

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

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SALINAS
AUTHORIZING TRANSMITTAL OF FISCAL YEAR 2024 ASSESSMENT AND
MAINTENANCE DISTRICT LEVIES TO THE MONTEREY COUNTY TAX
COLLECTOR**

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 established requirements regarding imposition of certain of the taxes, assessments, fees, and charges 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 by no later than August 1, 2023, 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 2024; 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 2024 transmitted by the City without such an agreement for defense and indemnity.

NOW, THEREFORE, BE IT RESOLVED that the City Council of 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 2023-24, 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 Council of 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 APPROVED this 20th day of June, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

APPROVED:

Kimbley Craig, Mayor

ATTEST:

Patricia M. Barajas, City Clerk