

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

Adopted this Resolution on November 28, 2023, by the following vote:

AYES:

NOES:

ABSENT:

ABSTAIN:

RESOLUTION NO. 2023/05

SUBJECT: Accepting tabulation of ballots and considering any objections for the levy and collection of the assessment for the Somerset development in the Wendt Ranch Geologic Hazard Abatement District (“GHAD”).

WHEREAS, on February 12, 2002, the Contra Costa County Board of Supervisors adopted Resolution 2002/59 approving the formation of the Wendt Ranch Geologic Hazard Abatement District (GHAD) and appointed itself to serve as the GHAD Board of Directors.

WHEREAS, the GHAD boundaries currently include the Wendt Ranch, Monterosso (formerly identified as Intervening Properties), Alamo Creek, and Somerset developments.

WHEREAS, of the date of this Resolution, real property assessments are currently being levied against homes within each development (except Somerset development) and these assessments are used to finance the GHAD operations within those developments;

WHEREAS, in order to pay for costs and expenses of maintaining and operating the GHAD improvements for the Somerset development as set forth in the Somerset Development Annexation Plan of Control (“Plan of Control”), a funding source must be established;

WHEREAS, an Engineer’s Report was prepared to support a real property assessment against the 150 townhomes within the Somerset development at a FY 2022/23 level of \$615.00 per single-residential unit for GHAD services and is attached as Exhibit 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 a 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 to reflect the Plan of Control adopted by the GHAD Board with Resolution No. 2021/03 on August 3, 2023. The Engineer’s Report

was prepared by 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 Somerset portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within the Somerset portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

WHEREAS, on November 28, 2023, the GHAD Board of Directors held a public hearing on the assessment proposed to be levied on real property located within the Somerset development. After the close of the public hearing, the GHAD Clerk opened the sealed ballots that had been submitted and not withdrawn prior to the close of the hearing and tabulated them in support of, or in opposition to, the proposed assessment. In tabulating the ballots, the GHAD Clerk weighed them according to the proportional financial obligation of the affected property. This Resolution states that the GHAD Board shall not impose the assessment if there is a majority protest and if there is no majority protest, the GHAD Board shall authorize the assessment.

THE BOARD OF DIRECTORS FOR THE WENDT RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT DECLARES, RESOLVES, FINDS AND ORDERS THAT:

1. The GHAD Board accepts the Tabulation of Votes from the GHAD Clerk showing the benefit assessment passed or failed as follows:

<u>Total Landowners</u>	<u>Voted</u>	<u>Yes</u>	<u>No</u>
150			

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

Contra Costa County, California, November 28, 2023

ATTEST: _____
Clerk of the GHAD Board

Attachments:
Exhibit A (Tabulation of Ballots)