April 22, 2014

Marin County Board of Supervisors
3501 Civic Center Drive
San Rafael, CA 94903

SUBJECT: Assessment District for Marshall Phase 2 Community Wastewater System

Dear Board Members,

RECOMMENDATION:
Adopt the Amended and Restated Resolution of Intention to form the Marshall Phase 2 Community Wastewater Assessment District and preliminarily approve the Marshall Phase 2 Community Wastewater Revised Engineer's Report, Boundary Map, and Assessment Diagram. The Resolution allows a future public hearing confirming the Assessment District boundaries, the proposed improvements, the proposed levy of assessments and related matters set forth in the revised preliminary Engineer's Report.

SUMMARY:
On October 4, 2011, your Board adopted Resolution No. 2011-106 declaring the intention to conduct proceedings under the authority of the Municipal Improvement Act of 1913, and to authorize the levy of special assessments on real property within the proposed Marshall Phase 2 Community Wastewater System Assessment District to finance a portion of the costs of proposed wastewater system improvements.

On October 18, 2011, your Board adopted Resolution No. 2011-117 and Resolution No. 2011-118 approving a District boundary map and preliminarily approving an Engineer's Report for the proposed Assessment District and the holding of an election.

Public hearings regarding the proposed Assessment District were held by your Board on November 1, 2011 and on December 13, 2011. On December 13, 2011, your Board concluded the public hearing on the proposed Assessment District and adopted Resolution No. 2011-149 wherein the Board determined that less than a majority protest was received regarding the proposed Assessment District. The Board annexed parcels to be included in the Assessment District to the Marshall Wastewater Disposal Zone #1 and directed other actions related to the foregoing.

Following the above proceedings, certain actions required by the 1913 Act to complete the formation of the Assessment District, including the confirmation of the assessments to be levied, the filing of a final engineer’s report, the recordation of an
assessment diagram and a notice of assessment, and the conduct of a cash-collection period for the assessments, were not completed.

The Board has received a petition from a property owner desiring to be included in the proposed Assessment District and the description of the work to be financed, in part, by the Assessment District has changed.

To accommodate the inclusion of the additional parcel in the Assessment District and to ensure that the proceedings to form the Assessment District are conducted and concluded in full accord with the requirements of the 1913 Act, it is recommended that your Board adopt this Resolution to ensure the Assessment District formation proceedings, as set forth herein, are properly carried out.

The project engineer has prepared a revised boundary map (a list of included Assessor's Parcel Numbers is attached) for the Marshall Phase 2 Assessment District and a revised preliminary engineer's report, which will be on file with the Clerk of the Board. Also on file with the Clerk of the Board are proposed agreements with the Underwriter/Placement Agent and Bond Counsel for services related to the assessment district and bonds to be issued for the assessment district. The contracts with the Underwriter/Placement Agent and the Bond Counsel will be approved by the Director of Finance at the appropriate time.

FISCAL/STAFFING IMPACT:
The recommended actions will not increase the agency's net county cost to the general fund. The cost of this project is expected to be fully supported by the grant funds and benefit assessments.

REVIEWED BY:  (These boxes must be checked)

[ X ] Department of Finance  [ ] N/A
[ X ] County Counsel  [ ] N/A
[ ] Human Resources  [ X ] N/A

SIGNATURE:

Rebecca Ng, R.E.H.S.  Brian C. Crawford
Deputy Director  Director

Attachments:
1. Resolution
2. Revised Preliminary Engineer's Report
3. Revised Assessment District Boundary Map
4. Underwriter/Placement Agent Agreement
5. Bond Counsel Agreement