

# 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 18 (CAMBRIA WEST VILLAGE AREA)

The following Resolution is hereby offered and read:

**WHEREAS**, said County Flood Control Zone 18 was established as a zone for those areas benefited by the flood protection resulting from the maintenance of the Cambria West Village Area; and

**WHEREAS**, periodic maintenance of said improvements is required; and

**WHEREAS**, Section 13, Paragraph 3, 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 99-75 the Board of Supervisors did establish an assessment on all taxable property in said Zone 18, based on special benefit, at the rate according to the Engineer's Report with an annual increase of 3% per year; and

**WHEREAS**, the amounts stated in Exhibit "A" are within the authorized Resolution 99-75; and

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

**WHEREAS**, said Section 13 further provides that any such assessments shall be 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**, 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 effective July 1, 1997, new or increased assessments shall be subject to voter approval; and

**WHEREAS**, On January 19, 1999, voters approved an annual assessment to fund maintenance activities for properties in Zone 18, within the 100 year flood zone; 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.