RESOLUTION NO. 18-04

REQUESTING COLLECTION OF CHARGES ON TAX ROLL

Whereas, the Esparto CSD (name of public entity) (hereinafter "District/City") requests the County of Yolo collect on the County tax rolls certain charges which have been imposed pursuant to section §61121 of Service Districts Code by the District/City, attached hereto, and

Whereas, the County has required as a condition of the collection of said charges that the District/City warrant the legality of said charges and defend and indemnify the County from any challenge to the legality thereof,

Now, Therefore, Be It Hereby Resolved by the Board/Council of District/City that:

1. The Auditor-Controller of Yolo County is requested to attach for collection on the County tax rolls those taxes, assessments, fees and/or charges, attached hereto.

2. The District/City warrants and represents that the taxes, assessments, fees and/or charges imposed by the District/City and being requested to be collected by Yolo County comply with all requirements of state law, including but not limited to Articles XIIIC and XIIID of the California Constitution (Proposition 218).

3. The District/City releases and discharges County, and its officers, agents and employees from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any taxes, assessments, fees and/or charges on behalf of District/City.

4. The District/City agrees to and shall defend, indemnify and hold harmless the County, its officers, agents and employees (the "Indemnified Parties") from any and all claims, demands, liabilities, costs and expenses, damages, causes of action, and judgments, in any manner arising out of the collection by County of any of District's/City's said taxes, assessments, fees and/or charges requested to be collected by County for District/City, or in any manner arising out of District's/City's establishment and imposition of said taxes, assessments, fees and/or charges. District/City agrees that, in the event a judgment is entered in a court of law against any of the Indemnified Parties as a result of the collection of one of District's/City's taxes, assessments, fees and/or charges, the County may offset the amount of the judgment from any other monies collected by County on behalf of District/City, including property taxes.

5. The District/City agrees that its officers, agents and employees will cooperate with the County in answering questions referred to District/City by County from any person concerning the District's/City's taxes, assessments, fees and/or charges, and that District/City will not refer such persons to County officers and employees for response.
6. The District/City agrees to pay such reasonable and ordinary charges as the County may prescribe to recoup its costs in placing on the tax rolls and collecting the taxes, assessments, fees and/or charges , as provided by Government Code sections 29304 and 51800.

PASSED AND ADOPTED by District/City this 12th day of Septemeber ,20 18 , by the following vote on roll call:

AYES Boardmembers/Councilmembers: 4

NOES Boardmembers/Councilmembers: 0

ABSENT Boardmembers/Councilmembers: 1

Chairperson/Mayor
Don England, Chair

ATTEST:

District/City Clerk
Steven Knightley, General Manager

# County of Yolo

www.yolocounty.org

**HOWARD H. NEWENS, CIA, CPA**
Chief Financial Officer

**DOUGLAS K. OLANDER, CPA**
Assistant Chief Financial Officer

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- *Financial Strategy Leadership*
- *Budget & Financial Planning*
- *Treasury & Finance*
- *Tax & Fee Collection*
- *Financial Systems Oversight*
- *Accounting & Financial Reporting*
- *Internal Audit*
- *Procurement*


April 19, 2018
To: All Districts Levying Direct Charges
From: Sheryl Hardy-Salgado, Property Tax Supervisor
RE: Statewide Legal Decision Regarding Special Taxes

Please be aware of a 2013 legal decision with prudentially far-reaching consequences for special taxes on parcel throughout the state. The decision is called Borikas v. Alameda Unified School District (2013) 214 Cal.App,4th 135. You may read the published appellate decision at:
http://justia.cm/cases/california/court-of-appeals/2013/al29295a.html

Brief History
The Borikas decision involved the Qualified Special Tax enabling statue's Government Code §50079 specific requirements to "...apply uniformly to all taxpayers or all real property...". The defendant, a school district, had successfully gained voter approval and levied a Qualified Special tax on parcels using different taxing methodologies for various classification of property ( commercial versus residential for the Borikas case). The plaintiff's theory was that because of the statute's qualifying language, it must be uniformly applied to all taxpayers, regardless of the type of property or its use. The appellate court found for the plaintiff. In July 2013, the California Supreme Court denied review, thereby rendering the appellate decision final for the entire State.

