

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

Adopted this Resolution on 07/12/2022 by the following vote:

John Gioia
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

AYE: 5

NO:

ABSENT:

ABSTAIN:

RECUSE:



Resolution No. 2022/243

IN THE MATTER OF: Resolution of Formation of County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance), and Authorizing the Levy of a Special Tax Within the CFD

WHEREAS, on May 24, 2022, this Board of Supervisors (the “Board”) of the County of Contra Costa (the “County”) adopted Resolution No. 2022/173 (the “Resolution of Intention”) stating its intention to form the County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance) (the “CFD”) pursuant to the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the “Law”); and

WHEREAS, the Resolution of Intention, incorporating by reference a map of the proposed boundaries of the CFD and describing the services eligible to be funded by the CFD (the “Services”), the cost of providing the Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay costs of the Services (the “Rate and Method”), and the possible future annexation of territory to the CFD, is on file with the Clerk of the Board and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, 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 July 12, 2022; and

WHEREAS, on this date this 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; and

WHEREAS, 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; and

WHEREAS, at the hearing evidence was presented to this Board on the matters before it, including a report by the Director of Public Works of the County as to the Services eligible to be funded by the CFD and possible future annexation area, and the costs thereof, a copy of which is on file with the Clerk of the Board, and this Board at the conclusion of the hearing was fully advised regarding the CFD; and

WHEREAS, 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 territory 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; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for costs of the Services; as such Services are described 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; and

WHEREAS, no written protests with respect to the possible future annexation of territory to the CFD have been filed with the Clerk of the Board.

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

Section 1. The foregoing recitals are true and correct.

Section 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.

Section 3. All prior proceedings taken by this Board in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the Law. This Board has heretofore adopted Financing Policies for Community Facilities Districts, and this Board hereby finds and determines that the CFD is in conformity with said goals and policies, except as expressly waived pursuant to Section 10 of the Resolution of Intention.

Section 4. The community facilities⁵ district designated “County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance)” is hereby established pursuant to the Law.

Section 5. The boundaries of the CFD and of the territory proposed for annexation to the CFD, as described in the Resolution of Intention and set forth in the boundary map of the CFD recorded at 9:26 a.m. on June 3, 2022, in the County Recorder’s Office in Book 89 of Maps of Assessment and Community Facilities Districts at Pages 28 and 29 (Document No. 2022-0093596), are hereby approved, are incorporated herein by this reference and shall be the boundaries of the CFD, and the boundaries of the proposed annexation area, respectively.

Section 6. The type of services eligible to be funded by the CFD pursuant to the Law are as described in Exhibit A to the Resolution of Intention, which Exhibit is by this reference incorporated herein. This Board hereby finds that the Services are necessary to meet increased demands placed upon local agencies as the result of development occurring in the CFD.

Section 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, secured by recordation of a continuing lien against all non-exempt real 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 this 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 B to the Resolution of Intention, which Exhibit is by this reference incorporated herein. This 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.

Section 8. The Auditor-Controller of the County, 625 Court Street, Room 103, Martinez, California 94553, telephone number (925) 646-2181, is the officer of the County that will be responsible for preparing annually and whenever otherwise necessary a current roll of special tax levy obligations by assessor’s parcel number and who (working with the Deputy Director of Public Works of the County) will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Law. The Auditor-Controller is hereby authorized to engage from time to time, at the expense of the CFD, a consulting firm to assist with the foregoing.

Section 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 the collection of the tax by the County ceases, if ever. It is hereby acknowledged that it is expected that the special tax will be levied and collected in perpetuity.

Section 10. In accordance with Section 53325.7 of the California Government Code, 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 \$3,000,000,000 and said 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. The appropriations limit shall be adjusted, without further action by this Board, in accordance with the applicable provisions of Section 53325.7 of the Law for changes in the cost of living and changes in populations, as defined by subdivisions (b) and (c) of Section 7901 of the California Government Code, except that the change in population may be estimated by this Board in the absence of an estimate by the Department of Finance of the State of California, and in accordance with Section 1 of Article XIII B of the California Constitution. For purposes of adjusting for changes in population, the population of the CFD shall be deemed to be at least one person during each calendar year.

Section 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 this Board.

Section 12. All or any portion of the territory proposed for annexation to the CFD, as described in Section 11 of 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.

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: July 12, 2022

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

By:  Jung McHuen, 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, Larry Gossett- 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.