

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

August 3, 2016 – Agenda Item VI

Resolution No. 16-143__

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 8, 2016

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 in the Santa Monica Mountains west of Griffith Park and east of Interstate 405 (the “East Santa Monica Mountains / Hollywood Hills Area” or the “Area”), to approve a special tax to provide funds necessary to provide for improved maintenance and preservation of local open space, parkland, wildlife corridors, natural habitats, nature lands, waters, and facilities, the acquisition of additional local lands to protect such lands from development and to provide additional wildlife corridors and open space in the East Santa Monica Mountains / Hollywood Hills Area, to protect water quality in local streams and reservoirs, to provide improved fire prevention services including high fire alert fire prevention patrols and improved brush clearing for fire prevention, and to improve park ranger safety and security patrols; and

WHEREAS, pursuant to MRCA Resolution No. 16-142, adopted by this Board on August 3, 2016, to establish a community facilities district within the Area for the purpose of collecting and expending the proposed special tax for open space protection, fire prevention and safety/security patrols, 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 \$35.00 per parcel, on all taxable developed real property within the East Santa Monica Mountains / Hollywood Hills Area (the “Special Tax”); and

WHEREAS, if approved by the voters within the Area, 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, facilities and fire protection and safety services (the “Services and Facilities”) in the East Santa Monica Mountains / Hollywood Hills Area; 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 Area; 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 8, 2016, 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 East Santa Monica Mountains / Hollywood Hills Area 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 East Santa Monica Mountains / Hollywood Hills Area; for financing the acquisition of additional lands and protection of such lands from development in the East Santa Monica Mountains / Hollywood Hills Area; park ranger safety and security patrols and services; and fire prevention and fire protection services ("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. This Resolution constitutes the order of the MRCA to call such election.
2. Election Date. The date of the election shall be November 8, 2016, and the election shall be held solely within the boundaries of the East Santa Monica Mountains / Hollywood Hills Area, 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 East Santa Monica Mountains / Hollywood Hills Area 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 East Santa Monica Mountains / Hollywood Hills Area, 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 acquisition and maintenance of open space, the protection of water quality, the reduction of the risk of wildfires, park ranger safety and security services within the Area, 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 8, 2016, within the East Santa Monica Mountains / Hollywood Hills Area.
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

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AYES:

NOES:

ABSENT:

ABSTAIN:

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 3rd day of August, 2016.

Date:

Executive Officer

EXHIBIT A

FULL TEXT OF BALLOT PROPOSITION MOUNTAINS RECREATION AND CONSERVATION AUTHORITY SPECIAL TAX FOR FIRE PREVENTION, WILDLIFE CORRIDOR AND OPEN SPACE PROTECTION

The Mountains Recreation and Conservation Authority (“MRCA”) is a local park agency whose members include the Santa Monica Mountains Conservancy, the Conejo Recreation and Park District, and the Rancho Simi Recreation and Park District, that is responsible for maintaining and improving open space, parkland and wildlife corridors and for providing fire protection and safety and security patrols within the Santa Monica Mountains Conservancy Zone. The MRCA currently maintains over 1,600 acres of local open space, parkland and wildlife corridors, in the Santa Monica Mountains west of Griffith Park and east of Interstate 405 (the “405 Freeway”), (the “East Santa Monica Mountains / Hollywood Hills Area” or the “Area”).

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 currently faces is that its revenues have decreased while costs to protect and maintain parks and open space have increased due to population growth and the increased use of public open space and parklands. Additional park maintenance and expanded park ranger safety and security patrols are needed to handle the increased use of MRCA lands. Moreover, due to the severe five-year drought, the fire risk and fire danger in the East Santa Monica Mountains and Hollywood Hills Area is significantly higher. The MRCA desires to expand and improve fire safety patrols, including high fire alert patrols, and fire prevention services such as extensive brush clearing on MRCA lands to reduce and eliminate fire hazards.

The Santa Monica Mountains are home to many different plant and animal species. As human populations grow, it is critical that the wildlife corridors between the 405 Freeway and Griffith Park are permanently protected. These wildlife corridors are necessary to ensure mountain lions, deer and other remaining large animals can survive in the Area. The MRCA is the only public agency that actively acquires and maintains open space and conservation easements for wildlife corridors in this Area. The MRCA also acquires and protects remaining open space lands from development in the Area.

Therefore, 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 improve fire protection and 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 and Hollywood Hills located west of Griffith Park and east

of Interstate 405, as shown on the map accompanying this proposition (the "East Santa Monica Mountains / Hollywood Hills Area").

The summary of the proposed ballot proposition is:

To maintain and conserve local open space, wildlife corridors, and parklands; acquire and protect additional lands from development; improve fire prevention including high fire alert patrols and brush clearing; protect water quality in local creeks; and increase park ranger safety patrols; shall Mountains Recreation and Conservation Authority implement a \$35 special tax for ten years only, providing \$995,000 annually with all funds spent locally in the Santa Monica Mountains and Hollywood Hills east of 405 freeway, and requiring independent citizen oversight 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 East Santa Monica Mountains / Hollywood Hills 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 East Santa Monica Mountains / Hollywood Hills Area; for financing the acquisition of additional lands and protection of such lands from development in the East Santa Monica Mountains / Hollywood Hills Area; park ranger safety and security patrols and services; and fire prevention and fire protection services ("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.

