



GEOLOGIC HAZARD ABATEMENT DISTRICT MEETING AGENDA

Tuesday, June 18, 2024
6:55 PM

City Council Chamber
200 Old Bernal Avenue
Pleasanton, CA 94566

The meeting will be held in-person.

Public participation: It is requested that members of the public wishing to address the City Council submit a speaker card. When public comment is opened on an agenda item, individuals may speak once per agenda item.

To submit written public comment regarding an open session item on this meeting agenda visit <https://forms.cityofpleasantonca.gov/f/writtenpubliccomment>. Comments will be accepted by the City Clerk's Office until 12:00 p.m. on the day of the Council meeting.

In Person at Council Chamber:

- Submit a physical speaker card to the City Clerk at the meeting. When your name is called, please provide comment at the podium.

CALL TO ORDER

Reso No. GHAD 24-145

- Roll Call

PUBLIC HEARINGS AND OTHER MATTERS

If necessary to ensure completion of the following items, the Mayor may alter time limits.

1. Adopt resolutions approving the annual assessments according to the Engineer's reports for the Geologic Hazard Abatement Districts (GHAD) for Laurel Creek, Moller Ranch, Lemoine Ranch, and Oak Tree Farm

ADJOURNMENT

Notice

Under Government Code §54957.5, any writings/documents regarding an open session item on this agenda and items received by the City Clerk's Office by 12:00 p.m. on the day of the meeting provided to a majority of the City Council after distribution of the agenda packet will be available for public inspection on the City's website <https://www.cityofpleasantonca.gov/> and also at the Pleasanton Library located at 400 Old Bernal Ave., Pleasanton, CA 94566.

There is a 90-day limit for the filing of a challenge in the Superior Court to certain City administrative decisions and orders, which require a hearing by law, the receipt of evidence, and the exercise of discretion. The 90-day limit begins on the date the decision is final (Code of Civil Procedure § 1094.6). Further, if you challenge an action taken by the City Council in court, you may be limited, by California law, including but not limited to Government Code §65009, to raising only those issues you or someone else raised in the public hearing, or in written correspondence delivered to the City Council prior to or at the public hearing. The City Council may be requested to reconsider a decision if the request is made prior to the next City Council meeting, regardless of whether it is a regular or special meeting.

Accessible Public Meetings

The City of Pleasanton can provide special assistance for persons with disabilities to participate in public meetings. To make a request for a disability-related modification or accommodation (e.g., an assistive listening device), please contact the City Clerk's Office at 123 Main Street, Pleasanton, CA 94566 or (925) 931-5027 at the earliest possible time. If you need sign language assistance, please provide at least two working days' notice prior to the meeting date.

June 18, 2024

Public Works - Engineering Division

**TITLE: ADOPT RESOLUTIONS APPROVING THE ANNUAL ASSESSMENTS
ACCORDING TO THE ENGINEER'S REPORTS FOR THE GEOLOGIC HAZARD
ABATEMENT DISTRICTS (GHAD) FOR LAUREL CREEK, MOLLER RANCH,
LEMOINE RANCH, AND OAK TREE FARM**

SUMMARY

A Geologic Hazard Abatement District (GHAD) is a property tax assessment district formed to fund monitoring, maintenance, and repair of open space hillsides and related storm drainage infrastructure within neighborhoods subject to landslides or other unexpected geologic movement. Each of the four GHADs in Pleasanton is defined by a geographic boundary. The four GHADs are located west of Foothill Road, listed from north to south: Laurel Creek, Moller Ranch, Lemoine Ranch, and Oak Tree Farm.

The source of funding for the four GHADs is an annual tax assessment on properties within each geographic boundary. This report proposes levying assessments on those properties for the upcoming 2024-25 tax year, with the annual assessment increased by the allowable two percent.

RECOMMENDATION

Adopt resolutions approving the annual assessments according to the Engineer's Reports for the Geologic Hazard Abatement Districts (GHAD) for Laurel Creek, Moller Ranch, Lemoine Ranch, and Oak Tree Farm.

This procedure requires the Board of Directors to:

1. Convene as the Board of Directors for the Laurel Creek, Moller Ranch, Lemoine Ranch, and Oak Tree Farm GHADs.
2. Open and conduct a public hearing to hear protests regarding the levy of annual assessments for each of the GHADs according to the Engineer's Reports approved at the May 21, 2024, Board meeting, making modifications or adjustments if deemed necessary by the Board.
3. Adopt a resolution confirming the assessments, and order that the amount of the assessments be levied against each property within the GHADs for the costs to operate the GHADs.
4. Direct the Clerk of the District to record a Notice of Assessments.
5. Appropriate the following amounts to fund assessments for City-owned properties:

GHAD Name	Fund	Water Fund Amount	Sewer Fund Amount
Laurel Creek	Water Fund (420)	2 parcels X \$432 = \$864	\$0

Moller Ranch	Water Fund (420)	\$133	\$0
Oak Tree Farm	Sewer Fund (430)	\$0	\$355
Total Appropriations		\$997	\$355

BACKGROUND

Geologic Hazard Abatement Districts (GHADs) are authorized by California Public Resources Code §26500. Like any special tax assessment district, a GHAD assesses property owners for a benefit they receive that is special to them. In Pleasanton, property owners within the GHADs benefit from having the City monitor and repair landslides or similar geologic damage that may occur unexpectedly in their neighborhoods. The GHADs provide needed funding for the City to conduct bi-annual inspections as well as annual maintenance of slope ditches and downstream drainage networks to lessen the likelihood of landslide occurrence. If a landslide should occur, reserve funds within the GHADs can offset the repair costs. In the absence of the GHADs, landslides could threaten homes and critical infrastructure within each neighborhood, with few viable funding options to mitigate the damage.

