



NOTICE OF PUBLIC HEARING AND ASSESSMENT BALLOT PROCEDURES RUSH CREEK LANDSCAPING AND LIGHTING DISTRICT COUNTY OF MARIN

Purpose of this Notice

The purpose of this notice, that includes both this document and the accompanying Assessment Ballot which also includes Instructions for Completion and Delivery of Assessment Ballot, is:

- to provide information to the record owners of property within the Rush Creek Landscaping and Lighting District (“District”) of the County of Marin (“County”), regarding proceedings being undertaken by the County to levy a new or increased annual assessment (“increased assessment”) on those benefiting properties within the District commencing in fiscal year 2024/2025;
- to transmit an Assessment Ballot to the owners of property within the District, to enable such owner or owners to express support or opposition to the levy of the proposed increased assessment on such property, by completing and returning the Assessment Ballot; and
- to identify the time and place of the scheduled public hearing on these matters and to provide instructions to the owner or owners to assist in completing the Assessment Ballot and returning it to the County.

Reason for the Proposed Assessment Increase

The proposed increased assessment on properties within the District will provide a stable revenue source to fund ongoing special benefit expenses associated with the maintenance, servicing, and operation of the improvement areas within the District (approximately 585,249 square feet of improvement service area) which may include, but are not limited to: turf; shrubs and plants; trees; ground cover (both hardscape and vegetation); irrigation system; related sidewalks and trails; weed abatement areas; fencing and gates; entryway structures and signs; and associated appurtenant facilities and services. The maintenance and servicing of these improvements may include but is not limited to the regularly scheduled mowing; trimming; pruning; fertilization; pest/vector control; weed and graffiti abatement; installation, replacement, and rehabilitation of the landscaping; repair or replacement of irrigation system; and repair or replacement of hardscape improvements and other related amenities.

Basis upon which the Increased Assessments are Calculated

Each year the County determines the estimated cost to maintain and service the improvements within the District to appropriately allocate those costs to only the benefiting properties. The cost of providing the improvements determined to be of special benefit are allocated to parcels within the District based on a benefit formula that equitably distributes those costs based on the proportional special benefits to each parcel. Collectively, these improvements benefit each residential lot/parcel within the District similarly. Therefore, the particular and distinct benefits to each residential lot/parcel are equally shared and the special benefit expenses are proportionately and equally allocated to each of the eighty-nine (89) developed residential parcels. Each parcel is assigned one (1.0) Equivalent Benefit Unit (EBU). The total eligible special benefit expenses for the District (“Balance to Levy”), is divided by the total EBU of all parcels within the District. The result of this calculation establishes an assessment rate per Equivalent Benefit Unit (“Levy per EBU” or “Assessment Rate”). This Assessment Rate multiplied by each parcel’s assigned EBU equals each parcel’s annual assessment amount.

Balance to Levy / Total EBU = Assessment per EBU (Assessment Rate)

Assessment per EBU x Parcel EBU = Parcel Assessment Amount

A more detailed description of the improvements and basis upon which increased assessments have been calculated is described in the Engineer’s Report, which is on file with the Marin County Clerk of the Board of Supervisors.

The Total Annual Assessment Proposed to be Charged

The total annual amount of the assessments being balloted to properties within the District is \$117,124.00. This total amount balloted divided by the total number of Equivalent Benefit Units (EBUs) within the District (89.00 EBU) results in an increased assessment rate to \$1,316.00 per EBU (Maximum Assessment Rate for fiscal year 2024/2025). The amount of the increased assessment identified on the accompanying Assessment Ballot as “Your Parcel’s Balloted Assessment Amount” is based upon this new Maximum Assessment Rate and your property’s proportional special benefit. If the increased assessment is approved in these proceedings, your parcel’s assessment amount and the assessment rate in subsequent fiscal years are subject to the annual inflationary adjustment described herein.

Inflationary Adjustment

Because the cost of servicing and maintaining local landscaping improvements are impacted by inflation over time, the proposed maximum assessment rate of \$1,316.00 per EBU and your parcel’s corresponding calculated assessment amount includes an annual inflationary adjustment to the maximum assessment rate that may be assessed each fiscal year. This annual inflationary adjustment provides for the prior fiscal year’s maximum assessment rate for the District to be adjusted by a fixed three percent (3%) annual adjustment. As part of your support or opposition to the increased assessment described in this notice and presented in the accompanying Assessment Ballot, you are also indicating your support or opposition to this annual inflationary adjustment that may be applied to future assessments. If the increased assessment is approved, this annual inflationary adjustment shall be applied to the maximum assessment rate established in these proceedings (maximum assessment rate for fiscal year 2024/2025) commencing in fiscal year 2025/2026 and your calculated assessment each year may be adjusted accordingly.

