

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 1-A (LOS BERROS DIVERSION CHANNEL OF ARROYO GRANDE CREEK)

The following resolution is hereby offered and read:

WHEREAS, said County Flood Control Zone 1-A was established as a zone for those areas benefiting by the flood protection resulting from the maintenance of the Los Berros Diversion Channel of Arroyo Grande Creek; and

WHEREAS, periodic maintenance of said improvements and creek 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 87-279 the Board of Supervisors did establish an assessment on all taxable property in said Zone 1-A at the rate of \$10.00 (Ten Dollars) per acre per year, to the nearest one-half acre as determined by the County Public Works Director, with each urban building site defined as 1/2 acre.

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, the areas benefited are devoted to agricultural lands, some urban development and the public improvements and other improvements associated therewith; and

WHEREAS, agricultural lands benefit in direct proportion to the area of each property; and

WHEREAS, as to parcels of less than one-half of one acre in size, the benefit is equivalent to that received by parcels in an urban area having an average parcel size of one-half acre; 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

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.

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: June 21, 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 _____
3 of 3 Deputy Clerk.