What this means to districts:
Many enabling statues for special taxes carry the same, or similar, wording as the Qualified Special Taxes. A couple of examples include Community Service Districts Government Code §61121 and Airport Districts Public Utilities Code §22909.

If the district has existing special taxes or is contemplating new special taxes, it is suggested the district, with their counsel closely examine their special tax's enabling legislation (to determine if there are nay uniformity and/or other requirements), the working of their ballot measure and their special methodology, structure and calculation. In addition districts should remain vigilant to potential legislation that could either further clarify or eliminate the Borikas decision.

While Special taxes on property remain an important financing tool for districts, the Borikas decision suggests special taxes may face additional scrutiny in the future.

# COUNTY OF YOLO
# 2018-19 DIRECT CHARGE TRANSMITTAL

District Name Esparto CSD

District Address PO Bo349 - Esparto, CA 95627

Direct Charge Name

Tax Code No. 54960 Resolution No. 18-05 & 01-201

Parcel Count 294 Total Amount 45,120.00

Provide a brief explanation of significant (5%+/-) increases or decreases from last year:

Parcel count % change 0 Total dollar amount % change 0

Explanation

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Type of Medium Submitted : (Check One)

( ) CD: **Must** be in text file format without headers. See layout specifications.

(✓) Email: **Must** be in text file format without headers. See layout specifications.

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Type of Direct Charge and Proposition 218 Compliance: (Check type and check method of compliance.) Statutory Authority under which the district is formed Example: Mello-Roos, 1915 Bond, etc.

(✓) Assessment for Special Benefit:
( ) Approved by weighted majority of ballots returned
( ) Exempt by Proposition 218

( ) Special Tax: Approved by electorate vote

( ) Fee/Charge:
( ) Approved by majority vote of property owners
( ) Approved by electorate vote
( ) Exempt by Proposition 218

( ) 1915 Act Bond: Exempt by Proposition 218

Adopted Yolo County Board of Supervisors Resolution 01-201 assessment

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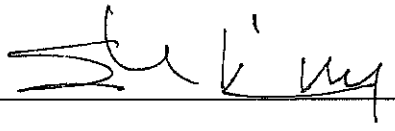
Authorized Signature  Date 8/31/18

Contact Person Steven Knightley, General Manager

Contact Email Address gm@ecsd-ca.org

Contact Telephone No. (530) 787-4502 Contact Fax No. (530) 787-4219

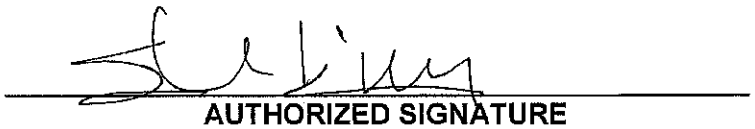
Telephone Number to Appear on Tax Bill (530) 787-4502

## CERTIFICATION OF ASSESSMENT

The Esparto CSD (Agency), hereby certifies that the special assessment(s)/fee(s) to be placed on the 2018-19 Yolo County Secured Property Tax bill by the Esparto CSD (Agency) for $45,120.00 (Levy Assessment/Fee) is in compliance with all requirements of state law, including but not limited to the requirements of Proposition 218 that added Articles XIIIC and XIIID to the State Constitution.

The Esparto CSD (Agency) agrees to defend, indemnify and hold harmless the County of Yolo, the Board of Supervisors, the Auditor-Controller, its officers and employees, from litigation over whether the requirements of Proposition 218 and other State laws were met with respect to such assessment(s).

If any judgment is entered against any indemnified party as a result of not meeting the requirements of any State law including Proposition 218 for such assessment(s), the Esparto CSD (Agency) agrees that the County may offset the amount of any judgement paid by an indemnified party from any monies collected by County on Esparto CSD (Agency) behalf, including property taxes, special taxes, fees, or assessments.



**AUTHORIZED SIGNATURE**

Date of original resolution: December 2001
(Please fill in)

Copy of resolution on file at the Auditor's office. [Y] N
(If no, please provide a copy with this certification)

Phone number to be included on Tax Bill (530) 787-4502
(Include area code)

Email address to be included on Website info@ecsd-ca.org

Esparto CSD
Agency
(One copy of this certification required for each levy assessment/fee)