

RESOLUTION NO. 2007-_____
RESOLUTION OF THE MARIN COUNTY BOARD OF SUPERVISORS
DECLARING INTENTION TO CONDUCT SPECIAL ASSESSMENT PROCEEDINGS FOR
THE PROPOSED MARSHALL PHASE 1
COMMUNITY WASTEWATER SYSTEM ASSESSMENT DISTRICT

The Board of Supervisors of the County of Marin hereby finds, determines and resolves as follows:

1. Recitals.

- (a) Under the authority of the Municipal Improvement Act of 1913 (the "1913 Act," Sections 10000 and following, California Streets and Highways Code; all references hereafter in this resolution to the "Code" shall be references to the Streets and Highways Code unless specified otherwise), this Board of Supervisors (this "Board") intends to conduct proceedings, including a noticed public hearing and assessment ballot procedure, for the purpose of authorizing the levy of special assessments to finance a prescribed portion of the cost and expense of the acquisition and/or construction of the proposed improvements described in Exhibit A, attached hereto and by this reference incorporated herein (the "Wastewater System Improvements"), all of which are situated within or adjacent to the proposed "Marshall Phase 1 Community Wastewater System Assessment District, County of Marin, State of California" (the "Proposed Assessment District").
- (b) This resolution is adopted in compliance with the provisions of Section 10200 of the Code.
- (c) This Board finds that the land specially benefited by the Wastewater System Improvements is a designated portion of the land shown within the boundaries shown on the Boundary Map approved by separate resolution adopted by this Board this same date.

2. Intention to Levy Special Assessments. This Board intends to levy a special assessment upon designated portions of the land within the Proposed Assessment District in accordance with the special benefit to be received by each parcel of land, respectively, from the Wastewater System Improvements.

3. Performance of Work on Private Property. Where any disparity occurs in level or size between the improvements and private property, this Board determines that it is in the public interest and more economical to eliminate the disparity by doing work on the private property instead of adjusting the work on public property. Accordingly, work may be done on private property for this purpose with the written consent of the landowner.

4. Preliminary Determination of Public Interest and Convenience. This Board hereby preliminarily finds and determines that the Wastewater System Improvements, including without limitation that portion of said improvements which will be situated on private property, are required by considerations of public interest and convenience in order to provide a community system for wastewater collection, treatment and disposal for the parcels of land within the Proposed Assessment District, and this Board hereby further preliminarily finds and determines that the Wastewater System Improvements represent "works and improvements of a local nature," all as provided by Section 10102 of the 1913 Act. Final findings and determinations respecting these preliminary findings and determinations shall be made following the close of the public hearing with respect to the Proposed Assessment District.
5. Unpaid Assessments to Secure Bonds or other Obligations. This Board intends to utilize unpaid assessments as levied upon the benefited parcels of land in the Proposed Assessment District to secure either (a) bonds issued pursuant to the Improvement Bond Act of 1915 (the "1915 Act," Sections 8500 and following of the Code) or (b) another obligation as provided by Sections 10550 and 10555 of the Code, including but not limited to a loan agreement or other instrument evidencing the obligation to repay a loan from an agency of the State of California (the "State"), in either case to provide for payment of interest at a rate not to exceed twelve percent (12%) per annum, with the last installment of the bonds to mature (or the last installment of the principal of the loan to be due and payable, as the case may be) not to exceed thirty-nine (39) years from the second day of September next succeeding twelve (12) months from the date of the bonds or other obligation.
6. Intention to Impose Annual Administrative Cost Assessment. This Board intends, pursuant to subparagraph (f) of Section 10204 of the California Streets and Highways Code, to provide for an annual assessment upon each of the parcels of land in the Proposed Assessment District to pay various costs and expenses incurred from time to time by the County and not otherwise reimbursed to the County which result from the administration and collection of assessment installments or from the administration or registration of bonds or other obligations secured by the unpaid assessments and the various funds and accounts pertaining thereto. This annual assessment shall be in addition to any amounts which may be imposed pursuant to Section 8682 and 8682.1 of the Code
7. Bond-Related Provisions. In the event bonds are issued pursuant to the 1915 Act, the following shall apply:
 - (a) The procedure for the collection of assessments and advance retirement of the bonds shall be as provided in Sections 8760 and following of the Code (Part 11.1 of Division 10 thereof).

- (b) Pursuant to Section 8769 of the Code, the County will not obligate itself to advance available funds from the County treasury to cure any deficiency which may occur in the bond redemption fund. A determination not to obligate itself shall not prevent the County from, in its sole discretion, so advancing funds.
8. Appointment of Engineer of Work. This Board appoints Norman N. Hantzsche as Engineer of Work for this project, and directs the preparation of the report containing the matters required by Section 10204 of the Code, as supplemented by Section 4 of Article XIID of the California Constitution ("Section 4") and Section 53750 of the California Government Code ("Section 53750"). In furtherance of such appointment, this Board hereby finds and determines that Norman N. Hantzsche is a registered professional engineer certified by the State, as defined by Section 53750 and required by Section 4.
9. Section 20485 of Public Contract Code. In the opinion of this Board, the public interest will not be served by allowing owners of assessable lands to enter into a contract for the work of improvement as otherwise permitted in Section 20485 of the Public Contract Code.
10. Disposition of Surplus. Any amount remaining in the improvement fund after completion of the Wastewater System Improvements and payment of all authorized claims (including but not limited to any claims authorized by proceedings taken pursuant to Sections 10350 and following of the Code), following a determination by this Board that such amount constitutes "surplus," shall be either (a) distributed in accordance with the provisions of Section 10427.1 of the Code or (b) transferred to an appropriate fund or account to be applied to the cost and expense of operating and maintaining the Wastewater System Improvements, as shall be determined by this Board in the resolution determining that such amount constitutes surplus.

PASSED AND ADOPTED at a regular meeting of the Board of Supervisors of the County of Marin held on this ____th day of _____, 2007, by the following vote:

AYES: SUPERVISORS

NOES:

ABSENT:

PRESIDENT, BOARD OF SUPERVISORS

ATTEST:

CLERK