

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

August 7, 2012 – Agenda Item X

Resolution No. 12-103

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY ORDERING AN ELECTION ON A SPECIAL TAX, ESTABLISHING SPECIFICATIONS OF THE ELECTION ORDER, AND REQUESTING CONSOLIDATION WITH OTHER ELECTIONS OCCURRING ON TUESDAY, NOVEMBER 6, 2012

WHEREAS, the Governing Board (the “Board”) of the Mountains Recreation and Conservation Authority (the “MRCA”) has determined that it is in the best interests of the residents of a certain area managed and protected by the MRCA within a portion of the Santa Monica Mountains Conservancy Zone in the City of Los Angeles, located within the northern slope of the Santa Monica Mountains west of Interstate 405 and east of the City of Calabasas (the “Woodland Hills, Encino and Tarzana Hillside Areas” or “Areas”), to approve a special tax to provide funds necessary to prevent significant service cutbacks and to provide for the maintenance and preservation of open space, parkland, wildlife corridors, natural habitats, lands, waters, and facilities, as well as protecting water quality and providing fire prevention and park ranger safety and security, and to fund the acquisition of additional open space in the Areas; and

WHEREAS, pursuant to MRCA Resolution No. 12-102 adopted by this Board on August 7, 2012, to establish a community facilities district within the Areas for the purpose of collecting and expending the proposed special tax for open space protection and fire prevention, and pursuant to the provisions of the Government Code referenced therein, the Board hereby adopts this resolution which shall, subject to the approval of the voters, impose a special tax of \$19.00 per parcel, on all taxable developed real property within the Woodland Hills, Encino and Tarzana Hillside Areas (the “Special Tax”); and

WHEREAS, if approved by the voters within the Areas, the Special Tax will be used for the purpose of maintaining, acquiring, improving, servicing, protecting and preserving open space, parkland, wildlife corridors, natural habitats, lands, waters, and facilities (the “Services and Facilities”) in the Woodland Hills, Encino and Tarzana Hillside Areas; and administrative or incidental costs thereto, but only to the extent that funds are not already available to provide the Services and Facilities within the Areas; and

WHEREAS, pursuant to the California Elections Code, the Board may request consolidation of the election on the proposed Special Tax with any and all other elections to be held on Tuesday, November 6, 2012, and may also request the Los Angeles County Registrar of Voters to perform certain election services for the MRCA; and

WHEREAS, Section 53327 of the Government Code requires that an impartial analysis be provided to the voters, and also provides that the ballot materials may include written arguments and rebuttals for or against any ballot proposition.

NOW, THEREFORE, BE IT RESOLVED:

1. **Call for Election.** The Board hereby orders an election and submits to the voters in the Woodland Hills, Encino and Tarzana Hillside Areas the question of whether the Special Tax shall be implemented for the purposes of maintaining, improving, servicing, protecting, and preserving open space, parkland, wildlife corridors, natural habitats, lands, waters, and facilities owned or managed by the MRCA within the Woodland Hills, Encino and Tarzana Hillside Areas; and for financing the acquisition of additional open space in the Woodland Hills, Encino and Tarzana Hillside Areas; and administrative or incidental expenses thereto, as set forth more fully in the ballot proposition approved pursuant to Section 3, below. The Services and Facilities to be supported by the Special Tax include, but are not limited to, the protection of water quality, the reduction of the risk of wildfires, park ranger safety and security services, and the collection and accumulation of reserves for the aforementioned purposes. This Resolution constitutes the order of the MRCA to call such election.
2. **Election Date.** The date of the election shall be November 6, 2012, and the election shall be held solely within the boundaries of the Woodland Hills, Encino and Tarzana Hillside Areas, as further depicted in the ballot proposition attached hereto as Exhibit A, and incorporated herein.
3. **Purpose of Election; Ballot Proposition.** The purpose of the election shall be for the voters in the Woodland Hills, Encino and Tarzana Hillside Areas to vote on a proposition, a full copy of which is attached hereto as Exhibit A, containing the question of whether the MRCA shall implement the Special Tax for the purposes stated therein. The abbreviated form of the proposition to appear on the ballot, as required by Elections Code Section 13247, is attached hereto as Exhibit B, and incorporated herein. The Executive Officer of the MRCA, or his or her designee, is hereby authorized and directed to make any changes to the text of the full or abbreviated version of the proposition as required to conform to any requirements of the Government Code, the Elections Code or the Los Angeles County Registrar of Voters.
4. **Use of Proceeds.** If approved by the voters, the Special Tax will be used for the Services and Facilities within the Woodland Hills, Encino and

