

MARIN COUNTY LOCAL AGENCY FORMATION COMMISSION

RESOLUTION NO. 74-2

RESOLUTION CERTIFYING TO THE MARIN COUNTY BOARD OF SUPERVISORS THAT THE MARIN MUNICIPAL WATER DISTRICT FAILED TO INITIATE ANNEXATION PROCEEDINGS IN COMPLIANCE WITH LOCAL AGENCY FORMATION COMMISSION RESOLUTION NO. 73-15 IN THE MANNER PRESCRIBED BY LAW

WHEREAS, on July 11, 1973, this Commission adopted Resolution No. 73-15 approving the annexation of certain territory described therein to the Marin Municipal Water District; and

WHEREAS, the territory approved for annexation in Resolution No. 73-15 was designated as the Land in Terra Linda Annexation and was found to be uninhabited; and

WHEREAS, Resolution No. 73-15 adopted by this Commission named the Marin Municipal Water District as conducting district for further proceedings and directed such district to initiate annexation proceedings in compliance with said resolution and as prescribed in the District Reorganization Act of 1965, Government Code, Section 56000 et. seq.; and

WHEREAS, the District Reorganization Act of 1965 in Government Code, Section 56292, requires that district annexation proceedings shall be initiated by a "resolution initiating proceedings" adopted by the legislative body of the conducting District, said resolution initiating proceedings to be adopted not later than 35 days after adoption of this Commission's resolution making determinations and approving the annexation; and

WHEREAS, the Marin Municipal Water District failed to adopt a "resolution initiating proceedings" with respect to the Land in Terra Linda Annexation within 35 days after adoption by this Commission of Resolution No. 73-15 on July 11, 1973; and within a reasonable period thereafter; and

WHEREAS, the Marin Municipal Water District has requested the addition of a condition to Resolution 73-15, such request to be considered by this Commission at meeting of January 16, 1974; and

WHEREAS, pursuant to Government Code, Section 56293, when the board of directors of a conducting district fails to adopt a resolution initiating proceedings after the expiration of 35 days from the date of adoption by this Commission of a resolution making determinations and approving annexation of territory to such district; and fails to conduct proceedings in compliance with the determinations made by this Commission, this Commission may by resolution, certify such fact to the Board of Supervisors of the principal county; and

WHEREAS, the Marin County is the "principal county", as that term is defined in Government Code, Section 56064, with respect to changes of organization involving the Marin Municipal Water District.

NOW THEREFORE, the Marin County Local Agency Formation Commission DOES HEREBY CERTIFY to the Marin County Board of Supervisors that:

(i) the Marin Municipal Water District has failed to initiate proceedings within the time prescribed by law to annex territories described as Land in Terra Linda Annexation; and

(ii) by the additional condition sought, said District has failed to conduct proceedings in compliance with said Resolution No. 73-15 adopted by this Commission.

PASSED AND ADOPTED by the Marin County Local Agency Formation Commission on this the 16th day of January, 1974, by the following vote:

AYES: Commissioners Baptiste, Dyk, Giacomini, Mulryan and Jones

NOES: None

ABSENT: None

ATTEST:

John F. Barrows
John F. Barrows, Executive Officer

[Signature]
Chairman (Pro Tem) of the Local Agency Formation
Commission of the County of Marin

APPROVED AS TO FORM
[Signature]
COUNTY COUNSEL'S OFFICE
MARIN COUNTY, CALIFORNIA