

LOCAL AGENCY FORMATION COMMISSION OF MARIN COUNTY

RESOLUTION NO. 76-11

RESOLUTION MAKING DETERMINATIONS AND AMENDING RESOLUTION NO. 75-35
ADOPTED BY THE MARIN LOCAL AGENCY FORMATION COMMISSION ON DECEMBER 17, 1975,
APPROVING THE SEAHAVEN ANNEXATION TO THE INVERNESS PUBLIC UTILITY DISTRICT

WHEREAS, acting in accordance with the District Reorganization Act of 1965, Division 1 (commencing with Section 56000), of Title 6 of the Government Code, this Commission conducted preliminary proceedings and as a part thereof, on December 17, 1975, adopted Resolution No. 75-35 approving the annexation of territory designated as the "Seahaven Annexation" to the Inverness Public Utility District, and

WHEREAS, the provisions of said Resolution No. 75-35 specified that the Seahaven Annexation was not subject to any terms and conditions; and

WHEREAS, in compliance with said Resolution No. 75-35, and provisions of the District Reorganization Act, the Board of Directors of the Inverness Public Utility District on January 12, 1976, adopted Resolution No. 1976-8 initiating proceedings on the Seahaven Annexation; and

WHEREAS, following such action it came to the District Board's attention that provisions of the California Government Code would prohibit the District from receiving tax revenues from the Seahaven Annexation area until fiscal year 1977-78 commencing July 1, 1977; and

WHEREAS, the District Board anticipates the annexation proceedings will be completed sometime in March, 1976, and upon said completion will extend fire protection services to the annexed area; and

WHEREAS, under the above mentioned circumstances, the Inverness Public Utility District will be responsible for providing services to the annexed area for in excess of one year without receiving revenues therefore; and

WHEREAS, on the other hand, the County of Marin will receive fire protection tax revenues from the Seahaven area through fiscal year 1976-77 ending June 30, 1977, but will, however, relinquish fire protection responsibility for the area upon completion of the Seahaven Annexation proceedings; and

WHEREAS, the Board of Directors of the Inverness Public Utility District, pursuant to the provisions of Section 56470 of the District Reorganization Act, has made application to this Commission requesting amendment to LAFC Resolution No. 75-35 to add thereto as a term and condition to the Seahaven annexation

that revenues collected during fiscal year 1976-77 from the levy of the County structural fire protection tax in the Seahaven area shall be transferred to the Inverness Public Utility District; and

WHEREAS, pursuant to the provisions of Government Code Section 56470, said term and condition may be legally imposed by this Commission so long as it finds the same to be fair, just and equitable,

NOW, THEREFORE, the Local Agency Formation Commission of the County of Marin DOES HEREBY FIND, DETERMINE AND ORDER as follows:

1. The amendment to Resolution No. 75-35 requested by the Board of Directors of the Inverness Public Utility District is found to be fair, just and equitable to all parties concerned, including said District, the County of Marin and the affected residents and landowners of the Seahaven Annexation area;

2. Resolution No. 75-35 is hereby amended to add the following term and condition to the Seahaven Annexation:

From the County special fire tax revenues collected by the County of Marin in fiscal year 1976-77 said County shall transfer and pay to the Inverness Public Utility District an amount equal to the lesser of either (1) the amount which would have been collected by the Inverness Public Utility District had it been able to levy its 1976-77 tax rate within the Seahaven annexation area during said fiscal year; or (2) the actual amount of the County special fire tax revenues collected from the Seahaven annexation area. The transfer of funds required herein shall be made by the County as soon as possible, but not later than one month, following the bi-annual dates upon which said County special fire tax payments are due during fiscal year 1976-77.

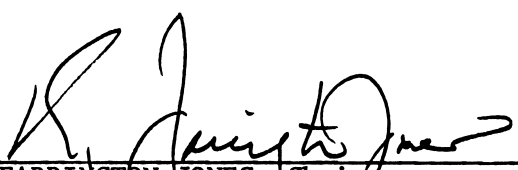
3. All other provisions of Resolution No. 75-35 shall remain in full force and effect.

PASSED AND ADOPTED by the Local Agency Formation Commission on this 18th day of February, 1976, by the following vote:

AYES: Commissioners Arrigoni, Giacomini, Mulryan, Violich and Jones

NOES: None

ABSENT: None



ROY FARRINGTON JONES, Chairman
Local Agency Formation Commission of the
County of Marin

ATTEST:



LARI I. SHEEHAN, Executive Officer