Tarzana Hillside Areas, as described in Section 1, above, and for any administrative or incidental expenses thereto, including any costs related to the collection or use of the Special Tax, as set forth more fully in the ballot proposition approved pursuant to Section 3, above. The Services and Facilities include, but are not limited to, the protection of water quality, the reduction of the risk of wildfires, park ranger safety and security services within the Areas, and the collection and accumulation of reserves for the aforementioned purposes.

5. **Accountability Report.** In accordance with Government Code Section 50075.3, the Executive Officer of the MRCA, or his or her designee, shall file a report with the Board no later than January 1 of the following Fiscal Year for which the Special Tax is in effect. The annual report shall contain both of the following: (a) the amount of funds collected and expended and (b) the status of any project required or authorized to be funded with the proceeds of the Special Tax in accordance with this Section.
6. **Citizens' Oversight.** A citizens' oversight committee shall be appointed by the Board and shall review and report annually on the expenditure of the Special Tax revenues.
7. **Effective Date and Term.** The Special Tax shall be deemed established and shall be in effect as of the day following the election, upon certification by the Los Angeles County Registrar of Voters of the election results evidencing approval by at least two-thirds of the registered voters voting thereon. If approved, the Special Tax may be levied for a term not to exceed ten (10) years.
8. **Consolidation of Election.** The Los Angeles County Registrar of Voters and the Los Angeles County Board of Supervisors are hereby requested to consolidate the election ordered hereby with any and all other elections to be held on November 6, 2012, within the Woodland Hills, Encino and Tarzana Hillside Areas.
9. **Reimbursement of Costs.** The MRCA shall reimburse the County of Los Angeles (the "County") for services performed when the election process is completed and upon presentation to the MRCA of a properly approved bill.
10. **Collection of Special Tax.** Unless otherwise ordered pursuant to a resolution adopted by the Board, the Special Tax shall be collected annually through the County of Los Angeles property tax bill in the same

manner as the County property taxes are collected, and subject to the same penalties. The Board shall annually take such steps as are necessary to have the Special Tax collected through the County property tax bill and shall coordinate with the County Auditor and the County Tax Collector in this regard. The County shall be entitled to deduct its reasonable costs incurred in collecting the Special Tax before the balance of the Special Tax payments are remitted to the MRCA. Upon receipt of the Special Tax proceeds the MRCA shall cause same to be deposited in a Special Tax account or such other account established by the MRCA which allows the MRCA to properly account for the Special Tax in compliance with the provisions of Government Code Section 50075.3.

11. **Validation.** Pursuant to the provisions of Government Code Section 50077.5 any judicial action or proceeding to attack, review, set aside, void or annul this resolution and/or the approval of the subject Special Tax shall be commenced, if at all, within sixty (60) days of the date of the adoption hereof.



Chairperson

AYES: Peterson, Hasenauer, Daniel, Lange

NOES: none

ABSENT: none

ABSTAIN: none

I HEREBY CERTIFY that the forgoing resolution was adopted at a special meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 7th day of August, 2012.