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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.

MAP OF THE EAST SANTA MONICA MOUNTAINS / HOLLYWOOD HILLS AREA PROPOSED FOR THE SPECIAL TAX

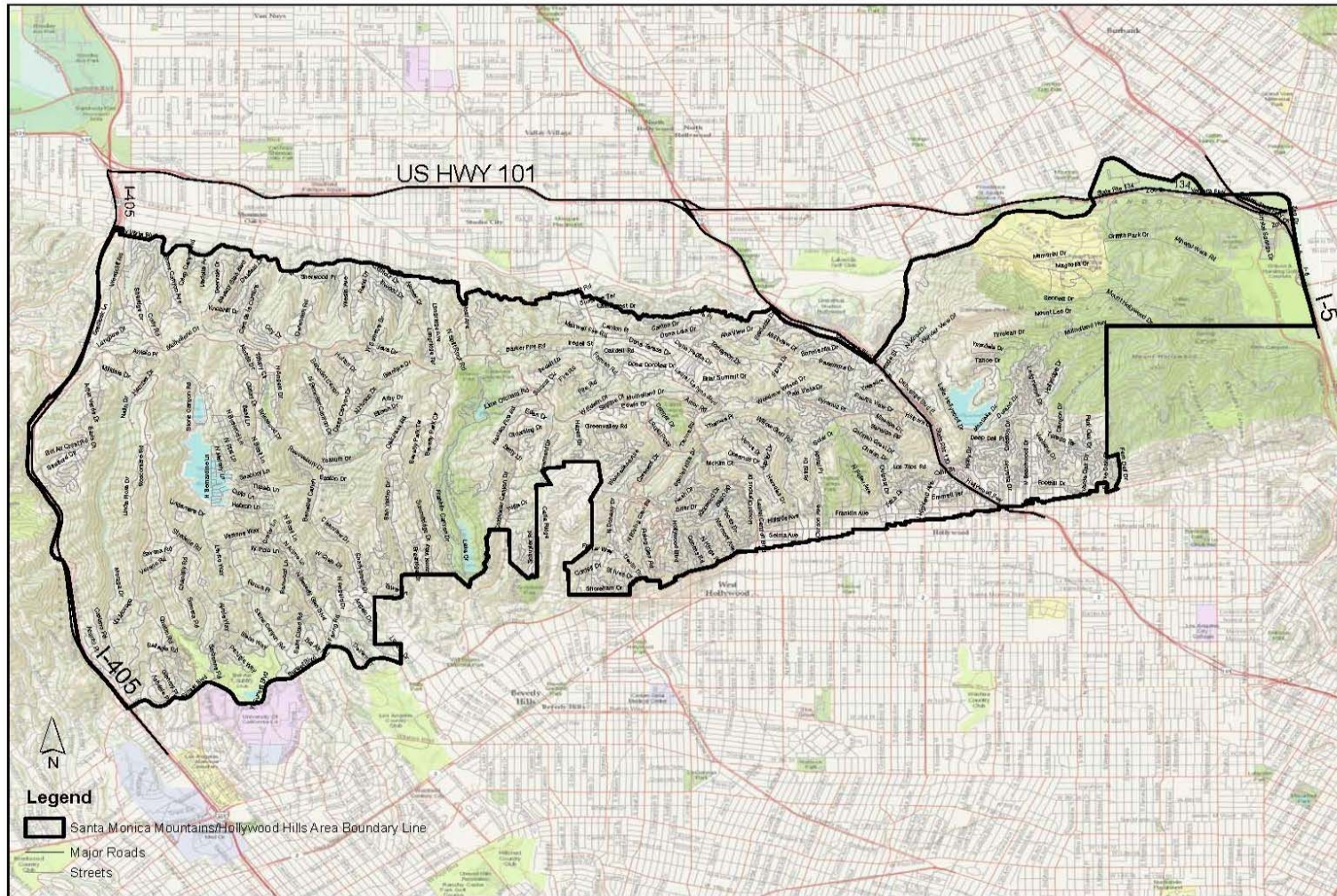


EXHIBIT B

ABBREVIATED TEXT OF THE BALLOT PROPOSITION

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

To maintain and conserve local open space, wildlife corridors, and parklands; acquire and protect additional lands from development; improve fire prevention including high fire alert patrols and brush clearing; protect water quality in local creeks; and increase park ranger safety patrols; shall Mountains Recreation and Conservation Authority implement a \$35 special tax for ten years only, providing \$995,000 annually with all funds spent locally in the Santa Monica Mountains and Hollywood Hills east of 405 freeway, and requiring independent citizen oversight audits?