

RESOLUTION NO. _____ (N.C.S.)

**RESOLUTION TRANSMITTING ASSESSMENT AND MAINTENANCE
DISTRICT LEVIES AND AGREEING TO DEFEND AND INDEMNIFY
THE COUNTY OF MONTEREY IN LAWSUITS INVOLVING ALLEGED
VIOLATIONS OF THE PROVISIONS OF PROPOSITION 218**

Whereas, the County of Monterey collects certain taxes, assessments, and property related fees or charges on behalf of local taxing entities in the county, including the City of Salinas; and

Whereas, the passage of Proposition 218 at the November 1996 election has introduced new requirements regarding imposition of certain of the taxes, assessments, fees and charges imposed by taxing entities in the county, many of which are unclear and may be subject to legal challenge; and

Whereas, the County of Monterey believes it may be named in lawsuits alleging violations of Proposition 218 merely because it collects the taxes, assessments, fees or charges at issue; and

Whereas, to avoid incurring such costs, the County of Monterey Auditor-Controller has asked each taxing entity in the county to adopt a resolution no later than August 1, 2016, agreeing to defend the county and hold it harmless in any lawsuit as a condition to agreeing to collect any taxes, assessments, fees or charges for the taxing entity for fiscal year 2016-17; and

Whereas, the City Council finds and determines that it is in the interests of its citizens to comply with the request of the Auditor-Controller for defense and indemnification in such lawsuits notwithstanding the fact that the county is obligated to collect the taxes, assessments, fees and charges for fiscal year 2016-17 transmitted by the city without such an agreement for defense and indemnity.

NOW, THEREFORE, BE IT RESOLVED that the City of Salinas agrees to defend any action, suit or other proceeding brought against the County of Monterey, its officers, employees and agents alleging that the adoption, levy, imposition, or collection of a tax, assessment, fee or charge of the city, which the county collects on behalf of the city for fiscal year 2016-17, violates, fails to comply with, or is otherwise unlawful under Proposition 218, the defense will be by counsel selected by the City, provided that the county tenders defense to the city in a timely manner and cooperates with the city in defense of the action; and

BE IT FURTHER RESOLVED that the City of Salinas agrees to pay or satisfy any judgment rendered against the County of Monterey, its officers, employees and agents in every such action, suit, or other proceeding, including any claims for refunds and interest thereon, legal fees and court costs and administrative expenses of the County of Monterey to correct the tax rolls as a result of such action, suit or proceeding, for which the City has provided the county defense pursuant to the provisions of this resolution.

PASSED AND ADOPTED this 12th day of July, 2016, by the following vote:

AYES:

NOES:

ABSENT:

Joe Gunter, Mayor

ATTEST:

Patricia M. Barajas, City Clerk