

RESOLUTION NO. 10-14-2015A

**A RESOLUTION OF THE BOARD OF DIRECTORS OF THE
MALAGA COUNTY WATER DISTRICT REGARDING THE
MALAGA INDUSTRIAL PARK ANNEXATION**

WHEREAS, on 23 June 2015, the Board of Directors of the Malaga County Water District ("District") approved Resolution No. 06-23-15 to annex approximately 5 acres ("Affected Property") into the District (hereinafter referred to as "Malaga Industrial Park Annexation"); and

WHEREAS, the District forwarded said Resolution to the Fresno County Local Agency Formation Commission ("LAFCO") requesting LAFCO to take proceedings pursuant to the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000, Division 3, commencing with Section 56000 of the California Government Code, for the annexation; and

WHEREAS, on or about August 11, 2015, LAFCO issued a letter to the Fresno County Assessors and Recorders offices pursuant to California Revenue and Taxation Code §99.01 et sec; and

WHEREAS, the District desires to clarify its position related to tax sharing for this annexation.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE MALAGA COUNTY WATER DISTRICT AS FOLLOWS:

1. That the forgoing recitals are true and correct and are incorporated by this reference herein as though fully set forth at this point.
2. The Malaga Industrial Park Annexation does not need to detach the Affected Territory from any of the following agencies: Fresno County Library, Fowler Cemetery, Fresno County Fire, Fresno County Fire-Zone 10, Fresno Metropolitan Flood Control District, Kings River Conservation District, or the Fresno Mosquito Abatement District, therefore, the annexation does not affect the percentage or increment of property tax received by these agencies and is therefore not subject to negotiations.
3. That the Fresno County Board of Supervisors, by Resolution No.06-23-15, resolved that for annexations of unincorporated territory that the County of Fresno did not intend to share in its percentage of annual property tax percent or increment, and that the agencies annexing territory would only receive the percentage or increment of property tax due to that agency pursuant to the calculations made by the Fresno County Auditor-Controller pursuant to AB-8 or other applicable statutes, or regulations.

4. That the District does not seek any portion of Fresno County's annual tax increment or percentage and only seeks, by this annexation, to receive the percentage or increment of annual property taxes it is entitled to pursuant to the aforementioned calculations pursuant to AB-8 or other applicable statutes or regulations.

5. The Malaga County Water District does not seek to negotiate with Fresno County or any other agency for a share of that agencies annual tax increment or percentage.

The foregoing Resolution was duly approved this 14th day of October, 2015 by the following vote, to wit:

AYES:

NOES:

ABSENT:

Charles Garabedian, President
of the Board of Directors of the
Malaga County Water District

ATTEST:

James D. Anderson, General Manager/Secretary
to the Board of the Malaga County Water District