

RESOLUTION NO. 2010-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
A RESOLUTION OF INTENTION TO CONTINUE TO MAINTAIN AND OPERATE A
LANDSCAPING AND LIGHTING DISTRICT FOR RUSH CREEK UNDER THE MARIN
COUNTY LANDSCAPING AND LIGHTING ASSESSMENT DISTRICT

WHEREAS, the Board of Supervisors in their official capacity as the Board of Directors of the Rush Creek Landscaping and Lighting District makes the following recitals:

1. Engineer's Report: Article XIID. This Board has caused to be prepared, and on this date has received for filing with the Clerk of this Board, a written Engineer's Report proposing assessments prepared by a registered professional engineer certified by the State of California which pursuant to Article XIID, Section 4 of the Constitution contains all of the following:
 - A. Identifies and describes all parcels that have a special benefit conferred on them and on which the assessment will be imposed;
 - B. Determines the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the park maintenance services to be provided;
 - C. Determines that no assessment is imposed on any parcel that exceeds the reasonable cost of the proportional special benefit conferred on that parcel;
 - D. Determines that the only benefits assessed are special and that general benefits have been separated from the special benefits conferred on each parcel;
 - E. Determines that no parcel owned by any agency, the State of California or the United States, but not identified and described above, receives any special benefit from the proposed assessment.
2. Engineer's Report: California Streets and Highways Code Sections 22622 and 22623. In addition, the written Engineer's Report, pursuant to Streets and Highways Code Sections 22622, 22623 and 22565 et seq., contains all of the following:
 - A. A description of each lot or parcel or property proposed to be subject to park maintenance assessment;
 - B. The amount of the assessment for each lot or parcel for the 2009-2010 fiscal year;
 - C. The maximum amount of the assessment that may be levied for each lot or parcel during any fiscal year;
 - D. The duration of the assessment;
 - E. The basis of the assessment;
 - F. The schedule of the assessment process;
 - G. A description specifying the requirements for written and oral protests and the thresholds necessary for abandonment of the proposed assessment pursuant to Streets and Highways Code Section 22630.5.
3. Engineer's Report: Streets and Highways Code Section 22623. Additionally the written Engineer's Report proposing assessments pursuant to Streets and Highways Code Section 22623 contains all of the following:
 - A. The estimated amount of the assessment per parcel. There is no proposed increase;

- B. A general description of the purpose or improvements that the assessment will fund;
 - C. The address to which property owners may mail a protest against the assessment;
 - D. The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment;
 - E. A statement that a majority protest will cause the assessment to be abandoned if the Assessment Act so provides;
 - F. The dates, times, and locations of the public information meeting and date of public hearing.
4. Policy. After considering the Engineer's Report, this Board desires to declare its intention to levy a park maintenance assessment each year in accordance with the Engineer's Report.
 5. Finding. It is in the best interest of the District and its inhabitants to do so.
 6. Pursuant to California Streets and Highways Code Section 22624(f), the proposed assessment is the same amount as the assessment last year.
 7. This assessment is exempt from the provisions of California Constitution, Article 13D, Section 4, pursuant to the exemption in Article 13D, Section 5(d) of the California Constitution on the grounds that it was imposed pursuant to majority voter approval from the voters voting in an election on the issue of the assessment.

NOW, THEREFORE, IT IS HEREBY RESOLVED, ORDERED, AND FOUND by the Board of Supervisors in their official capacity as the Board of Directors of the Rush Creek Landscaping and Lighting District as follows:

1. Findings. Each of the foregoing recitals is true and correct.
2. Declaration of Intention. This Board declares its intention under the authority of the Landscaping and Lighting Act of 1972, Section 22624 of the Streets and Highways Code, to continue levying park maintenance assessment upon real property within the District for the fiscal year 2009-2010 and each year thereafter at a rate of assessment not to exceed the following:
 - A. A rate of \$949.00 per parcel;
 - B. The lien date shall be that prescribed by law;
 - C. The foregoing schedules and rates are based upon the type of use of property and the risk classification of the structures or other improvements on, or the use of, the property. The assessment is proportional to the special benefit derived by each identified parcel in relationship to the entirety of the cost of the property related service being provided. No assessment exceeds the reasonable cost of the proportional special benefit conferred on that parcel. All parcels in the Rush Creek Landscaping and Lighting Assessment District will be assessed equally.
3. Public Information Meeting. At 11:00 a.m. (or as soon thereafter as circumstances permit) on July 20, 2010, in the Board of Supervisors Chambers at Marin County Civic Center, San Rafael, California, this Board will hold a public information meeting respecting the proposed landscaping and lighting assessments to present

information regarding the landscaping and lighting assessments to be levied each year upon benefited parcels of land within the District, the extent of the assessments, the amounts of the assessments proposed to be levied on the benefited parcels, and the method of formula by which benefit has been determined and also to hear public testimony regarding the proposed assessments.

4. Public Protest Hearing. At 11:00 a.m. (or as soon thereafter as circumstances permit) on July 27, 2010, in the Board of Supervisors Chambers of this Board at Marin County Civic Center, San Rafael, California, this Board will hold a Public Protest Hearing respecting the proposed Landscaping and Lighting Act assessments.
5. Answering Inquiries. The Board designates the Deputy Director, Administration as the person to answer to inquiries regarding the protest proceedings, Room 260, Marin County Civic Center, San Rafael, California, phone 415-499-6387.
6. Notice of meeting and hearing. The Clerk of this Board is directed to give notice of the Public Information Meeting and of the Public Protest Hearing as follows:
 - A. Pursuant to Section 22626 of the Streets and Highways Code the clerk shall cause a copy of the notice of filing report and of the time, date, and place of the hearing thereon (including the Public Protest Hearing) to be posted. The notice shall be posted at least ten days before the Public Information Meeting. The notice shall also contain the name and telephone number of the person designated by this Board to answer questions regarding the protest proceedings. The Board shall cause publication of this Notice of Intention pursuant to the provisions of Streets and Highways Code Sections 22626, 22552 and 22553.
 - (a) The estimated amount of the assessment per parcel. If there is any proposed increase, the joint notice shall separately state both the amount of the existing assessment and the proposed assessment increase;
 - (b) A general description of the purpose or improvements that the assessment will fund;
 - (c) The address to which property owners may mail a protest against the assessment;
 - (d) The phone number and address of an individual, office, or organization that interested persons may contact to receive additional information about the assessment;
 - (e) A statement that a majority protest will cause the assessment to be abandoned if the assessment act so provides. Notice must also state the percentage of protests required to trigger an election, if applicable;
 - (f) The dates, times, and locations of the public information meeting and public protest hearing.
7. The proposed assessment is the same as the assessment imposed last year for this District.
8. The proposed assessment is exempt from the provisions of California Constitution, Article 13D, Section 4 by virtue of the exemption contained in California Constitution, Article 13D, Section 5(d).

NOW, THEREFORE, BE IT RESOLVED that the Board of Supervisors of the County of Marin hereby adopts the Resolution of Intention and directs the Clerk of the Board to post and publish notice of the public hearing.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2010, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

ATTEST:

PRESIDENT, BOARD OF SUPERVISORS

CLERK