

RESOLUTION NO. 2010-_____
RESOLUTION OF THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION
DISTRICT BOARD OF SUPERVISORS CALLING FOR AN ELECTION TO IMPOSE A
SPECIAL TAX UPON PARCELS LOCATED WITHIN FLOOD CONTROL ZONE NO. 7 FOR
THE PURPOSE OF PROVIDING FOR CONSTRUCTION OF PUMP STATION NO. 2
REPLACEMENT AND ESTANCIA DITCH IMPROVEMENTS, AND EVALUATION OF THE
LAS GALLINAS CREEK LEVEE, AND TO REPLENISH THE CAPITAL IMPROVEMENT AND
EMERGENCY RESERVES

WHEREAS, the Board of Supervisors of the Marin County Flood Control and Water Conservation District, and upon the recommendation of the Flood Control Zone No. 7 Advisory Board, determines that it is in the best interests of the property owners within Zone No. 7 to provide for construction of Pump Station No. 2 Replacement and Estancia Ditch Improvements, and evaluation of the Las Gallinas Creek Levee, and to replenish the capital improvement and emergency reserves, and to fund said services through the imposition of a special tax; and

WHEREAS, pursuant to California Water Code – Appendix 68-5(11) and Government Code Section 50075 *et seq.*, and in compliance with California Constitution Article XIII C, the Board of Supervisors is hereby authorized to adopt this Resolution to establish and impose (subject to voter approval) a special tax upon all taxable real property located within Flood Control Zone No. 7; and

WHEREAS, the Board of Supervisors proposes to impose a special tax in the amounts specified below beginning fiscal year 2010-2011; and

WHEREAS, the special tax, if approved by the electorate, will not exceed the spending limit pursuant to California Constitution Article XIII B; and

WHEREAS, the Board of Supervisors conducted a public hearing on this matter on March 2, 2010 and

NOW, THEREFORE, BE IT RESOLVED that the Marin County Tax Collector shall collect the special tax annually in the same manner and subject to the same penalties as County property taxes are collected. The County shall be entitled to deduct its reasonable costs incurred collecting the special tax before such tax is remitted to the Marin County Flood Control and Water Conservation District.

BE IT FURTHER RESOLVED that the special tax established by this Resolution shall be submitted to the registered voters within Flood Control Zone No. 7 in the Primary Election on June 8, 2010. The question submitted to the voters shall read substantially as follows:

Flood Control District Zone 7 - Santa Venetia Special Tax

Shall a special tax be levied within Zone 7 for 10 years to fund construction of Pump Station 2 and Estancia Ditch improvements, evaluation of the Las Gallinas Creek levee, and replenishment of capital improvement and emergency reserves in the amount of \$530.00 per parcel per year for improved residential parcels, \$4000.00 per acre per year for multi-family residential parcels with five or more living units and improved commercial parcels, and \$800.00 per acre per year for unimproved parcels?

BE IT FURTHER RESOLVED that the special tax is for the specific purposes of construction of Pump Station No. 2 Replacement and Estancia Ditch Improvements, and evaluation of the Las Gallinas Creek Levee, and to replenish the capital improvement and emergency reserves. Proceeds from the special tax may be used to acquire matching funds from other sources.

BE IT FURTHER RESOLVED that the proceeds for the special tax be applied only to the specific purposes stated above and subject to CEQA requirements prior to their implementation.

BE IT FURTHER RESOLVED that should the electorate approve the special tax, Fund Center number 6218012000 was created into which the special tax proceeds will be deposited.

BE IT FURTHER RESOLVED that the chief fiscal officer is hereby directed to prepare an annual report pursuant to Government Code Section 50075.3.

BE IT FURTHER RESOLVED that this Board hereby orders that said election shall be consolidated with the General Election scheduled on June 8, 2010; and

BE IT FURTHER RESOLVED that pursuant to the provisions of Elections Code Section 1002, the Board of Supervisors of the Marin County Flood Control and Water Conservation District authorizes and directs the Marin County Clerk to render all services necessary for the conduct of the election. The costs of the ballot election shall be borne by the Board of Supervisors of the Marin County Flood Control and Water Conservation District.

BE IT FURTHER RESOLVED that the special tax shall be deemed established and shall be in effect beginning with the 2010-2011 fiscal year upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon.

BE IT FURTHER RESOLVED that pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860, any judicial action or proceeding to attack, review, set aside, or annul this special tax, if approved by the voters, shall be commenced within 60 days of the effective date of this resolution.

PASSED AND ADOPTED at regular meeting of the Board of Supervisors of the Marin County Flood Control and Water Conservation District held on the 2nd day of March, 2010, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS
MARIN COUNTY FLOOD CONTROL
AND WATER CONSERVATION DISTRICT

ATTEST:

CLERK