

**THE BOARD OF DIRECTORS OF WIEDEMANN RANCH
GEOLOGIC HAZARD ABATEMENT DISTRICT**

Adopted this Resolution on January 17, 2017 by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2017/01

SUBJECT: Accepting tabulation of ballots, considering any objections, confirming the assessment, and authorizing the levy and collection of the assessment for the annexed territory of the Podva (aka Red Hawk) subdivision to the Wiedemann Ranch Geologic Hazard Abatement District (“GHAD”).

WHEREAS, on September 1, 1998, the Contra Costa County Board of Supervisors adopted Resolution 98/438 approving the formation of the Wiedemann Ranch Geologic Hazard Abatement District (“GHAD”) and appointed itself to serve as the GHAD Board of Directors;

WHEREAS, of the date of this Resolution, three developments have been annexed into the GHAD – Henry Ranch on April 11, 2007, Elworthy Ranch on July 29, 2014, and Podva on March 29, 2016. Real property assessments are currently being levied against homes within the Henry Ranch and Elworthy Ranch developments and these assessments are used to finance the GHAD operations within those developments;

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements for the Podva development as set forth in the Podva Property Development Annexation Plan of Control (“Plan of Control”), a funding source must be established;

WHEREAS, an Engineer’s Report was prepared to support a real property assessment against the 20 proposed homes within the Podva development at a FY 2016/17 level of \$2,395.00 per single-residential unit for GHAD services and is attached as Exhibit A;

WHEREAS, Public Resources Code sections 26650 *et seq.* authorize, after a noticed public hearing, the levy and collection of an assessment upon specially benefited property within a GHAD to pay for the maintenance and operation of GHAD improvements. Article XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment;

WHEREAS, the Engineer’s Report was prepared to reflect the Plan of Control adopted by the GHAD Board on March 29, 2016. The Engineer’s Report was prepared by a Registered Professional Engineer, certified in the State of California, in compliance with Public Resources

Code section 26651(a) and section 4(b) of Article XIII (D) of the California Constitution; the Engineer's Report sets forth the estimated budget, the total assessment that will be chargeable to the Podva portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Podva portion of the GHAD, and a description of the method used in formulating the estimated assessments;

WHEREAS, on November 15, 2016 the GHAD Board adopted Resolution 2016/04 declaring its intention to order an assessment on the Podva subdivision and fixed a public hearing for January 19, 2017 to consider the assessment and any protests against the assessment;

WHEREAS, pursuant to Resolution No. 2016/04 the GHAD Board declared its intention, consistent with the requirements of Article XIII(D) of the California Constitution, to order that the costs and expenses of maintaining and operating the GHAD improvements acquired or constructed pursuant to Public Resources Code section 26500 *et seq.* be assessed against those parcels in the Podva subdivision, as identified on the Boundary Map (Exhibit A to the Engineer's Report), that are specially benefited by the GHAD;

WHEREAS, Resolution No. 2016/04 declares the GHAD Board's intention to assess against those parcels in the Podva subdivision and as shown on the Boundary Map, all or part of the amount set forth in the Engineer's Report commencing with the issuance of a residential building permit for each lot in the Podva development; and

WHEREAS, this Resolution No. 2017/01 directs the tabulation of the ballots and presentation of the ballots received from record owners to the GHAD Board at the hearing. This Resolution states that the GHAD Board shall then consider all protests against the proposed assessment and certify the tabulation of the ballots. This Resolution states that in tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation on the affected property. This Resolution state that the GHAD Board shall not impose the assessment if there is a majority protest and if there is no majority protest, the GHAD Board shall authorize the assessment.

THE BOARD OF DIRECTORS FOR THE WIEDEMANN RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT DECLARES, RESOLVES, FINDS AND ORDERS THAT:

1. That notice of the public hearing described above in accordance with Public Resources Code sections 26651 through 26653 and Article XIII(D), Section 4 of the California Constitution was provided.
2. The public hearing was held before the GHAD Board on January 19, 2017, at 9:00 a.m. in order to hear and consider any protests regarding the assessment. At the hearing, the GHAD Board was presented with the ballots received from property owners within the annexed territory (the Podva subdivision) to the Wiedemann Ranch GHAD. At the hearing, the sealed ballots were tabulated and weighted according to the proportional financial obligation on the affected property.

3. The GHAD Board accepts the tabulation of ballots, which is attached hereto as Exhibit 2, showing the benefit assessment passed.
4. Based upon the tabulation of the ballots, the GHAD Board finds that there is no majority protest. Therefore, the GHAD Board is authorized to levy the proposed assessment pursuant to Public Resources Code section 26653 and Article XIII(D), Section 4 of the California Constitution on property within the Podva subdivision.
5. The GHAD Board further confirms the assessment at a FY 2016/17 level of \$2,395.00 per single-residential unit, as set forth in the Engineer's Report.
6. The GHAD Board further orders that the assessment amount in the Engineer's Report (with an adjustment annually to reflect the percentage change in the San Francisco-Oakland-San Jose Consumers Price Index for All Urban Consumers) shall be assessed against each residential parcel in the Podva subdivision annexed to the Wiedemann Ranch GHAD, which shall be levied at the issuance of building permits for each parcel and the assessment will continue to be levied in perpetuity.
7. The GHAD Board further orders that the assessment shall be levied and collected in the following manner:
 - (a) The GHAD Manager shall cause to be recorded a Notice of Assessment, in substantially the form as attached hereto Exhibit 3, as provided for in Section 3114 of the California Streets and Highway Code, whereupon the assessment shall attached as a lien upon the property.
 - (b) Thereafter, the assessment shall be payable at the same time and in the same manner as general taxes on real property within the Wiedemann Ranch GHAD are payable.
8. This Resolution shall become effective immediately upon its passage and adoption.

Attachments:

Exhibit A (Engineer's Report)

Exhibit B (Tabulation of Ballots)

Exhibit C (Notice of Assessment)