

**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. 2023/06**

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**SUBJECT:** Confirming the assessment and authorizing 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 townhome 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 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 to reflect the Plan of Control adopted by the GHAD Board on August 3, 2021 with Resolution No. 2021/03. 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;

**WHEREAS**, on October 3, 2023 the GHAD Board adopted Resolution 2023/04 declaring its intention to order an assessment on the Somerset development and fixed a public hearing for November 28, 2023 to consider the assessment and any protests against the assessment;

**WHEREAS**, pursuant to Resolution No. 2023/04 the GHAD Board declared its intention, consistent with the requirements of Article XIII(D) of the California Constitution, to order that the costs and expenses of maintaining and operating the GHAD improvements acquired or constructed pursuant to Public Resources Code section 26500 *et seq.* be assessed against those parcels in the Somerset development, as identified on the Boundary Map (Exhibit A to the Engineer's Report), that are specially benefited by the GHAD;

**WHEREAS**, Resolution No. 2023/04 declared the GHAD Board's intention to assess against those parcels in the Somerset development and as shown on the Boundary Map, all or part of the amount set forth in the Engineer's Report commencing with Fiscal Year 2024/2025 for each lot in the Somerset development;

**WHEREAS**, at the public hearing on November 28, 2023, the GHAD Board was presented with the ballots received from the record property owners. 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 the proposed assessment. In tabulating the ballots, the GHAD Clerk weighed them according to the proportional financial obligation of the affected property. The GHAD Clerk found that there was no majority protest to the proposed assessment at the November 28, 2023, public hearing and the Board adopted Resolution No. 2023/05 accepting the canvass of votes; and

**WHEREAS**, the Board desires to confirm the assessment for the Somerset development and authorize the levy and collection of the assessment.

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

1. That notice of the public hearing described above in accordance with Public Resources Code sections 26651 through 26653 and Article XIII(D), Section 4 of the California Constitution was provided.
2. The public hearing was held before the GHAD Board on November 28, 2023, at 9:00 a.m. to hear and consider any protests regarding the assessment. At the hearing, the GHAD Board heard and considered any and all protests to the proposed assessment. After the public hearing was closed, the sealed ballots were canvassed and tabulated.

3. Based upon the tabulation of the ballots, the GHAD Board found that there was no majority protest. Therefore, the GHAD Board is authorized to levy the proposed assessment pursuant to Public Resources Code section 26653 and Article XIII(D), Section 4 of the California Constitution on property within the Somerset development.
4. The GHAD Board further confirms the assessment at a FY 2022/23 level of \$615.00 per townhome unit, as set forth in the Engineer's Report attached hereto Exhibit A.
5. The GHAD Board further orders that the assessment amount in the Engineer's Report (with an adjustment annually to reflect the percentage change in the San Francisco-Oakland-Hayward Consumers Price Index for All Urban Consumers) shall be assessed against each residential parcel in the Somerset development, which shall be levied starting Fiscal Year 2024/2025 for each parcel and the assessment will continue to be levied in perpetuity.
7. The GHAD Board further orders that the assessment shall be levied and collected in the following manner:
  - (a) The GHAD Manager shall cause to be recorded a Notice of Assessment, in substantially the form as attached hereto Exhibit B, as provided for in Section 3114 of the California Streets and Highway Code, whereupon the assessment shall be attached as a lien upon the property.
  - (b) Thereafter, the assessment shall be payable at the same time and in the same manner as general taxes on real property within the Wendt Ranch GHAD are payable.
  - (c) All funds generated by the assessment, and all returns earned on the assessment, shall be segregated and deposited in the existing Wendt Ranch GHAD account for the exclusive benefit of the Somerset portion of the GHAD, as directed by the GHAD Treasurer. Said funds shall not be deposited or credited to the County or any of its departments, including the County Finance and Management agency or the County Treasury.
8. 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 (Engineer's Report)  
Exhibit B (Notice of Assessment)