

# THE BOARD OF DIRECTORS OF THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

Adopted this Resolution on 04/26/2022 by the following vote:

AYE:   
NO:   
ABSENT:   
ABSTAIN:   
RECUSE:



## Resolution No. 2022/5

Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services);

- A. On March 8, 2022, the Board of Directors (the "Board") of the Contra Costa County Fire Protection District (the "District") adopted Resolution No. 2022/4 (the "Resolution of Intention") stating its intention to establish the Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the "Law").
- B. The Resolution of Intention, Exhibit A, to which contained a copy of the map of the proposed boundaries of the CFD and the territory proposed for future annexation to the CFD, Exhibit B to which described the services eligible to be funded by the CFD (the "Services"), and Exhibit C to which set forth the rate and method of apportionment of the special tax to be levied within the CFD to pay the costs of the Services (the "Rate and Method"), is on file with the Clerk of the Board and the provisions thereof are incorporated herein by this reference.
- C. The Resolution of Intention called for a public hearing on the CFD and the possible future annexation of territory to the CFD to be held on April 26, 2022, and on this date the Board held the public hearing as required by the Law and the Resolution of Intention relative to the proposed formation of the CFD and the possible future annexation of territory to the CFD.
- D. At the hearing, all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services eligible to be funded by the CFD, the levy of the special tax, and the possible future annexation of territory to the CFD were heard and a full and fair hearing was held.
- E. At the hearing, evidence was presented to the Board on the matters before it, including a report by the Fire Chief as to the Services eligible to be funded by the CFD and possible future annexation area, and the costs thereof (the "Report"), a copy of which is on file with the Clerk of the Board, and the Board at the conclusion of the hearing was fully advised regarding the CFD.
- F. Written protests with respect to the formation of the CFD and/or the furnishing of specified types of Services as described in the Report have not been filed with the Clerk of the Board by fifty percent (50%) or more of the registered voters residing within the proposed boundaries of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.
- G. The special tax proposed to be levied in the CFD to pay for costs of the Services, as set forth in Exhibit A to the Resolution of Intention, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.
- H. No written protests with respect to the possible future annexation of territory to the CFD have been filed with the Clerk of the Board.
1. The foregoing recitals are true and correct.
  2. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Law.
  3. All prior proceedings taken by the Board in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are found and determined to be valid and in conformity with the Law. On March 8, 2022, the Board adopted goals and policies for Community Facilities Districts, and the Board finds and determines that the CFD is in conformity with those goals and policies.

4. The community facilities district designated “Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services)” is established pursuant to the Law.
5. The boundaries of the CFD and of the territory proposed for annexation to the CFD, as set forth in a copy of the boundary map for the CFD attached as Exhibit A to the Resolution of Intention and set forth in the boundary map of the CFD recorded at 11:31 a.m. on April 22, 2022, in the County Recorder’s Office in Book 22 of Maps of Assessment and Community Facilities Districts at Pages 25-26 (Instrument No. 22-0061816), are approved, are incorporated herein by this reference, and shall be the boundaries of the CFD and the boundaries of the proposed annexation area, respectively.
6. The types of services eligible to be funded by the CFD pursuant to the Law are as described in Exhibit B to the Resolution of Intention, which Exhibit is incorporated herein by this reference. The Board finds that the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring in the CFD.
7. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof (“Special Tax”), secured by the recordation of a continuing lien against all nonexempt property in the CFD, will be levied within the CFD and collected in the same manner as ordinary ad valorem property taxes or in such other manner as the Board 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 CFD to estimate the maximum amount such owner will have to pay, are described in Exhibit C to the Resolution of Intention, which Exhibit is incorporated herein by this reference. The Board hereby finds that the basis for the levy and apportionment of the special tax, as set forth in the Rate and Method, is reasonable.
8. The Fire Chief, or his or her designee, 4005 Port Chicago Hwy, Suite 250, Concord, CA 94520, telephone number (925) 941-3300, is authorized to take any action necessary and proper to effectuate the intent of this resolution, including, without limitation, preparing annually and whenever otherwise necessary a current roll of the levy of the Special Tax obligations by assessor’s parcel number, and is responsible for estimating future levies of the Special Tax pursuant to Section 53340.2 of the Law.
9. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until collection of the Special Tax by the District ceases, if ever. It is hereby acknowledged that it is expected that the Special Tax will be levied and collected in perpetuity.
10. In accordance with Section 53325.7 of the Law, the appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$1,000,000 and the appropriations limit shall be submitted to the voters of the CFD as provided below. The proposition establishing the appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted, without further action by the Board, in accordance with the applicable provisions of the Law and the Constitution.
11. Pursuant to the provisions of the Law, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election, the time, place, and conditions of which election shall be as specified by a separate resolution of the Board.
12. All or any portion of the territory proposed for annexation to the CFD, as described in the Resolution of Intention and on the map of the CFD described in Section 5 above, may be annexed to the CFD upon the unanimous approval of the owner or owners of each parcel or parcels in the specific portion of the area to be annexed, without additional hearings, as permitted by Section 53339.7(a) of the Law.
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: Lewis T. Broschard III, Fire Chief (925)  
941-3300**

**ATTESTED: April 26, 2022**

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

By: , Deputy

**cc:**