

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

Adopted this Resolution on 05/24/2022 by the following vote:

AYE: ☐

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2022/173

IN THE MATTER OF: Resolution Declaring Intention to Establish a Community Facilities District and to Authorize the Levy of Special Taxes Pursuant to the Mello-Roos Community Facilities Act of 1982 – Contra Costa Centre Area – Park Maintenance, as recommended by the Public Works Director. (District IV)

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law"), this Board of Supervisors (the "Board") may commence proceedings for the establishment of a Community Facilities District; and,

WHEREAS, Del Hombre Walnut Creek Holdings LLC (the "Company") has submitted to the County of Contra Costa (the "County") a Petition (Including Waivers) (the "Petition") requesting that the Board conduct proceedings under the Law to create a Community Facilities District to be designated "County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area - Park Maintenance)" (the "CFD"); and,

WHEREAS, under the Law, this Board is the legislative body for the proposed CFD and is empowered with the authority to establish the CFD and levy special taxes within the CFD, and this Board now desires to undertake the actions necessary to form the CFD.

NOW, THEREFORE, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa as follows:

Section 1. The Board proposes to begin the proceedings necessary to establish the CFD pursuant to the Law. Receipt by the County of the Petition is hereby acknowledged.

Section 2. The name proposed for the CFD is County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance).

Section 3. The proposed boundaries of the CFD are as shown on the map of the CFD on file with the Clerk of the Board, which boundaries are hereby preliminarily approved. The Clerk of the Board is hereby directed to record, or cause to be recorded, the map of the boundaries of the CFD in the office of the County Recorder as soon as practicable after the adoption of this Resolution.

Section 4. The type of services proposed to be funded in whole or in part by the CFD and pursuant to the Law shall consist of those services described on Exhibit A hereto (the "Services"), which Exhibit is by this reference incorporated herein.

The Board hereby expresses its opinion that the public interest will not be served by allowing property owners to enter into contracts as contemplated by Section 53329.5(a) of the Law, and does not intend to let property owners avail themselves of the actions otherwise permitted by said Section 53329.5(a).

Section 5. Except to the extent that funds are otherwise available to the CFD to pay for the Services and the administrative expenses of the CFD, a special tax sufficient to pay the costs thereof, secured by recordation of a continuing lien against all non-exempt property in the CFD, will be levied annually within the CFD and collected in the same manner as ordinary ad valorem property taxes or in such other manner as this Board or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the maximum amount such owner will have to pay, is described in Exhibit B attached hereto which Exhibit is by this reference incorporated herein.

The Board finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the California Government Code (relating to

adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the CFD.

Section 6. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the CFD at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballots among the landowners in the proposed CFD, with each owner having one vote for each acre or portion of an acre of land such owner owns in the CFD.

Section 7. Except as may otherwise be provided by law all lands owned by any public entity, including the United States, the State of California, the County and/or any departments or political subdivisions of any thereof shall be omitted from the levy of the special tax to be made to cover the costs and expenses of the Services and any expenses of the CFD to the extent, and only to the extent, such land is described as not subject to the special tax levy in the rate and method of apportionment of special tax set forth in Exhibit B hereto.

Section 8. The Director of Public Works of the County, or such person's designee, is hereby directed to study the proposed CFD and the Services and to make, or cause to be made, and file with the Clerk of the Board a report in writing, presenting the following:

(a) A brief description of the Services.

(b) An estimate of the fair and reasonable cost of providing the Services, including the incidental expenses in connection therewith, including any County administration costs and all other related costs.

Said report shall be made a part of the record of the public hearing provided for below.

Section 9. Tuesday, July 12, 2022 at 9:00 a.m. or as soon thereafter as the matter may be heard, in the regular meeting place of this Board, Board of Supervisors Chambers, 1025 Escobar Street, Martinez, California, is hereby appointed and fixed as the time and place when and where this Board, as legislative body for the CFD, will conduct a public hearing on the establishment of the CFD and consider and finally determine whether the public interest, convenience and necessity require the formation of the CFD and the levy of said special tax.

Section 10. The County has adopted Financing Policies for Community Facilities Districts (the "Financing Policies"). The Board hereby waives any provision of the Financing Policies which requires submission of an application by the property owner in a proposed CFD, in order to expedite the formation of the CFD and otherwise in recognition that the CFD is intended to include, by future annexation, properties other than those owned by the Company. In addition, the Board hereby waives any provision of the Financing Policies that prohibits any escalation of the maximum special tax on residential properties, and any limitation on the maximum special tax as a percentage of the estimated value of property to be subject to the special tax, in each case to the extent inconsistent with the rate and method of apportionment of special taxes in Exhibit B hereto.

Section 11. This Board hereby determines the public convenience and necessity require that territory be added to the CFD in the future, and that this Resolution shall constitute a resolution of intention to annex territory to the CFD pursuant to Section 53339.2 and 53339.3 of the Law. The territory proposed for annexation to the CFD in the future is as indicated as such on the map of the CFD described in Section 3 above (the "Annexation Area"); provided that any specific parcel or parcels within such territory may be annexed to the CFD only with the unanimous approval of the owner or owners of each parcel or parcels to be annexed at the time that parcel or those parcels are so annexed. The types of services to be provided in the CFD and in the Annexation Area are the "Services" referenced in Section 4 above. The special taxes which will be levied in any particular portion of the Annexation Area will be determined at the time of annexation which may involve the addition of new Tax Zones (as contemplated by the rate and method of apportionment of special tax for the CFD), and there shall be no alternation in the special tax rate levied in the CFD prior to any annexation as a result of any proposed annexation except as may occur by operation of the rate and method of apportionment of special tax in Exhibit B solely as a result of additional territory being included within the CFD. The hearing regarding the proposed annexation described in this Section 11 and required by Section 53339.3(f) of the Law shall be combined with the hearing described in Section 9 above, and the notice described in Section 12 below shall constitute the notice required by Section 53339.4 of the Law.

Section 12. The Clerk of the Board is hereby directed to cause notice of the public hearing referred to in Section 9 and 11 above to be given by publication one time in a newspaper published in the area of the CFD. The publication of said notice shall be completed at least seven days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit C hereto.

Section 13. This Resolution shall take effect immediately upon its adoption.

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: Jocelyn LaRocque (925) 313-2315

ATTESTED: May 24, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By: , Deputy

cc: Timothy Ewell - CAO, Laura Strobel, County Administrator, CAO, Robert Campbell, Auditor Controller, Maryann Mason, County Counsel, Gus Kramer, County Assessor, Warren Lai - Deputy, Jocelyn LaRocque- Engineering Services, Carl Roner- Special Districts, Rochelle Johnson - Special Districts, Joshua Laranang- Engineering Services, Jennifer Cruz- DCD, Hanover Company, Paul Thimmig - Quint & Thimmig LLP, James Kennedy - JK2 & Associates, Brian Brown, Francisco & Associates, Inc.