Date: 8/7/12



Executive Officer

EXHIBIT A

FULL TEXT OF BALLOT PROPOSITION MOUNTAINS RECREATION AND CONSERVATION AUTHORITY SPECIAL TAX FOR OPEN SPACE PROTECTION, PARK RANGER SAFETY AND SECURITY PATROLS AND FIRE PREVENTION

The Mountains Recreation and Conservation Authority (“MRCA”) is a local park agency whose members include the Santa Monica Mountains Conservancy and that is responsible for maintaining and improving open space, parkland and wildlife corridors within the Santa Monica Mountains Conservancy Zone.

Unlike most public agencies, the MRCA and Santa Monica Mountains Conservancy do not receive permanent ongoing funding from local or state taxes. A major challenge the MRCA now faces is that its revenues have decreased significantly. Moreover, in two years the MRCA will lose another \$1.6 million per year in funding from Los Angeles County Proposition A, which is set to expire at that time.

These dramatic revenue decreases have already forced the MRCA to make difficult reductions in its open space and parkland maintenance services and reductions to its local fire prevention and safety and security services.

In order to continue to preserve and maintain extensive open space, parkland, wildlife corridors, natural habitats, lands, waters, and related facilities; and to protect water quality and provide park ranger safety and security patrols and fire prevention services including brush clearing, the MRCA is proposing a local special tax within a community facilities district located in a designated portion of the Santa Monica Mountains west of Interstate 405 and east of the City of Calabasas, as shown on the map accompanying this proposition (the “Woodland Hills, Encino and Tarzana Hillside Areas”). The MRCA currently maintains over 1,000 acres of local open space, parkland and wildlife corridors, in the Woodland Hills, Encino and Tarzana Hillside Areas.

The summary of the proposed ballot proposition is:

To protect, maintain and conserve local open space, parklands and wildlife corridors; protect water quality in local creeks and reservoirs; improve fire prevention including brush clearing, acquire open space, and increase park ranger safety and security patrols, shall the Mountains Recreation and Conservation Authority implement a special \$19 tax annually for ten years only, with all funds staying in the hillside communities

of Woodland Hills, Encino, and Tarzana, and require independent citizen oversight and audits?

Developed parcels subject to the special tax are those parcels that appear on the annual secured Los Angeles County property tax rolls, and that have been improved for residential, commercial or other purposes. Unimproved parcels within the Woodland Hills, Encino and Tarzana Hillside Area shall be exempt from the special tax.

If approved by the voters, the special tax will be used for the purposes of maintaining, improving, servicing, protecting, and preserving open space, parkland, wildlife corridors, natural habitats, lands, waters, and facilities owned or managed by the MRCA within the Woodland Hills, Encino and Tarzana Hillside Areas; and for financing the acquisition of additional open space in the Woodland Hills, Encino and Tarzana Hillside Areas; ("Services and Facilities"); and paying any administrative or incidental expenses thereto, including any costs related to the collection or use of the special tax. The Services and Facilities include, but are not limited to, the protection of water quality, the reduction of the risk of wildfires, park ranger safety and security services, and the collection and accumulation of reserves for the aforementioned purposes.

The special tax revenues shall be deposited into a separate account for exclusive use by the Mountains Recreation and Conservation Authority, in accordance with Government Code Section 50075.1, and shall be expended by the MRCA according to a plan developed annually by the MRCA's staff and approved and adopted by the MRCA's Board of Directors. A citizens' oversight committee appointed by the Board will review and report annually on the expenditure of the special tax revenues.

The MRCA will submit an annual report to its Board of Directors, which includes the amount of special tax revenues collected and expended, and fully complies with the accountability measures established in Government Code Sections 50075 et seq.

EXHIBIT B

ABBREVIATED TEXT OF THE BALLOT PROPOSITION

The question submitted to the voters shall read substantially as follows:

To protect, maintain and conserve local open space, parklands and wildlife corridors; protect water quality in local creeks and reservoirs; improve fire prevention including brush clearing, acquire open space, and increase park ranger safety and security patrols, shall the Mountains Recreation and Conservation Authority implement a special \$19 tax annually for ten years only, with all funds staying in the hillside communities of Woodland Hills, Encino, and Tarzana, and require independent citizen oversight and audits?