KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT
RESOLUTION NO. 2022-4
BEFORE THE BOARD OF DIRECTORS OF THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT

A RESOLUTION REQUESTING CONSOLIDATION OF ELECTION AND ORDERING SUCH ELECTION, FOR AN ELECTION TO BE HELD IN THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT ON NOVEMBER 8, 2022, FOR THE PURPOSE OF SUBMITTING TO THE QUALIFIED VOTERS THE QUESTION OF PERMANENTLY REPEALING AND RESCINDING THE MEASURE Z SPECIAL TAX ADOPTED IN 2005, TO ADOPT INTENDED BALLOT LANGUAGE, AND TO REQUEST ELECTION SERVICES BY THE CONTRA COSTA COUNTY ELECTIONS DEPARTMENT.

WHEREAS, the Board of Directors (the "Board") of the Knightsen Town Community Services District (the "District") was formed effective July 1, 2005 per Measure Z, passed by voters in February of 2005; and

WHEREAS, the aforementioned Measure Z also instituted a Special Tax upon properties in the District of $200 per parcel for improved parcels and $100 per parcel for unimproved parcels, with a provision for an annual increase or decrease based on changes in the CPI; and

WHEREAS, the current maximum Measure Z Special Tax rate is $312 per developed parcel and $156 per undeveloped parcel; and

WHEREAS, the purpose of Measure Z was to form the District and to impose a Special Tax for the purpose of providing enhanced flood control improvements and services within the District's boundaries; and

WHEREAS, since its formation, the District has at no time provided any flood control improvements or services; and

WHEREAS, the Board ordered a feasibility analysis to be conducted to determine whether it will ever be able to provide flood control improvements or services based on the maximum rate it could charge for the Special Tax and has determined that its projected expenses would exceed its revenues, even before any improvements or services are provided; and

WHEREAS, the Board has determined it is in the best interest of the District's citizens to no longer be subject to this Special Tax due to the District's inability to provide flood control improvements and services; and

WHEREAS, pursuant to the provisions of Section 61060 of the Government Code, the Board of Directors is authorized to adopt this resolution which shall submit to the voters an ordinance to permanently repeal and rescind the Measure Z Special Tax, which shall no longer be applied against any taxable real property within the District; and

WHEREAS, the Board has also determined that it is in the best interest of the community to seek voter approval, which will require approval by a majority of voters voting thereon, for the proposed permanent repeal and rescission of the Measure Z Special Tax; and

WHEREAS, Section 9313 of the Elections Code authorizes the filing of an impartial analysis, and the Elections Code authorizes the filing of written arguments for or against any ballot proposition and rebuttal arguments.

NOW THEREFORE BE IT RESOLVED that:

SECTION 1. Consolidation of Election. An election is hereby called for the purpose of submitting to the qualified voters within the District, the question of the elimination of the Measure Z Special Tax which was for enhanced flood control improvements and services. This election shall be consolidated with the November 8, 2022 General Election in Contra Costa County and with any other applicable election conducted on the same day.

SECTION 2. Submission of the Measure to Voters. The permanent repeal and recission of the Special Tax shall be submitted to the District's registered voters within the Knightsen Town Community Services District for their approval or rejection. The Special Tax shall not be permanently repealed and rescinded unless approved by a majority of the registered voters of the District voting thereon. The exact text of the ballot question is set forth in Exhibit A and incorporated herein. The full text of the proposed ballot measure is attached as Exhibit B and incorporated herein. The full text of the proposed ballot measure shall be printed in the Voter Information Guide. If approved by the voters, the Measure Z Special Tax shall not be charged in the 2023-24 fiscal year or any year thereafter.

SECTION 3. Call of Election. The Board of Directors hereby calls an election at which the question of the permanent repeal and recission of the Measure Z Special Tax will be presented to the registered voters within the District. The Board directs that the election be held on November 8, 2022, pursuant to Elections Code section 10418, with the ballot prepared by the Registrar of Voters of the County of Contra Costa (the "Election Official"). Said Election shall be held and conducted in conformity with the Elections Code. The Board of Directors of the Knightsen Town Community Services District hereby orders the election and requests that the Contra Costa County Elections Division provide the election precincts, polling places, and voting booths, and render services relating to the proceedings of said election.

SECTION 4. Effective Date of the Rescinding of the Special Tax. The Measure Z Special Tax shall be deemed permanently repealed and rescinded and shall no longer be in effect as of the day following the election date of November 8, 2022, upon certification of the election results evidencing approval by at least a majority of the participating registered voters. The Special Tax shall not be levied against any real property within the District from that time forward.

SECTION 5. Validation Pursuant to Code of Civil Procedure Section 860 et seq. If the registered voters of the District approve rescinding the Measure Z Special Tax, then any legal challenge to that approval must be brought under Chapter 9 (commencing with Section 860) of Title 10 of Part 2 of the Code of Civil Procedure as required by Government Code Section 50077.5.

ON MOTION of Director Caldwell seconded by Director Somerhalder the foregoing Resolution was passed and adopted by the Board of Directors of the Knightsen Town Community Services District at a regular meeting thereof held on this 4th day of August, 2022.

AYES: **Director Bello-Kunkel**
Director de Fremery
Director Caldwell
Director Matteri
Director Somerhalder

NOES: **None**
ABSTAIN: **None**
ABSENT: **None**

Attest:

I HEREBY CERTIFY that the foregoing Resolution No. 2022-4 was duly and regularly adopted at a regular meeting of the Board of Directors of the Knightsen Town Community Services District on August 4, 2022

Gilbert Somerhalder, Vice Chair
Knightsen Town Community Services District

Trish Bello-Kunkel, Chairperson
Knightsen Town Community Services District

EXHIBIT A

TEXT OF THE BALLOT QUESTION

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

REPEAL OF SPECIAL TAX: Shall the measure to repeal the 2005 Measure Z Special Tax of the Knightsen Town Community Services District to reduce the tax burden on local property owners and because the District has never provided flood control improvements or services, and because a feasibility study determined that providing them would cause expenses to exceed revenues even at the maximum tax rate of $312 per developed parcel and $156 per undeveloped parcel be approved?

Yes_____

No _____

EXHIBIT B

FULL TEXT OF THE MEASURE
TO RESCIND THE MEASURE Z SPECIAL TAX
OF THE KNIGHTSEN TOWN COMMUNITY SERVICES DISTRICT

Be it ordained by the People of the Knightsen Town Community Services District:

Section 1. Findings. The Knightsen Town Community Services District (the "District") was created to provide enhanced flood control improvements and services within the District boundaries, within Contra Costa County. However, since the time it was formed, the District has never provided any flood control improvements or services. A recent feasibility study has determined that, even if the District charges the maximum allowable rate for its existing Special Tax (currently $312 per developed parcel and $156 per undeveloped parcel), expenses for running the District will exceed revenues.

Section 2. Repeal of Special Tax. The special tax of the District, which was approved by the voters of the District when they approved Measure Z in the special election held on February 15, 2005, is hereby repealed. The District may no longer impose or collect this special tax without further voter approval.

Section 3. Liberal Construction. This Ordinance shall be liberally construed to effectuate its purpose.