Duration of the Assessments

If approved, the proposed assessment indicated on the accompanying Ballot may be assessed and appear on your 2024/2025 property tax bill, or a supplemental bill from the County. (In subsequent years, a lesser amount may be assessed based on the estimated expenses for that year). Because the proposed assessments will provide annual funding for the ongoing maintenance and operation of the improvements, there is no sunset on the assessments (no end date), but the annual budget and assessments shall be presented at a public hearing each fiscal year, which is open to the public for comment and testimony.

Public Hearing

Notice is hereby given that a public hearing regarding the proposed levy of an increased assessment for the Rush Creek Landscaping and Lighting District, will be held during a regular meeting of the Marin County Board of Supervisors, in the Board of Supervisors Chambers at the Marin County Civic Center, located at 3501 Civic Center Drive, San Rafael, California, on the following date and commencing at the following time:

Tuesday, May 21, 2024 starting at 10:00 A.M.

The Board of Supervisors shall consider all objections and protests, if any, to the proposed increased assessment on properties within the District which has been deemed necessary for the operation and maintenance of the District's landscaping improvements. Any interested person shall be permitted to present written and oral testimony regarding these proceedings. The Board of Supervisors may impose reasonable time limits on both the length of the entire public hearing and the length of each interested person's oral testimony. The Board of Supervisors may also continue the public hearing from time to time.

In addition to the scheduled public hearing noted above, there will also be a Public Information Meeting which will be conducted during the regular meeting of the Board of Supervisors, scheduled for Tuesday, April 16, 2024 starting at 10:00 A.M. This agenda item is an opportunity to provide property owners with background information about the District, the proposed assessment increase, and the assessment ballot process, as well as provide an opportunity to make public comment.

Protest Provisions

Pursuant to California Constitution Article XIID, Section 4 (e), at the public hearing, the Board of Supervisors shall consider all protests against the proposed increased assessment. In addition to the property owner assessment ballots, written protests regarding the District and assessments may be filed with the Board Clerk prior to or during the public hearing. The County shall not impose an assessment increase for the District if there is a majority protest, as calculated set forth below.

Assessment Ballot

The amount of the assessment identified on the accompanying Assessment Ballot as "Your Parcel's Balloted Assessment Amount" represents your parcel's proportional special benefit of the total amount being balloted at the maximum assessment rate. Any time before the end of the public hearing, you may submit the Assessment Ballot to the Board Clerk. To do so: mark the Ballot either "YES — IN FAVOR OF THE INCREASED ASSESSMENT" or "NO — OPPOSED TO THE INCREASED ASSESSMENT", sign the Ballot, seal the Ballot in the enclosed return envelope, and mail or deliver it to the Board Clerk. If you do not use the envelope provided, the return envelope should have the words "ASSESSMENT BALLOT, DO NOT OPEN" printed on the outside to ensure it is not opened in advance of the public hearing. The Ballot may be submitted, changed or withdrawn at any time before the end of the public hearing. If you need a replacement Ballot, call the "Contact Person" listed below or the Office of the County Clerk.

Only ballots issued by the County or their designee are considered valid ballots (copies or facsimiles are not valid ballots). Any ballot returned unmarked, unsigned, or not received by the Board Clerk before the end of the public hearing will be rejected and not counted. **The proposed new assessment will not be imposed for the District if the Ballots submitted in opposition to the increased assessment exceed the Ballots submitted in favor of the assessment, with each Ballot weighted according to the dollar amount of the assessment on the property to which that Ballot relates.** In such case, the properties within the District will continue to be subject to annual assessments for maintenance of improvements up to the current authorized maximum assessment rate per EBU of \$949.00.

Only valid ballots received by the Board Clerk before the end of the public hearing shall be counted. In addition to the property owner assessment ballots, written protests regarding the District and assessments may be filed with the Office of the County Clerk prior to or during the public hearing. Please ensure that your Assessor's Parcel Number (APN) listed on the accompanying Assessment Ballot is included on any written protest or correspondence so that your property can be correctly identified for the record. Please refer to the County's website for additional information and future actions upon completion of the ballot proceedings.

Contact Information

For more information, please contact Marin County Parks at 415.473.3639 during regular business hours. To learn more about the history of the Rush Creek Landscaping and Lighting District, please visit the County's webpage; <https://www.parks.marincounty.org/about-us/boards-and-commissions/rush-creek-landscaping-and-lighting-district>.