

BEFORE THE BOARD OF SUPERVISORS

of the

SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO LEVY ASSESSMENTS FOR COSTS OF SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT, ZONE 4 (SANTA MARIA LEVEE)

The following Resolution is hereby offered and read:

WHEREAS, said County Flood Control Zone 4 was established as a zone of benefit of the Santa Maria River levees; and

WHEREAS, on July 31, 1961, San Luis Obispo County Flood Control and Water Conservation District (hereinafter referred to as San Luis Obispo) did enter into a joint powers agreement with Santa Barbara County Flood Control and Water Conservation District (hereinabove referred to as Santa Barbara) for maintaining the Santa Maria River levees, whereby Santa Barbara performs all the maintenance work and San Luis Obispo pays a share of the costs to Santa Barbara; and

WHEREAS, Section 13 of the San Luis Obispo County Flood Control and Water Conservation District Act, provides that the Board has the authority:

"To levy ...assessments upon all taxable property in each or any of said zones, according to the special benefits derived or to be derived therein to pay the cost and expenses of carrying out any of the objects or purposes of this act of special benefit to such zones, including the constructing, maintaining, operating, extending, repairing, or otherwise improving any or all works of improvement established or to be established within or on behalf of said respective zones"; and

WHEREAS, by Resolution No. 87-280 the Board of Supervisors did establish an assessment on all taxable property in Zone 4 at the rate of 25¢ (twenty-five cents) per acre per year, with a minimum of \$5.00 (Five Dollars) per parcel per year.

WHEREAS, said Section 13 further provides that any such assessments shall be levied and collected together with taxes for County purposes and paid into the County Treasury to the credit of said zone to be expended for, and only for, the purposes of said zone; and

WHEREAS, the benefits to be derived by each property from said maintenance are in direct proportion to the area of each property; and

WHEREAS, Proposition 218, which was approved by California voters on November 5, 1996, added Articles XIIC and XIID to the Constitution of the State of California; and

WHEREAS, Sections 4 and 5 of said Article XIID affect laws governing, assessments; and

WHEREAS, Section 5 of said Article XIID provides that certain assessments existing on the effective date of said Article XIID are exempt from the procedures and approval process set forth in Section 4 of said Article XIID; and

WHEREAS, this resolution is for the purpose of continuing to levy flood control and/or drainage system assessments that were already existing on the effective date of said Article XIID, and the amounts of said assessments for fiscal year 2012-13 are not proposed to be increased; and

WHEREAS, since the assessments were imposed exclusively to finance the capital costs or maintenance and operation expenses for flood control and/or drainage systems, then pursuant to Section 6(a) of said Article XIID, they are explicitly exempt from the procedures and approval process set forth in Section 4 of said Article XIID although increases in such assessments shall be subject to the entirety of said Article XIID; and

WHEREAS, it is in the public interest to levy said assessments for fiscal year 2012-13.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF SUPERVISORS as follows:

1. That this Board hereby determines that every charge set forth on the attachment document marked Exhibit "A" is an accurate computation of said assessment (said Exhibit "A" being hereby expressly incorporated herein by reference as though here fully set forth); and the Board hereby confirms and adopts the report for 2012-13 containing such charges set forth in said Exhibit "A".
2. That pursuant to Section 13 of the San Luis Obispo County Flood Control and Water Conservation District Act, Act 7205 of Deering's California Codes, Water - Uncodified Acts, the said assessments, as set forth in Exhibit "A" hereto, shall be levied; and, the County Tax Collector/Treasurer shall collect same together with taxes levied for County purposes.

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Upon motion of Supervisor _____, seconded by Supervisor _____, and on the following roll call vote, to wit:

AYES:
NOES:
ABSENT:
ABSTAINING:

the foregoing Resolution is hereby adopted.

Chairperson of the Board of Supervisors

ATTEST:

Clerk of the Board of Supervisors

(SEAL)

APPROVED AS TO FORM AND LEGAL EFFECT:

WARREN R. JENSEN
County Counsel



By: Patrick J. Foran
Deputy County Counsel

Dated: May 16, 2012

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STATE OF CALIFORNIA, }
County of San Luis Obispo, } ss.

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors of the San Luis Obispo County Flood Control and Water Conservation District, do hereby certify the foregoing to be a full, true and correct copy of an order made by the Board of Supervisors, as the same appears spread upon their minute book.

WITNESS my hand and the seal of said Board of Supervisors, affixed this _____ day of _____, 20 _____.

(SEAL)

County Clerk and Ex-Officio Clerk of the Board of Supervisors

By _____
Deputy Clerk.