

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

Adopted this Resolution on 05/23/2017 by the following vote:

AYE:

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2017/173

In The Matter Of: Adopting this Resolution approving Annexation No. 5 to Flood Control District Drainage Area 67A and the Levy of Annual Benefit Assessments for Financing Drainage and Flood Control Services, Minor Subdivision 802-08, Walnut Creek Area (100% DA 67A Fees)

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

On April 18, 2017, the Board adopted Resolution No. 2017/121 announcing its intention to annex Minor Subdivision 802-08 to Drainage Area 67A containing the real property described in Exhibit A, attached hereto, and to levy annual benefit assessments for the purpose of financing the maintenance and operation costs of the drainage and flood control services provided to said real property, and fixing a public hearing on May 23, 2017, on the proposed annexation, change in drainage area boundaries, and annual benefit assessments; and

At the time and place fixed for said public hearing, the Board heard all persons interested in or affected by the proposed change in drainage area boundaries, heard all relevant evidence for or against the annexation petition, heard and considered any objections or protests to the proposed annual benefit assessments, permitted all interested persons to present oral or written testimony, and certified the tabulation of the assessment ballots submitted by the owners of the real property described in Exhibit A, attached hereto; and

Pursuant to Resolution No. 2017/121, the Chief Engineer, Flood Control and Water Conservation District, tabulated the assessment ballots prior to the public hearing and presented the results to the Board at the public hearing; and

At the conclusion of the hearing, with the assessment ballots weighted according to the proportional financial obligation of the affected property, the ballots submitted in favor of the proposed assessments exceeded those submitted in opposition to the proposed assessments; and

It appears from the affidavits of publication and mailing on file with the Board that all notices required to be given for such hearing have been duly and regularly given and all procedures to be followed have been followed, all in accordance with Sections 3.3 and 12.7 of the Contra Costa County Flood Control and Water Conservation District Act (West's Wat. Code App., §§ 63-3.3 and 63-12.7), in accordance with Government Code Section 53753 (Proposition 218 Omnibus Implementation Act), and in accordance with the provisions of Resolution No. 2017/121; and

The Chief Engineer, Flood Control and Water Conservation District, has previously filed with the Clerk of the Board the written report required by Government Code Section 54716(a) (Benefit Assessment Act of 1982) and Section 4(b) of Article XIII D of the California Constitution (Right to Vote on Taxes Act) describing the annual benefit assessments for drainage and flood control services proposed to be levied against the real property described in said report and Exhibit A, attached hereto.

NOW, THEREFORE, the Board FINDS, RESOLVES, and DETERMINES as follows:

The Board FINDS that all of the foregoing recitals are true and correct.

The Board FINDS that the activity, annexation to Flood Control Drainage Area 67A and adoption of annual benefit assessments, is not subject to the California Environmental Quality Act (CEQA) pursuant to Article 5, Section 15061(b)(3), of the CEQA Guidelines.

This Board hereby DIRECTS the Director of Community Development to file a Notice of Exemption with the County Clerk.

This Board hereby AUTHORIZES the Chief Engineer to arrange payment of the \$25 handling fee to the County Clerk for filing the Notice of Exemption.

The Board FINDS that a majority protest, as defined in Government Code Section 53753(e) and Section 4(e) of Article XIII D of the California Constitution, does not exist.

The Board FINDS that the proposed annexation is for the best interests of the drainage area and hereby ORDERS that the real property described in Exhibit A, attached hereto, is annexed to Contra Costa County Flood Control and Water Conservation District Drainage Area 67A, subject to the requirement that the owners of the annexed land pay the annual benefit assessments described below.

The Board DETERMINES and IMPOSES the annual benefit assessments set forth in the above-described report, a copy of which is attached hereto as Exhibit B, and DIRECTS that said benefit assessments be levied against the real property described in Exhibit A, attached hereto, and that the assessments be collected in the same manner and subject to the same penalties and priority of lien, as other charges and taxes fixed and collected by the County, as provided by Government Code Section 54718. The annual benefit assessments shall be payable as follows:

1. All new lots shall be assessed in the fiscal year following the filing of the final map creating said lots;
2. All existing lots that receive impervious surfaces shall be assessed in the fiscal year following the construction of impervious surfaces;
3. As provided in Government Code Section 54717(b), the Board may annually determine and impose subsequent annual assessments, but such assessments shall not exceed a maximum of \$93.52 per IAU, as adjusted for inflation from 1988 forward by the State of California, (Caltrans) published "Price Index for Selected California Construction Items."

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: May 23, 2017

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

Contact: Tim Jensen, (925) 313-2390

By: , Deputy

cc: Laura Strobel, County Administrator's Office, Robin Cantu, County Assessor's Office, Bob Campbell, County Auditor–Controller's Office, 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