



Legislation Text

File #: RES 2024-243, **Version:** 1

To: Board of Supervisors

From: Warren Lai, Public Works Director/Chief Engineer

Report Title: Hearing on levy of proposed Fiscal Year 2024/2025 assessments in Assessment District 1979-3 (LL-2) and adoption of resolution levying assessments

Recommendation of the County Administrator Recommendation of Board Committee

RECOMMENDATIONS:

1. OPEN the public hearing, RECEIVE and CONSIDER all written and oral statements and protests, and CLOSE the public hearing.
2. ADOPT resolution, confirming the Assessment District 1979-3 (LL-2) diagram and assessments as set forth in the Fiscal Year 2024/25 engineer's report.
3. DIRECT the Clerk of the Board of Supervisors to file the confirmed diagram and assessments, or certified copy thereof, with the Auditor-Controller, in accordance with Streets and Highways Code section 22641.
4. DIRECT the Auditor-Controller to enter the confirmed assessments on the Fiscal Year 2024/25 assessment roll in accordance with Streets and Highways Code section 22645.

FISCAL IMPACT:

No impact on the General Fund. Costs associated with the levy and collection of assessments will be funded with Assessment District 1979-3 (LL-2) revenues.

BACKGROUND:

Assessment District 1979-3 (LL-2), also known as the Countywide Landscaping District ("District"), is made up of 32 zones in all five supervisorial districts. Within the zones, landscaping, irrigation systems, park and recreational facilities and other improvements have been constructed or installed, many by developers as conditions of approval. Annual assessments are levied each year on parcels in these zones under the Landscaping and Lighting Act of 1972 (Sts. & Hy. Code, div. 15, pt. 2, § 22500 et seq.) (the "Act"), to fund the maintenance and servicing of these facilities and, as the need arises, the installation or construction of new or replacement facilities.

On March 19, 2024, the Board adopted Resolution No. 2024/93, which ordered the preparation and filing of an engineer's report for District assessments to be levied in Fiscal Year 2024/25. On May 14, 2024, the Board received and approved the engineer's report, a copy of which is attached. As indicated in the report, no new improvements, and no significant changes in existing improvements in the Districts are proposed. The costs of existing improvements are projected to increase due to inflation. In zones where assessments are at their authorized maximums, and cannot be increased without additional assessment ballot proceedings, cost

increases may lead to reductions in maintenance services.

As the engineer's report also indicates, no increases in assessments are proposed in Fiscal Year 2024/25. Assessments in Zones 1, 2, 3, 4, 7, 10, 11, 17, 18, 19, 21, 27, 36, 37, 42, 45, 48, 57, 61, 63, 64, and 68 cannot be adjusted without future assessment ballot proceedings. Proposed adjustments of assessments in Zones 5, 35, 38, 54, 69, 70, 71, 74, and 75, where assessments are either below maximum authorized amounts or may be changed in accordance with changes in the applicable Consumer Price Index, were approved when parcel owners voted to approve the assessments in prior years, and are thus not considered to be increases that would trigger the need for additional assessment ballot proceedings.

Following its approval of the Fiscal Year 2024/25 engineer's report for the District, the Board adopted Resolution No. 2024/179, declaring the Board's intent to levy and collect District assessments and giving notice of a public hearing on the levy of the proposed assessments on July 9, 2024, at 9:00 a.m. in the Board Chambers at 1025 Escobar Street, Martinez, California. Any person may present written or oral testimony at the hearing regarding the levy of the proposed assessments. Prior to the conclusion of the public hearing, any interested person may file a written protest, stating all grounds for objection. Before making a decision on the levy of the proposed assessments, the Board is required under the Act to consider all oral statements and all written protests made or filed by any interested person. The Act also requires the Board to abandon the proposed levy of an increased assessment in the event of a "majority protest," which is determined based on the tally of ballots submitted in an assessment ballot proceeding. (See Sts. & Hy. Code, § 22630.5 and Gov. Code, § 53753, subd. (e)(4).) Because no assessment ballot proceeding is taking place, the majority protest procedure does not apply at this hearing.

During the public hearing, or upon the conclusion of the public hearing, the Board may order changes in any of the matters contained in the engineer's report, including changes in District improvements, zones, the proposed diagram, or the proposed assessments. Following the hearing, the Board may then adopt the resolution, confirming the District diagram and assessments. Adoption of the resolution constitutes the levy of the assessments.

CONSEQUENCE OF NEGATIVE ACTION:

District assessments could not be levied or collected in Fiscal Year 2024/25.

C: Laura Strobel-County Administrator/CAO, Robert Campbell-Auditor Controller, Thomas L. Geiger- County Counsel, Gus Kramer- County Assessor, E. Espinoza-Francisco & Associates, Inc., Jocelyn LaRocque-Public Works/Engineering Services, Diana Oyler- Public Works/Finance, Rochelle Johnson- Public Works/ Special Districts, Scott Anderson- Public Works/Special Districts, Francisco & Associates, Inc.

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

IN THE MATTER OF LEVYING ANNUAL ASSESSMENTS IN ASSESSMENT DISTRICT 1979-3 (LL-2)
IN FISCAL YEAR 2024/25

WHEREAS, The Board of Supervisors of Contra Costa County FINDS THAT:

1. Assessment District 1979-3 (LL-2), also known as the Countywide Landscaping District (“District”), was formed under the Landscaping and Lighting Act of 1972 (Sts. & Hy. Code, div. 15, pt. 2, § 22500 et seq.) (“the Act”).
2. On March 19, 2024, the Board approved Resolution No. 2024/93, designating the County Public Works Director as engineer for the District for Fiscal Year 2024/25 for the purposes of the Act (the “Engineer of Work”) and ordering the Engineer of Work to prepare and file an engineer’s report in accordance with Article 4 of Chapter 1 of the Act.
3. Pursuant to Resolution No. 2024/93 and in accordance with section 22623 of the Streets and Highways Code, the Engineer of Work filed the engineer’s report with the Clerk of the Board of Supervisors for submission to the Board.
4. On May 14, 2024, the Board approved the engineer’s report as filed and, in accordance with section 22624 of the Streets and Highways Code, adopted Resolution No. 2024/179, declaring the Board’s intention to levy and collect District assessments in Fiscal Year 2024/25 and setting a public hearing on the levy of the proposed assessments for July 9, 2024, at 9 a.m. in the Board Chambers at 1025 Escobar Street, Martinez, California.
5. Resolution No. 2024/179 was published by the Clerk of the Board of Supervisors in the East Bay Times, as required by Streets and Highways Code sections 22626, subdivision (a), 22552 and 22553 and as directed by the Board.
6. On July 9, 2024, the Board conducted the public hearing on the levy of the proposed assessments in Fiscal Year 2024/25. All interested persons were afforded the opportunity to hear and be heard. The Board received and considered all statements, objections and written protests made or filed by any interested person. No majority protest was filed.
7. Under section 22631 of the Streets and Highways Code, if a majority protest has not been filed, the Board may adopt a resolution confirming the District diagram and assessments. The adoption of this resolution constitutes the levy of the assessments for the fiscal year in question.

NOW, THEREFORE, BE IT RESOLVED THAT:

1. The District diagram and assessments as shown in the Fiscal Year 2024/25 engineer's report are confirmed.
2. By adoption of this resolution, District assessments are hereby levied for Fiscal Year 2024/25.