

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

Adopted this Resolution on August 8, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2023/05 (WIEDEMANN RANCH GHAD)

SUBJECT: Resolution declaring the Wiedemann Ranch Geologic Hazard Abatement District's intent to order the assessment set forth in the Magee Preserve Development Engineer's Report dated July 19, 2023 and set a public hearing for October 3, 2023 to consider the proposed assessment and any objections thereto.

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) which included the Norris Canyon Estates Development and appointed itself to serve as the GHAD Board of Directors.

WHEREAS, on April 11, 2000, the GHAD Board of Directors adopted Resolutions 2000/166 and 200/167 approving annexation of the Henry Ranch development into the Wiedemann Ranch GHAD.

WHEREAS, on July 29, 2014, the GHAD Board of Directors adopted Resolution 2014/03 approving annexation of the Elworthy Ranch development into the Wiedemann Ranch GHAD.

WHEREAS, on January 19, 2016, the GHAD Board of Directors adopted Resolution 2014/01 approving annexation of the Red Hawk (formerly Podva) development into the GHAD.

WHEREAS, the GHAD Board approved separate assessments on all the developments mentioned above that are located within the GHAD.

WHEREAS, on July 13, 2021, the GHAD Board of Directors adopted Resolution 2021/03 approving annexation of the Magee Preserve Development into the GHAD.

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Revised Magee Preserve Development Plan of Control dated July 17, 2023, a funding source must be established.

WHEREAS, an Engineer's Report (attached as Attachment 1) has been prepared to support a real property assessment against the 69 residential units in the Magee Preserve Development at a Fiscal Year 2023/24 level of \$2,690.00 per each residential unit.

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 the Magee Preserve Development portion of the GHAD to pay for the maintenance and operation of GHAD improvements within the development. Article XIII(D) of the California Constitution imposes additional requirements for the levy and collection of said assessment.

WHEREAS, the Magee Preserve Development Engineer's Report was prepared by the GHAD Manager to reflect the Magee Preserve Development Plan of Control adopted by the GHAD Board on August 8, 2023 the GHAD Manager is 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 attached hereto as Attachment 1 sets forth the purpose of the Magee Preserve Development portion of the GHAD, the estimated budget, the total assessment that will be chargeable to the Magee Preserve Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Magee Preserve Development portion of the GHAD, and a description of the method used in formulating the estimated assessments.

WHEREAS, the property within the Magee Preserve Development portion of the GHAD is identified on the map attached as Attachment 2 and each parcel is proposed to be assessed.

The Board of Directors of the GHAD HEREBY RESOLVES THAT:

1. The GHAD Board declares its intention, consistent with the requirements of Article XIII (D) of the California Constitution, Public Resources Code sections 26650 *et seq.*, Government Code section 53750, and Elections Code section 4000, to order that the cost and expenses of maintaining and operating GHAD improvements in the Magee Preserve Development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Magee Preserve Development portion of the GHAD, which is benefited by the these properties in this portion of the GHAD.

2. The GHAD Board shall not order this assessment if a majority protest exists within the Magee Preserve Development portion of the GHAD as defined in Section 4(e) of Article XIII(D) of the California Constitution.

3. Each of the parcels identified in Attachment 2 will receive a particular and distinct special benefit in the form of GHAD facilities and services that are over and above the general benefits received by the general public. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards, such as landslides and slope erosion, within the Magee Preserve Development portion of the GHAD. The GHAD will have responsibilities that include (a) maintenance of slopes, retaining walls, drainage ditches, and storm drain systems, (b) vegetation control for fire suppression, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within the GHAD. These special benefits are described in the Magee Preserve Development Plan of Control.

4. Following the issuance of each certificate of occupancy for the 69 residential units identified in Attachment 2, that lot will be assessed within the development described in the attached Engineer's Report. The annual assessment amount for each residential unit was calculated by dividing the annual Magee Preserve Development portion of the GHAD budget by the number of residential units planned within the that portion of the GHAD boundaries and applying the assessment ratio for each unit type provided in the Engineer's Report.

5. The GHAD Board has reviewed and considered the attached Engineer's Report for the Magee Preserve Development. The special benefit derived from the GHAD by each parcel is proportionate to the entire costs of the Magee Preserve Development portion of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

6. The GHAD Board directs the GHAD Manager to mail or cause to be mailed, no later than three (3) days after adoption of this Resolution, the "Notice of Adoption of Resolution and Notice of Assessment" of the Public Hearing, in substantially the same form as in Attachment 3 ("Notice") to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4, and the Magee Preserve Development Engineer's Report, shall be attached to the Notice.

7. The GHAD Board will conduct a public hearing on October 3, 2023, at the chambers of the Contra Costa County Board of Supervisors, Administration Building, 1025 Escobar Street, Martinez, California at 9 a.m. or thereafter. The Manager of the GHAD shall deliver all sealed ballots received from record owners of parcels within the Magee Preserve Development portion of the GHAD to the GHAD hearing. The ballots shall remain sealed until they are tabulated. The GHAD Board shall permit a change, withdrawal, or submittal of a ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. The GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the Clerk of the GHAD, or some other impartial person not having a vested interest in the outcome of the proposed assessment, shall tabulate the ballots, and shall weight the ballots according to the proportional financial obligation of the affected property. The GHAD Board shall not impose the assessment if there is a majority protest as that term is defined by Section 4(e) of Article XIII (D) of the California Constitution. If there is no majority protest, the GHAD Board shall authorize the assessment. Following the public hearing, the GHAD Board shall consider the adoption of the canvas of votes for the GHAD.

8. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the 69 residential units the first fiscal year following issuance of a certificate of occupancy for each of those parcels on which the residences are located.

This Resolution shall become effective immediately upon its passage and adoption.

Attachment 1 – Engineer's Report for Magee Preserve Development (dated July 19, 2023)

Attachment 2 – Legal Description and Plat

Attachment 3 – Notice of Adoption of Resolution and Notice of Assessment

Attachment 4 – Ballot