RESOLUTION NO. 2015-73

A RESOLUTION OF THE CITY OF MARINA CERTIFYING
COMPLIANCE WITH STATE LAW WITH RESPECT TO
LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2015-2016

WHEREAS, The City of Marina requests that the Monterey County Auditor-Controller enter the special assessment identified in Exhibit "A" on the property tax roll for collection and distribution by the Monterey County Treasurer-Tax Collector commencing with the property tax bills for fiscal year 2015-2016 (**"EXHIBIT A"**).

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Marina as follows:

1. The City hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levying and imposition of the general or special taxes and assessments identified in **EXHIBIT A** regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California.

2. The City further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents for every claim, demand or challenge to the levying or imposition of the general or special taxes and assessments identified in **EXHIBIT A** and that the City shall pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents on every such action, suit, or other proceeding, including all claims for refunds and interest thereon, legal fees, court costs and administrative expenses of the County of Monterey to correct the tax rolls.

PASSED AND ADOPTED by the City of Marina City Council at a regular meeting duly held on the 16th day of June, 2015, by the following vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, Delgado
NOES, COUNCIL MEMBERS: None
ABSTAIN, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: O'Connell

_____
Bruce C. Delgado, Mayor

ATTEST:

_____
Anita Flanagan, Deputy City Clerk

EXHIBIT A

ATTACHMENT TO RESOLUTION NO. 2015-73 OF THE CITY OF MARINA, COUNTY OF MONTEREY, CALIFORNIA, CERTIFYING COMPLIANCE WITH STATE LAW WITH RESPECT TO THE LEVYING OF SPECIAL ASSESSMENTS FOR FISCAL YEAR 2015-2016

PER-PARCEL ASSESSMENTS:

Assessment District – Operations:

- Cypress Cove II Landscape Maintenance Assessment District $180.78

June 11, 2015 Item No. **8f(3)**

Honorable Mayor and Members
of the Marina City Council

City Council Meeting
of June 16, 2015

CITY COUNCIL TO CONSIDER ADOPTING RESOLUTION NO. 2015-, CERTIFYING CITY OF MARINA COMPLIANCE WITH STATE LAW (PROPOSITION 218) WITH RESPECT TO SPECIAL ASSESSMENT FOR CYPRESS COVE II LANDSCAPE MAINTENANCE ASSESSMENT DISTRICT FOR FISCAL YEAR 2015-16

RECOMMENDATION:
It is requested that the City Council:

1. Consider adopting Resolution No. 2015-, certifying City of Marina compliance with State law (Proposition 218) with respect to special assessment for Cypress Cove II Landscape Maintenance Assessment District for FY 2015-16.

BACKGROUND:
On May 8, 2015, the City Council passed resolution 2015-51 setting FY 2015/16 special assessment for Cypress Cove II Landscape Maintenance Assessment District, as recommended in the engineer's report.

Except for the Constitutionally-limited 1% ad valorem tax, the Monterey County Auditor-Controller will not place taxes, assessments, fees or charges on the rolls unless the City Council certifies by resolution that the City is in compliance with Proposition 218, the 1996 '*Right to Vote on Taxes Act*' with respect to each such tax, assessment, fee and charge. Certification resolution(s) must contain hold harmless and indemnification provisions for administrative expenses of the County associated with collection of the City's taxes, assessments, fees and charges placed on the rolls. These certifications, along with copies of the resolutions setting the tax, assessment fee and/or charge rates and certain other documentation, must be submitted to the County no later than August 3, 2015.

ANALYSIS:
The following special levy, adopted by Resolution 2015-51 on May 8, 2015, is for assessment district operations and must be included in the certification adopted by the Council:

Cypress Cove II Landscape Maintenance Assessment District	$ 180.78

FISCAL IMPACT:
Special assessments finance the assessment district's approved maintenance. Total to be credited to the district is as follows:

Cypress Cove II Landscape Maintenance Assessment District	$ 19,885.80

CONCLUSION:
This request is submitted for City Council consideration and possible action.

Respectfully submitted,

_____
Lauren Lai, CPA
Finance Director
City of Marina

REVIEWED/CONCUR:

_____
Layne P. Long
City Manager
City of Marina