

IN THE BOARD OF SUPERVISORS

County of San Luis Obispo, State of California

_____ day _____, 20__

PRESENT: Supervisors

ABSENT:

RESOLUTION NO. _____

RESOLUTION TO LEVY ASSESSMENT FOR COSTS OF SAN LUIS OBISPO COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT ZONE 16 (DRAINAGE BASINS OF VARIOUS SUBDIVISION TRACTS IN NIPOMO, SAN MIGUEL, AND SHANDON)

The following Resolution is now offered and read:

WHEREAS, said County Flood Control Zone 16 was established for the purpose of providing drainage basin maintenance; 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 or improvement established or to be established within or on behalf of said respective zone"; and

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 purpose of said zone; and

WHEREAS, by Resolution No. 88-248 the Board of Supervisors did establish an assessment on all taxable property in said Zone 16 at the rates as shown on Exhibit "A" (on

Resolution No. 88-248), which is hereby attached hereto and incorporated herein by reference as though here fully set forth; and

WHEREAS, on April 23, 2002, the County Board of Supervisors approved Resolutions 2002-173, 2002-174, and 2002-175, which annexed Tracts 2299, 2346 and 2409 respectively to Flood Control Zone 16; and

WHEREAS, on April 23, 2002, the Board of Supervisors declared results of the elections for Tracts 2299, 2346 and 2409, with 100% voting YES in each Tract, which established Tract 2299 Assessment District, Tract 2346 Assessment District and Tract 2409 Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on May 20, 2003, the County Board of Supervisors approved Resolution 2003-154, which annexed Flynn/Hernandez D010256P to Flood Control Zone 16; and

WHEREAS, on September 23, 2003, the County Board of Supervisors declared the results of the elections for Flynn/Hernandez D010256P with 100% voting yes, which established the Flynn/Hernandez D010256P Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on January 6, 2004, the County Board of Supervisors approved Resolution 2004-10, which annexed Mission Heights to Flood control Zone 16; and

WHEREAS, on January 6, 2004, the Board of Supervisors declared results of the elections for Mission Heights Assessment with 100% voting yes, which established the Mission Heights Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on June 22, 2004, the Board of Supervisors approved Resolution No. 2004-203 which annexed Tract 2530 to Flood Control Zone 16; and

WHEREAS, on June 22, 2004, the Board of Supervisors declared results of the election for Tract 2530 Assessment District with 100% voting yes and levied an annual assessment at per Exhibit "B," which will automatically be increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose/and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on December 20, 2005, the Board of Supervisors approved Resolution No. 2005-436 which annexed Tract 2494 to Flood Control Zone 16; and

WHEREAS, on December 20, 2005, the County Board of Supervisors declared the results of the elections for Tract 2494 with 100% voting yes, which established the Tract 2494

Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on January 23, 2007, the County Board of Supervisors approved Resolution 2007-52 which annexed CO 06-0085 to Flood Control Zone 16; and

WHEREAS, on January 23, 2007, the County Board of Supervisors declared the results of the election for CO 06-0085 with 100% voting yes, which established the CO 06-0085 Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30, each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

WHEREAS, on March 13, 2007, the County Board of Supervisors approved Resolution 2007-109, which annexed Tract 2684 to Flood Control Zone 16; and

WHEREAS, on March 13, 2007, the County Board of Supervisors declared the results of the election for Tract 2684 with 100% voting yes, which established the Tract 2684 Assessment District and levied an annual assessment as per Exhibit "B," which will be automatically increased on June 30 each year by an amount determined by the average of the Consumer Price Index (for all items) for San Francisco/Oakland/San Jose and for Los Angeles/Anaheim/Riverside; and

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

NOW, THEREFORE, BE IT RESOLVED AND ORDERED by the Board of Supervisors of the County of San Luis Obispo, State of California, as follows:

1. That this Board hereby determines that every charge set forth on the attachments document marked Exhibit "A" and Exhibit "B" is an accurate computation of said assessment (said Exhibit "A" and Exhibit "B" 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" and Exhibit "B."
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" and Exhibit "B" 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 on the ____ day of _____, 20__.

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: 
Deputy County Counsel

Dated: July 30, 2012

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

I, _____, County Clerk and ex-officio Clerk of the Board of Supervisors, in and for the County of San Luis Obispo, State of California, 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.