

## **RESOLUTION NO. 15-022**

### **RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE CERTIFYING COMPLIANCE WITH LAW WITH RESPECT TO THE LEVYING OF PROPERTY TAXES FOR DEBT SERVICE**

#### **FINDINGS**

1. Article 33 of the City Charter allows the City to levy an annual assessment on property taxes to pay the debt service on the 1990 General Obligation Butterfly Habitat Bond, refunded in 2003, until 2017.
2. The City of Pacific Grove requests that the Auditor-Controller of Monterey County enter tax assessments for payment of City issued debt service on the tax roll for collection and distribution by the Treasurer-Tax Collector of Monterey County with the property tax bills for the fiscal year beginning July 1, 2015.
3. The County of Monterey requires all local agencies within the County imposing special tax levies adopt a resolution certifying compliance with law with respect to the levying of property taxes for debt service.
4. In the review of this matter, the City followed the guidelines adopted by the State of California and published in the California Code of Regulations, Title 14, Section 15000, et seq.
5. This action does not constitute a “project” as defined by the California Environmental Quality Act (CEQA) because it is an organizational or administrative activity that will not result in direct or indirect physical changes in the environment.

#### **NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF PACIFIC GROVE:**

1. The foregoing Findings are adopted as findings of the City Council as though set forth fully herein.
2. The City Council hereby certifies that it has, without limitation, complied with all legal procedures and requirements necessary for the levy identified in Ordinance 15-012, regardless of whether those procedures and requirements are set forth in the Constitution of the State of California, in State statutes, or in the applicable decisional law of the State of California
3. The City Council further certifies that, except for the sole negligence or misconduct of the County of Monterey, its officers, employees, and agents, the City shall be solely liable and responsible for defending, at its sole expense, cost and risk, each and every action, suit, or other proceeding brought against the County of Monterey, its officers, employees, and agents, for the levying or imposition of the taxes identified

in Ordinance 15-012, and that it shall pay or satisfy any judgment rendered against the County of Monterey, including all claims for refunds and interest thereon, legal fees, and court costs, and administrative expenses of the County to correct tax rolls.

4. The City Manager is authorized to execute all documents and perform all other necessary City acts to implement the tax levy
5. This Resolution shall become effective immediately following passage and adoption thereof.

**PASSED AND ADOPTED** BY THE COUNCIL OF THE CITY OF PACIFIC GROVE  
this 15<sup>th</sup> day of April, 2015, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

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BILL KAMPE, Mayor

ATTEST:

\_\_\_\_\_  
SANDRA KANDELL, Deputy City Clerk

APPROVED AS TO FORM:

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DAVID C. LAREDO, City Attorney