

**BEFORE THE BOARD OF DIRECTORS OF SAN BENITO  
GEOLOGIC HAZARD ABATEMENT DISTRICT**

**Resolution No. 2022-02**

**RESOLUTION DECLARING THE SAN BENITO GEOLOGIC HAZARD ABATEMENT DISTRICT'S INTENT TO ORDER THE ASSESSMENT SET FORTH IN THE ENGINEER'S REPORT DATED SEPTEMBER 1, 2021 AND SET A PUBLIC HEARING FOR APRIL 26, 2022 TO CONSIDER THE PROPOSED ASSESSMENT AND ANY OBJECTIONS THERETO.**

**WHEREAS**, on May 10, 2016, the San Benito County Board of Supervisors approved Resolution No. 2016-31 ordering the formation of the San Benito Geologic Hazard Abatement District and appointed itself to serve as the San Benito Geologic Hazard Abatement District Board of Directors; and

**WHEREAS**, on December 14, 2021, the GHAD Board accepted a petition from Century Communities requesting annexation of The Promontory at Ridgemark Development into the GHAD; and

**WHEREAS**, on January 25, 2022, the GHAD Board held a public hearing on the proposed annexation and The Promontory at Ridgemark Development Plan of Control ("Plan of Control") and thereafter adopted Resolution 22-1 approving the annexation and adopting the Plan of Control; and

**WHEREAS**, in order to pay for costs and expenses of maintaining and operating the GHAD improvements as set forth in the Plan of Control, a funding source must be established; and

**WHEREAS**, an Engineer's Report has been prepared to support a real property assessment against the 90 single-family residential units at a Fiscal Year 2021/22 level of \$1,332 per each single family residential unit for GHAD services and is attached as Attachment 1;

**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 January 25, 2022, the document's preparer being 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 attached hereto as Attachment 1 sets forth the purpose of The Promontory at Ridgemark Development portion of the GHAD, the estimated budget, the total assessment that will be chargeable to The Promontory at Ridgemark Development portion of the GHAD, the proposed estimated assessment to be levied against each parcel of property within The

Promontory at Ridgemark Development portion of the GHAD, and a description of the method used in formulating the estimated assessments; and

**WHEREAS**, the property within The Promontory at Ridgemark Development portion of the GHAD is identified on the map attached as Attachment 2 and each parcel is proposed to be assessed.

**NOW THEREFORE** the Board of Directors of the GHAD hereby resolves as follows :

1. The GHAD Board declares its intention, consistent with the requirements of Article XIII (D) of the California Constitution, Public Resources Code sections 26650 *et seq.*, Government Code section 53750, and Elections Code section 4000, to order that the cost and expense of maintaining and operating any GHAD improvements in The Promontory at Ridgemark Development acquired or constructed pursuant to Public Resources Code sections 26500 *et seq.* shall be assessed against the property within The Promontory at Ridgemark Development portion of the GHAD, which is benefited by the properties in this portion of the GHAD.

2. The GHAD Board shall not order this assessment if a majority protest exists within The Promontory at Ridgemark Development portion of the GHAD as defined in Section 4(e) of Article XIII(D) of the California Constitution.

3. Each of the parcels identified in Attachment 2 will receive a particular and distinct special benefit in the form of GHAD facilities and services that are over and above the general benefits received by the general public. Specifically, the GHAD's maintenance responsibilities include prevention and abatement of geologic hazards such as landslides and slope erosion within The Promontory at Ridgemark Development portion of the GHAD. The GHAD will have responsibilities that include (a) maintenance of slopes, drainage ditches, and storm drain systems, (b) vegetation control for fire suppression and fence maintenance, and (c) establishment of a reserve to fund, prevent, mitigate, abate or control geologic hazards within this area. These special benefits are described in detail in the Plan of Control.

4. Whenever a residential building permit is issued for any of the 90 residential units identified in Attachment 2, that lot will be assessed based on assessment limit described in the attached Engineer's Report. The annual assessment amount for each residential unit was calculated by dividing the annual Promontory at Ridgemark Development portion of the GHAD budget by the number of residential units planned within that portion of the GHAD boundaries provided in the Engineer's Report.

5. The GHAD Board has reviewed and considered the attached Engineer's Report for The Promontory at Ridgemark Development. The special benefit derived from the GHAD by each parcel is proportionate to the entire cost of the Promontory at Ridgemark Development portion of the GHAD, and the amount of the assessment is proportional to, and no greater than, the benefits conferred on each parcel. The assessment does not exceed the reasonable cost of the proportional special benefit conferred on each parcel.

6. The GHAD Board directs the Applicant's Consultant to mail or cause to be mailed, no later than three (3) days after adoption of this Resolution, the "Notice of Adoption of Resolution and Notice of Assessment" of the Public Hearing, in substantially the same form as in Attachment 3 ("Notice") to the record owners of each parcel upon which the assessment will be imposed. The sealable Ballot, attached hereto as Attachment 4, and the GHAD Engineer's Report, shall be attached to the Notice.

7. The GHAD Board will conduct a public hearing on April 26, 2022 at the chambers of the San Benito County Board Chambers at 481 Fourth Street, Hollister, CA 95023 at 9 a.m. or thereafter. The Applicant's Consultant shall deliver all sealed ballots received from record owners of parcels within The Promontory at Ridgemark Development portion of the GHAD to the Board Clerk at the public hearing. The ballots shall remain sealed until they are tabulated. The GHAD Board shall permit a change, withdrawal, or submittal of a ballot at any time prior to the conclusion of the public testimony on the proposed assessment at the public hearing. The GHAD Board shall consider all protests against the proposed assessment. At the GHAD Board hearing, the Board Clerk, or some other impartial person not having a vested interest in the outcome of the proposed assessment, shall tabulate the ballots, and shall weight the ballots according to the proportional financial obligation of the affected property. The GHAD Board shall not impose the assessment if there is a majority protest as that term is defined by Section 4(e) of Article XIII (D) of the California Constitution. If there is no majority protest, the GHAD Board shall authorize the assessment. Following the public hearing, the GHAD Board shall consider the adoption of the canvas of votes for the GHAD.

8. Upon authorization of the assessment, the GHAD Board shall levy the authorized assessment on the 90 residential units the first fiscal year following issuance of a residential building permit for each of those parcels on which the residences are located.

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

[continued on following page]

**PASSED AND ADOPTED BY THE SAN BENITO GHAD BOARD OF DIRECTORS  
THIS 8<sup>TH</sup> DAY OF MARCH, 2022 BY THE FOLLOWING VOTE:**


AYES:  
NOES:  
ABSENT:  
ABSTAIN:

BY: \_\_\_\_\_

Bea Gonzales  
Chair of the San Benito GHAD

APPROVED AS TO LEGAL FORM:  
Barbara J. Thompson County Counsel

ATTEST:

  
\_\_\_\_\_

By: Joel Ellinwood, Assistant County Counsel

\_\_\_\_\_

Jennifer Frechette, Clerk, San Benito County

Date: March 8, 2022

Date: March 8, 2022

**Attachment 1** – Engineer’s Report

**Attachment 2** – Legal Description and Plat

**Attachment 3** – Notice of Adoption of Resolution and Notice of Assessment

**Attachment 4** – Ballot