

**RESOLUTION NO. 2014-\_\_\_\_\_**

**RESOLUTION OF THE MARIN COUNTY FLOOD CONTROL AND WATER CONSERVATION DISTRICT BOARD OF SUPERVISORS CALLING FOR AN ELECTION TO IMPOSE A SPECIAL TAX UPON PARCELS LOCATED WITHIN FLOOD CONTROL ZONE NO. 5 FOR THE PURPOSE OF REDUCING RIVERINE FLOODING RISK FOR RESIDENTS, VISITORS, AND BUSINESSES; MAINTAIN NATURAL CREEK FUNCTIONS; REDUCE SEDIMENT ENTERING BOLINAS LAGOON; AND INCORPORATE HABITAT ENHANCEMENTS FOR FISH AND WILDLIFE.**

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District, and upon the recommendation of the Flood Control Zone No. 5 Advisory Board, determines that it is in the best interests of the property owners within Zone No. 5 to provide for increased protection from riverine flooding risk; and

**WHEREAS**, pursuant to all applicable state law, including California Water Code – Appendix 68-5(11) and Government Code Section 50075 *et seq.*, and in compliance with California Constitution Articles XIII A and XIII C, the Board of Supervisors of the Marin County Flood Control and Water Conservation District is hereby authorized to adopt this Resolution to establish and impose (subject to voter approval) a special tax upon all taxable real property located within Flood Control Zone No. 5; and

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District calls for an election to impose a special tax in the amounts specified below beginning the second half of fiscal year 2015-2016; and

**WHEREAS**, the special tax, if approved by the electorate, will not exceed the spending limit pursuant to California Constitution Article XIII B; and

**WHEREAS**, the Board of Supervisors of the Marin County Flood Control and Water Conservation District conducted a public hearing on this matter on November 4, 2014 and

**NOW, THEREFORE, BE IT RESOLVED** that, subject to voter approval, the Marin County Tax Collector shall collect the special tax annually in the same manner and subject to the same penalties as County property taxes are collected. The County shall be entitled to deduct its reasonable costs incurred collecting the special tax before such tax is remitted to the Marin County Flood Control and Water Conservation District.

**BE IT FURTHER RESOLVED** that the special tax established by this Resolution shall be submitted to the registered voters within Flood Control Zone No. 5 in the Special Election on March 3, 2015. The question submitted to the voters shall read substantially as follows:

**Stinson Beach**

To provide funding to: reduce riverine flooding risk for residents, visitors, and businesses; maintain natural creek functions; reduce sediment entering Bolinas Lagoon; and incorporate habitat enhancements for fish and wildlife, shall a special tax be levied within Zone 5 for 20 years in the amount of \$250.00 per year for improved parcels and \$50.00 per year for unimproved parcels?	YES
	NO

**BE IT FURTHER RESOLVED** that the special tax is for the specific purposes of providing increased flood protection for Marin County Flood Control Zone No. 5 by reducing riverine flooding risk for residents, visitors, and businesses; maintaining natural creek functions; reducing sediment entering Bolinas Lagoon; and incorporating habitat enhancements for fish and wildlife.

**BE IT FURTHER RESOLVED** that the proceeds for the special tax be applied only to the specific purposes stated above and subject to CEQA requirements prior to their implementation.

**BE IT FURTHER RESOLVED** that should the electorate approve the special tax, the proceeds shall be placed in a special fund to be used solely for the purposes stated above.

**BE IT FURTHER RESOLVED** that the Marin County Auditor as chief fiscal officer, pursuant to Water Code Section 68-7, is hereby directed to prepare an annual report pursuant to Government Code Section 50075.3. The chief fiscal officer shall receive actual necessary expenses in the performance of official duties performed pursuant to this resolution payable from the funds of the Marin County Flood Control and Water Conservation District.

**BE IT FURTHER RESOLVED** that this Board of Supervisors of the Marin County Flood Control and Water Conservation District hereby calls and orders a Special Election to be held on March 3, 2015 for the purpose of voting on a ballot measure to approve the special tax.

**BE IT FURTHER RESOLVED** that pursuant to the provisions of Elections Code Section 1002, the Board of Supervisors of the Marin County Flood Control and Water Conservation District hereby requests that the Registrar of Voters render all services necessary for the conduct of the election, which include the following matters: coordination of election precincts, polling places, voting booths, voting systems and election officers; printing and mailing of voter pamphlets; preparation of tabulation of result of votes cast. The costs of the ballot election shall be borne by the Board of Supervisors.

**BE IT FURTHER RESOLVED** that to the extent applicable, under Elections Code Section 10418, all proceedings related to, connected with, and incidental to the election shall be regulated and performed in accordance with the provisions of law regulating a statewide election.

**BE IT FURTHER RESOLVED** that the proclamation or notice of the election shall provide that Article 3 of Chapter 2 of Division 9 of the Elections Code (Section 9160 et seq.) relating to arguments concerning County measures applies and County Counsel is directed to prepare an impartial analysis.

**BE IT FURTHER RESOLVED** that the special tax shall be deemed established and shall be in effect beginning with the second half of the 2015-2016 fiscal year upon certification of the election results evidencing approval by at least two-thirds of the registered voters voting thereon. The special tax shall be null and void as of twelve o'clock midnight, June 30, 2036, and shall have no force and effect whatsoever after said time and date.

**BE IT FURTHER RESOLVED** that if any provision of this resolution or the application thereof to any person or circumstances is held invalid or unconstitutional by any court of competent jurisdiction, such invalidity or unconstitutionality shall not affect any other provisions or applications, and to this end the provisions of this resolution are declared to be severable. The Board of Supervisors of the Marin County Flood Control and Water Conservation District and the electorate, should it approve the special tax, do hereby declare that they would have adopted and approved this resolution and the special tax and each section, subsection, sentence, clause,

phrase, part or portion thereof, irrespective of the fact that any one or more sections, subsections, clauses, phrases, parts or portions thereof, be declared invalid or unconstitutional.

**BE IT FURTHER RESOLVED** that pursuant to Government Code Section 50077.5 and Code of Civil Procedure Section 860, any judicial action or proceeding to attack, review, set aside, or annul this special tax, if approved by the voters, shall be commenced within 60 days of the effective date of this resolution.

**APPROVED AND ADOPTED** at regular meeting of the Board of Supervisors of the Marin County Flood Control and Water Conservation District held on the \_\_\_ day of \_\_\_\_\_, 201\_\_\_, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

\_\_\_\_\_  
PRESIDENT, BOARD OF SUPERVISORS  
MARIN COUNTY FLOOD CONTROL  
AND WATER CONSERVATION DISTRICT

ATTEST:

\_\_\_\_\_  
CLERK

DRAFT