

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 03/03/2009 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2009/69

IN THE MATTER OF:

ADOPT Resolution No. 2009/69 accepting the Engineer's Report for County Service Area L-100, Minor Subdivision 05-0045; declaring the intent to levy and collect assessments and fixing a public hearing for April 21, 2009 to adopt the proposed annual assessments and complete public noticing as recommended by the Public Works Director, Walnut Creek area. (County Service Area L-100 Funds) (District III) Project No.: 7394-6X5001

The Board of Supervisors of Contra Costa County FINDS THAT:

1. The County is currently processing Minor Subdivision 05-0045 (the "Development") consisting of one (1) parcel that is 2.246 acres and will be divided into two (2) lots.
2. On August 28, 2007, the applicant for the Development submitted a request to the Department of Public Works for inclusion of the Development into County Service Area (CSA) L-100. The County intends to initiate proceedings to annex the Development into CSA L-100 pursuant to that request.
3. Once the Development is annexed into CSA L-100, the parcel(s) within it will receive a special benefit over and above that received by the general public in the form of lighting services. This service is a miscellaneous extended service (the "Extended Service") as defined in Section 1012-2.406 of the Contra Costa County Code.
4. In order to fund the Extended Service that will be provided to the parcel(s) within the Development, it will be necessary to levy a service charge (the "Assessment"). The service charge meets the requirements of an "Assessment" under Article XIID of the California Constitution because it is conferred to provide the special benefit, defined above, on the parcel(s) within the development.

Contact: Susan Cohen, 313-2160

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: March 3, 2009

David J. Twa, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc:

5. A copy of the Addendum to the Final Engineer's Report to the Board of Supervisors for establishing a street light service charge for Fiscal Year 2008/2009 (the "Engineer's Report") is attached as Exhibit B. The Engineer's Report meets the requirements of a tentative report under Section 1012-2.602 of the Contra Costa County Code. The Engineer's Report includes: a description of each parcel of real property receiving the Extended Service, the Assessment Diagram, the total Assessment chargeable to the entire service area; the estimated Assessment chargeable to each parcel, the calculations supporting the Assessment, and the duration of the Assessment.

6. The Board adopted the Engineer's Report for the Countywide Street Light Program on July 8, 2008. Based on its review of the Engineer's Report, the Board finds that:

(a) The Extended Service financed by the Assessment will directly benefit the parcel(s) within the development. (b) The cost of the Assessment on each parcel within the Development is proportional to the benefits that the Extended Service will confer on each parcel.

NOW, THEREFORE THE BOARD OF SUPERVISORS ORDERS AND RESOLVES AS FOLLOWS:

1. The Board will conduct a public hearing (the "Hearing") on April 21, 2009 at 9:30 a.m. in Room 107 of the Board of Supervisors' Chambers, 651 Pine Street, Martinez, California 94553.

2. The Board directs the Clerk of the Board to immediately provide the Public Works Department of Contra Costa County with a copy of this resolution. The Board directs the Public Works Director or designee to mail the written notice of the Hearing (the "Ballot Notice") attached as Exhibit B to the record owners of each parcel within the development. The ballot attached as Exhibit C shall be attached to the Ballot Notice. A copy of the Engineer's Report is on file with the Public Works Department.

3. At the Hearing, the Board shall consider any objections or protests to the Assessment. Immediately after the Hearing, the Public Works Department shall tabulate the ballots and certify the tabulation of the ballots. The Board shall not impose the Assessment if there is a majority protest. A majority protest exists if, upon conclusion of the Hearing, ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property.

4. If there is no Majority Protest, the Board may adopt a resolution which: confirms the Engineer's Report; levies the assessment in the Engineer's Report; finds that the Director of the Contra Costa County Public Works Department, acting as the designated director, has concluded that the Engineer's Report conforms to the official assessment roll for the year in which the assessment will be collected and, therefore, constitutes the Annexation Report for the Assessment; confirms the Annexation Report; and levies the Assessment for the Fiscal Year referred to in the Engineer's Report.