement District Law (Public Resources Code Section 13000 et seq.) for the provision of water and sewer service in an unincorporated portion of the County of Napa.

Beginning in 1995, the District’s infrastructure suffered significant deterioration due to many components reaching the end of their useful life. In response, staff initiated small-scale rehabilitation projects whenever permissible within the confines of available funding. However, many necessary repairs were beyond the District’s budgetary capacity and critical facility deficiencies resulted in negative action by the Regional Water Quality Control Board ("Regional Board").

The decline of the facility and the mandates imposed by the Regional Board prompted a series of requests for loans from Napa County for various repair and improvement projects between 2008 and 2013. The District currently has three active loans from the County totaling $2,594,000. Loan No. 1 for $869,000 and Loan No. 2 for $625,000 are the result of the consolidation of five smaller loans issued between 2008 and 2012, and Loan No. 3 for $1,100,000 is an original loan from 2013. Further description of each loan is as follows:

 Loan No. 1 - On May 7, 2013 two loans were consolidated for a principal amount of $869,000 and issued for a three-year term. This loan was repaid in FY2015-16 and renewed for a second three-year term on June 14, 2016. Loan No. 1 incorporates the following original loans:

  a. On October 14, 2008 a loan for $474,000 was received to pay HydroScience Engineers. It was the District’s intent to sell bonds and repay the County immediately thereafter.
  b. On June 29, 2010 a loan for $395,000 was received to cover shortfalls in the FY2009-10 operating budget and for District improvements.

 Loan No. 2 - On October 6, 2015 three loans were consolidated for a principal amount of $625,000 and issued for a three-year term. This loan was repaid in FY2017-18 and renewed for a second three-year term on April 10, 2018. Loan No. 2 incorporates the following original loans:

  a. On May 10, 2011 a loan for $205,000 was received to pay for non-budgeted County costs, including engineering, accounting, Auditor's Office, legal and County Executive Office expenses that were needed for the day-to-day operations of the District.
  b. On June 5, 2012 a loan for $325,000 was received to pay for legal expenses that exceeded the amount
budgeted for the Administrative Civil Liability (ACL) Complaint R5-2011-0590 issued by the Regional Board for wastewater discharge violations that occurred in FY2010-11; professional services expenses related to the contract with Western Water Constructors; and emergency repairs to the District’s water distribution system. $45,000 of this loan was sourced from the County Accumulated Capital Outlay Fund.
c. On September 11, 2012 a loan for $95,000 was received to pay for the ACL Complaint R5-2011-0590 settlement which was not budgeted in FY2012-13.

Loan No. 3 - On June 18, 2013 a loan for $1,100,000 was received to satisfy the United States Department of Agriculture reserve requirements for two capital improvement loans issued to the District. Special Assessment District 2012-01 was created to finance this loan and annual payments are facilitated by the Auditor-Controller’s Office. This loan is scheduled to be paid in full by 2023.

District residents have approved several rate increases since 2007 and established special assessments in 2012 to cover the costs of numerous repairs, but these actions have not allowed the District to build enough budgetary reserves to repay certain loans. Currently, the District is unable to satisfy the payment for the second term of Loan No. 1 for $869,000, which is coming due June 30, 2019. Thus, the District respectfully asks Napa County to renew Loan No. 1, pursuant to Government Code Section 25214.4, for a third, three-year term ending on June 30, 2022 for the purposes of enabling the District to satisfy the payment owed for the second term of Loan No. 1.

District Staff is in the process of conducting an in-depth evaluation of the current rate structure to determine a viable solution for permanent loan repayment and will return to the Board in July with its findings.

SUPPORTING DOCUMENTS
A. Resolution for $869,000 Loan Renewal for NBRID
B. NBRID Request Letter for $869,000 Loan Renewal from Napa County
C. NBRID Resolution No. 2019-01 (NBRID) for $869,000 Loan Renewal
D. NBRID Promissory Note for $869,000 Loan Renewal from Napa County

CEO Recommendation: Approve
Reviewed By: Leigh Sharp