

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

Adopted this Resolution on 03/08/2022 by the following vote:

AYE: ☐ 5 **John Gioia**
Candace Andersen
Diane Burgis
Karen Mitchoff
Federal D. Glover

NO: ☐

ABSENT: ☐

ABSTAIN: ☐

RECUSE: ☐



Resolution No. 2022/4

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

RESOLUTION NO. 2022/4

RESOLUTION OF INTENTION TO ESTABLISH CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1 (ANTIOCH FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES)

Recitals

- A. The Contra Costa County Fire Protection District ("District") provides fire protection and emergency response services throughout its service areas.
- B. The Mello-Roos Community Facilities Act of 1982 (Government Code Section 53311 et seq.) (the "Act") and the Fire Protection District Law of 1987 (Health and Safety Code Section 13800 et seq.) authorize the District to form community facilities districts and impose special taxes within those community facilities districts.
- C. The District has received a petition (the "Petition") satisfying the requirements of Section 53319 of the Government Code, submitted on behalf of the landowners, Richland Communities, Inc., requesting that the Board of Directors conduct proceedings under the Act to create a community facilities district to be designated "Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services)."
- D. Pursuant to Section 53339.2 of the Government Code, the Board of Directors desires to undertake proceedings to provide for the future annexation of territory to the proposed community facilities district.

NOW, THEREFORE, the Board of Directors of the Contra Costa County Fire Protection District resolves as follows:

1. Intention to Establish CFD. The Board of Directors proposes to conduct proceedings to establish a community facilities district pursuant to the Act, and determines that public convenience and necessity require the formation of the community services district and a future annexation area to fund public services.
2. Name of Proposed CFD; Name of Future Annexation Area. The name proposed for the community facilities district is "Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services)" ("CFD No. 2022-1"). The name proposed for the territory proposed to be annexed into CFD No. 2022-1 in the future is "Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services) (Future Annexation Area)" (the "Future Annexation Area").
3. Proposed Boundaries. The proposed boundaries of CFD No. 2022-1 and the Future Annexation Area are as shown on the

map ("Boundary Map") on file with the District Clerk of the Board, a copy of which is attached as Exhibit A and incorporated herein by reference. The proposed boundaries and Boundary Map are preliminarily approved. The Clerk of the Board is directed to record, or cause to be recorded, the map of the boundaries of CFD No. 2022-1 and the Future Annexation Area in the office of the Contra Costa County Recorder as soon as practicable after the adoption of this Resolution.

4. Annexation of Territory. Parcels within the Future Annexation Area may be annexed to CFD No. 2022-1 only with unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.
5. Proposed Services. The types of services (the "Services") proposed to be funded within CFD No. 2022-1 and the Future Annexation Area by proceeds of special taxes of CFD No. 2022-1 are set forth in Exhibit B, which is attached and incorporated herein by reference.

The Board of Directors determines that the Services are necessary to meet increased demands for these services placed upon local agencies due to development occurring within CFD No. 2022-1 and the Future Annexation Area. The Services are in addition to those provided in the territory of CFD No. 2022-1 and the Future Annexation Area as of the date of adoption of this resolution and will not supplant services already available within the territory of CFD No. 2022-1 and the Future Annexation Area as of the date of adoption of this resolution.

The proposed community facilities district shall also finance administrative expenses associated with the determination of the amount of and the levy and collection of special taxes that are levied to provide the Services, and costs otherwise incurred to carry out the authorized purposes of the community facilities district.

6. Special Tax. Except to the extent that funds are otherwise available to CFD No. 2022-1 to pay for the Services and administrative expenses of CFD No. 2022-1, a special tax (the "Special Tax") sufficient to pay the costs of the Services, secured by recordation of a continuing lien against all non-exempt property in CFD No. 2022-1, will be annually levied within the proposed community facilities district. The Special Tax shall be collected in the same manner as ordinary ad valorem property taxes or in such other manner as this Board of Directors or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the Special Tax (the "Rate and Method") among the parcels of real property within CFD No. 2022-1, in sufficient detail to allow each landowner within the proposed community facilities district to estimate the maximum amounts the owner will have to pay, are described in Exhibit C, which is attached and incorporated herein by reference. All matters pertaining to the calculation, levy, collection, administration, and duration of the Special Tax shall be governed by the applicable provisions of the Rate and Method as supplemented, if necessary, by the applicable provisions of the Act. The Board of Directors finds that the provisions of Section 53313.6, 53313.7, and 53313.9 of the Government Code (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to CFD No. 2022-1.

