

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

Adopted this Resolution on 04/18/2017 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2017/121

In The Matter Of: Adopting this Resolution accepting the Chief Engineer’s Report for Annexation #5 to Drainage Area 67A, for Minor Subdivision MS802-08, and fixing a hearing for May 23, 2017, at 9:30 a.m. in compliance with Proposition 218, Walnut Creek area.

The Board of Supervisors of Contra Costa County, as the governing body of the Contra Costa County Flood Control and Water Conservation District, RECITES as follows:

Sections 12.6 and 12.7 of the Contra Costa County Flood Control and Water Conservation District Act (West’s Wat. Code App., §§ 63-12.6 and 63-12.7; referred to as the “Act”) provide authority for the Board to conduct proceedings for the annexation of parcels or tracts of land to an existing drainage area.

The Benefit Assessment Act of 1982 (Gov. Code, §§ 54703-54718) provides authority for the Board to propose for adoption annual benefit assessments for the purpose of funding the maintenance and operation costs of drainage and flood control services, as well as the cost of installation and improvement of drainage and flood control facilities.

Section 4 of Article XIII D of the California Constitution (Right to Vote on Taxes Act) and Government Code Section 53753 (Proposition 218 Omnibus Implementation Act) provide a standard procedure for the approval and levy of special benefit assessments.

As conditions of approval of their developments, the owners of the parcels described in Exhibit A attached hereto are required to annex their parcels for the purpose of funding the maintenance and operation costs of the drainage and flood control service provided to the parcels.

The developers of Minor Subdivision MS802-08 have requested that the proceeding for the annexation and adoption of annual benefit assessments be instituted by the Board for the parcels described in Exhibit A attached hereto.

The Board has before it for consideration the above-described petition, the boundary map, and the engineer’s report entitled “Engineer’s Report for Annexation #5 to Contra Costa County Flood Control and Water Conservation District Drainage Area 67A.” Said documents, which describe the area proposed to be annexed and that provide an estimate of the current annual maintenance and operation costs of the drainage and flood control services and the amounts of the proposed assessments, are on file with and may be examined at the Office of the Clerk of the Board of Supervisors, Administration Building, 651 Pine Street, Martinez, California.

NOW, THEREFORE, the Board of Supervisors of Contra Costa County, as the governing body of the Contra Costa County Flood Control and Water Conservation District, FINDS and RESOLVES as follows:

All of the foregoing recitals are true and correct, and the above-described petition complies with the requirements of Section 12.6 of the Act (West’s Wat. Code App., § 63-12.6).

It is proposed that the real property described in Exhibit A attached hereto be annexed to Drainage Area 67A, that the drainage area boundaries be changed accordingly, and that annual benefit assessments be levied against the real property described in Exhibit A attached hereto, as set forth in the above-described engineer’s report.

At 9:30 a.m. on May 23, 2017, in the chambers of the Board of Supervisors, Administration Building, 651 Pine Street, Martinez, California, this Board will conduct a public hearing on the proposed annexation and change in drainage area boundaries and on the proposed annual benefit assessments.

The Board DIRECTS the Chief Engineer, Flood Control and Water Conservation District, or designee, to mail written notice of the hearing, in the form attached as Exhibit B, to the record owner of each identified parcel within the area described in Exhibit A. The notice shall include an assessment ballot in the form attached as Exhibit C and shall be mailed at least forty-five (45) days prior to the date of the public hearing.

The Board FURTHER DIRECTS the Clerk of the Board to publish notice of the hearing, in the form attached as Exhibit B, pursuant to Sections 3.3 and 12.7 of the Act (West's Wat. Code App., §§ 63-3.3 and 63-12.7), once a week for two (2) consecutive weeks prior to the hearing, with at least five (5) days intervening between the respective publication dates not counting such publication dates, in the Contra Costa Times, a newspaper of general circulation published in the drainage area. Publication shall be completed at least seven (7) days prior to the date of the public hearing.

The Board FURTHER DIRECTS that, immediately before the hearing, the Chief Engineer shall tabulate the ballots.

At the hearing, the Board will consider any objections or protests to the proposed benefit assessments and certify the tabulation of the ballots. The Board shall not impose the assessments if there is a majority protest. A majority protest exists if, upon conclusion of the hearing, ballots submitted in opposition to the assessments exceed the ballots submitted in favor of the assessments. In tabulating the ballots, the ballots shall be weighted according to the proportional financial obligation of the affected property. At the conclusion of the hearing, the Board may adopt, revise, change, reduce, or modify the proposed assessments.

At the hearing, the Board will hear all persons interested in or affected by the proposed change in the drainage area boundaries and will hear all relevant evidence for or against the annexation petition. At the conclusion of the hearing, the Board may annex all or part of the parcels proposed to be annexed.

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.

Contact: Tim Jensen, (925) 313-2390

ATTESTED: April 18, 2017

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

By: , Deputy

cc: Laura Strobel, County Administrator's Office, Robin Cantu, County Assessor's Office, Bob Campbell, County Auditor–Controller, Jennifer Webber, County Auditor–Controller's Office, Brice Bins, County Treasurer–Tax Collector, Mike Carlson, Deputy Chief Engineer, Tim Jensen, Flood Control, Rene Urbina, Flood Control, Beth Balita, Finance, Crystal O'Dell, Flood Control, Catherine Windham, Flood Control