

**THE BOARD OF DIRECTORS OF WIEDEMANN RANCH
GEOLOGIC HAZARD ABATEMENT DISTRICT (GHAD)**

Adopted this Resolution on November 15, 2016 by the following vote:

AYES: Gioia, Andersen, Piepho, Mitchoff, Glover

NOES: None

ABSENT: None

ABSTAIN: None

RESOLUTION NO. 2016/03(WIEDEMANN RANCH GHAD)

SUBJECT: Resolution 2016/03 declaring the GHAD' s intent to order the assessment set forth in the attached Engineer's Report and set a public hearing for January 17, 2017 to consider the proposed assessment and any objections thereto. (Note: This Resolution directs the GHAD Clerk to mail notice of the public hearing and to mail the assessment ballots.)

WHEREAS, on September 1, 1998, the Contra Costa County Board of Supervisors adopted Resolution 98/438 approving the formation of the Wiedemann Ranch ("GHAD") and appointed itself to serve as the GHAD Board of Directors;

WHEREAS, on January 19, 2016, the GHAD Board accepted a petition from Ponderosa Homes II, Inc. requesting annexation of the Podva (also known as Red Hawk) development into the GHAD;

WHEREAS, on March 29, 2016, the GHAD Board held a public hearing on the proposed annexation and Podva Property Development Annexation Plan of Control ("Plan of Control") and thereafter approved the annexation and Plan of Control;

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established;

WHEREAS, an Engineer's Report has been prepared to support a real property assessment against the 20 homes at a FY 2016/17 level of \$2,395.00 per single-residential unit for GHAD services and is attached as bibil A;

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 GHAD to pay for the maintenance and operation of GHAD improvements. Article XIII (D) of the California Constitution imposes additional requirements for the levy and collection of said assessment;

WHEREAS, the Engineer's Report was prepared by the GHAD Manager to reflect the Plan of Control adopted by the GHAD Board on March 29, 2016. 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 sets forth the estimated budget, the total assessment that will be chargeable to the Podva portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Podva portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

WHEREAS, the property within the Podva portion of the GHAD is identified on the map attached as Exhibit B and each parcel is proposed to be assessed.

NOW THEREFORE, the GHAD Board of Directors resolves and orders 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 any GHAD improvements in the Podva development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within the Podva 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 Podva 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 Exhibit bit B 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 Podva portion of the GHAD. The GHAD will have responsibilities that include (a) maintenance of retaining walls, water detention basin facility and access road, bio retention facility, trash rack, debris benches, drainage ditches, storm drain systems and trails, (b) vegetation control for fire suppression, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within this area. These special benefits are described in detail in the already approved Plan of Control.
4. Whenever a residential building permit is issued on the 20 parcels identified in Exhibit B, that lot will be assessed on an equal basis with each single family lot in the development. The annual assessment amount for each residential unit will be calculated by dividing the annual Podva portion of the GHAD budget by the number of residential units then existing within the Podva portion of the GHAD boundaries.

The GHAD Board has reviewed and considered the attached Engineer's Report. The special benefit derived from the GHAD by each parcel is proportionate to the entire costs of the Podva 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.

5. The GHAD Board directs the GHAD Clerk 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 Exhibit ("Notice") to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Exhibit D, and the Engineer's Report, shall be attached to the Notice.

6. The GHAD Board will conduct a public hearing on January 17, 2017 in the chambers of the Contra Costa County Board of Supervisors at 651 Pine Street, Martinez, CA at 9:00 am or thereafter. The Clerk of the GHAD shall deliver all sealed ballots received from record owners of parcels within the Podva 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 and adopt the canvas of votes.

7. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the 20 parcels the first fiscal year following issuance of a residential building permit for each of those parcels.

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

Attachments: Exhibit A (Map of Podva portion of the GHAD Boundaries)
Exhibit B (Engineer's Report)
Exhibit C (Notice of Adoption of Resolution and Notice of Assessment)
Exhibit D (Ballot)