The Board of Directors determines that the Special Tax proposed to pay for the Services to be supplied within the Future Annexation Area shall be equal to any special tax levied to pay for the same Services in the existing CFD No. 2022-1, except that a higher or lower tax may be levied within the Future Annexation Area to the extent that the actual cost of providing the Services in the Future Annexation Area is higher or lower than the cost of providing those Services in the existing CFD No. 2022-1. In so finding, the Board of Directors does not intend to limit its ability to levy a special tax within the Future Annexation Area to provide new or additional services beyond those supplied within the existing CFD No. 2022-1.

7. Exempt Properties. Except as may otherwise be provided by law or by the Rate and Method, all lands owned by any public entity, including the United States, the State of California, Contra Costa County, the City of Antioch, and any departments or political subdivisions of any thereof, shall be omitted from the levy of the Special Tax.
8. Voting Procedures. The levy of the proposed Special Tax shall be subject to the approval of the qualified electors of the proposed CFD No. 2022-1 at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballots among the landowners in the proposed CFD No. 2022-1, with each owner having one vote for each acre or portion of an acre of land such owner owns within the boundaries of CFD No. 2022-1.

The Special Tax shall be levied in the Future Annexation Area only with unanimous approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

9. Report. The Fire Chief, or designee, is directed to study the proposed CFD No. 2022-1 and the proposed Services and to make, or cause to be made, and file with the Clerk of the Board a report in writing (the "Report"), presenting the following:

- a. A description of the Services that will be required to adequately meet the needs of CFD No. 2022-1.
- b. An estimate of the fair and reasonable cost of the Services and the incidental expenses in connection therewith, and all other related costs.

The Report shall be made a part of the record of the public hearing provided for below.

10. Public Hearing. The Board of Directors sets April 26, 2022 at 1pm, or as soon as possible thereafter, in the Board Chambers, Administration Building, 1025 Escobar Street, Martinez, California, as the time and place to conduct a public hearing on the establishment of CFD No. 2022-1 and the Future Annexation Area. The public hearing will be accessible to the public for participation via teleconference (Dial 888-251-2949, followed by Access Code 1672589#) and Zoom (the meeting agenda will include Zoom log-in information and will be posted to the following website, under agendas for the current year, in advance of the meeting: <https://www.contracosta.ca.gov/4664/Board-Meeting-Agendas-and-Videos>).

At the hearing, testimony of all interested persons for or against establishment of CFD No. 2022-1 and the Future Annexation Area, the extent of CFD No. 2022-1 and the Future Annexation Area, the proposed list of Services to be authorized, the proposed Rate and Method of Apportionment, or any other aspect of the proposed CFD No. 2022-1 and the Future Annexation Area will be heard and protests will be considered. As provided by the Act, written protests by the owners of a majority in area of the land within the proposed CFD No. 2022-1 will constitute a "majority protest" and will require the suspension of proceedings for at least one year. Written protests must be filed with the Clerk of the Board at or before the time fixed for the hearing. If such majority protests are directed only against certain elements of the proposed Services or proposed Special Tax, only those elements shall be deleted from the proceedings.

11. Notice. The Clerk of the Board is directed to cause notice of the public hearing to be given by publication one time in a newspaper published in the area of CFD No. 2022-1 and the Future Annexation Area. The publication shall be completed at least seven days before the date of the public hearing specified above. The notice of the public hearing shall be substantially in the form specified in Section 53322 of the Government Code.

The Clerk of the Board may also cause notice of the hearing to be given to each property owner within CFD No. 2022-1 by first class mail, postage prepaid, to each owner's address as it appears on the most recent tax records of the County or as otherwise known to the Clerk of the Board to be correct. The mailing shall be completed not less than 15 days before the date of the public hearing.

Effective Date. This resolution shall take effect upon its adoption.

Contact: Lewis Broschard, 925-941-3300
x1100

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.

ATTESTED: March 8, 2022

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

By June McHuen, Deputy