GHADs are formed when a geotechnical investigation associated with the development of the neighborhood reveals hillside areas that are unsuitable for housing due to underlying geologic issues that are costly for a developer to address. These unsuitable areas are set aside as open spaces. The developer is then obligated to construct drainage infrastructure and similar features designed to lessen the likelihood of landslides and address the impact should a landslide occur. GHAD formation also requires a Plan of Control that identifies the drainage infrastructure to be monitored and maintained, and assigns expected costs for this work. The Plan of Control also recommends a reserve account funded by the developer to be used in the event damage occurs.

The City Council has been designated as the Board of Directors for each GHAD and is responsible for oversight of GHAD funding to ensure assessments are only utilized as prescribed in the Plan of Control. The Board must also authorize annual assessment increases based on approved Engineer's Reports. Due to California Proposition 218 from November 1996, assessment increases must follow the escalation clause within each Plan of Control, limiting the increases to not more than two percent each year.

DISCUSSION

The annual assessments can be adjusted yearly according to the Construction Cost Index (CCI) for the San Francisco Bay Area as published by Engineering News Record (ENR), a nationwide construction trades magazine. Because the CCI exceeded two percent during the past year (7.8%), the Engineer's Reports recommend a two percent assessment increase for each GHAD.

The table below lists (A) the number of parcels within each GHAD that are subject to assessment, (B) the proposed assessment amount for the coming year, (C) the projected total revenue, (D) the anticipated operational expenses, (E) the excess revenue to be deposited to reserve accounts, and (F) the total current fund reserve. For the upcoming year, a portion of each reserve account will be utilized to fund a deferred maintenance project based on

deficiencies discovered during bi-annual monitoring.

Although the reserve accounts will continue to have positive balances, needed upgrades to drainage infrastructure will eventually deplete the reserves such that supplemental funding may be needed in the future to respond to a significant geologic event. To address this, staff will develop a plan intended to replenish the reserve funds which will likely include an increase in the proposed annual assessment.

GHAD Name	Number of Parcels (A)	Proposed Annual Assessment (B)	Projected Revenue (C = A X B + interest)	Anticipated Operational Expenses (D)	Deposit to Fund Reserve (E = D – C)	Total Current Fund Reserve (F)
Laurel Creek	121	\$432	\$65,272	\$93,005	<\$27,733>	\$1,080,483
Moller Ranch	100	\$133	\$15,000	\$56,304	<\$41,304>	\$121,749
Lemoine Ranch	12	\$780	\$10,760	\$30,323	<\$19,563>	\$99,361
Oak Tree Farm	42	\$355	\$15,910	\$37,696	<\$21,786>	\$117,057
Totals			\$106,942	\$217,328	<\$110,386>	\$1,418,650

At its May 21, 2024, meeting, the City Council acting as Board of Directors for the GHADs adopted a resolution declaring its intention to order assessments from property owners within each GHAD for FY 2024/25. Property owners have a right to protest the assessments or to ask for modifications or adjustments at a public hearing; the Board shall hear and consider all protests. After the close of the public hearing, the Board shall confirm the assessments and order that the amount of each assessment be levied. If the assessments are ordered, the City Clerk will record the Notice of Assessments with the Alameda County Tax Collector as provided in California Streets and Highways Code §3114.

CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA)

Maintenance work within each GHAD is categorically exempt from CEQA under Guidelines Section 15302, "Replacement or Reconstruction."

EQUITY AND SUSTAINABILITY

Not applicable, as this item is a routine matter of City business.

OUTREACH

Notices were sent by the City Clerk to owners of real property within each GHAD informing them of the date and time of the public hearing for the Board to hear any protests concerning the proposed assessments.

STRATEGIC PLAN ALIGNMENT

Approval of this action advances the Citywide ONE Pleasanton strategic plan goal of *Funding our Future* to support financial health and sound fiscal policies through long-term planning, cost recovery, increased revenue, and cost containment.

FISCAL IMPACT

The GHAD Division is a Special Revenue Fund in the FY 2023/24 and FY 2024/25 Operating Budget for Engineering/Public Works Department. The budget anticipated \$88,929 in Total Division Revenues and \$195,557 in Total Division Expenditures. Special Revenue Funds allocated to the GHAD Division can only be spent within the GHAD program, and specifically within the individual GHAD where the assessments were collected (i.e., no commingling). The increase in expenditure shown in the budget was due to a landslide that occurred within the Laurel Creek GHAD where reserves will be used to fund a future repair.

The City pays for two parcels within the Laurel Creek assessment (\$864), one parcel within the Moller Ranch District (\$133), and one parcel within the Oak Tree Farm District assessment (\$355), as the City owns properties within these districts. These properties contain public facilities, such as water tanks and pump stations.

The City's cost to administer the four GHADs is funded by the assessments.

Prepared by:



Michael Stella, Senior Civil Engineer

Submitted by:



Siew-Chin Yeong, Director of Public Works

Approved by:



Gerry Beaudin, City Manager

Attachments:

1. Resolution: Laurel Creek GHAD
2. Resolution: Moller Ranch GHAD
3. Resolution: Lemoine Ranch GHAD
4. Resolution: Oak Tree Farm GHAD

RESOLUTION NO. GHAD 24-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AS BOARD OF DIRECTORS OF THE LAUREL CREEK GEOLOGIC HAZARD ABATEMENT DISTRICT CONFIRMING ASSESSMENTS WITHIN THE LAUREL CREEK GEOLOGIC HAZARD ABATEMENT DISTRICT AND ORDERING LEVY AND COLLECTION THEREOF**

WHEREAS, on November 18, 1997, the City Council of the City of Pleasanton adopted Resolution No. 97-135, approving the formation of a geologic hazard abatement district (GHAD) for the Laurel Creek neighborhood and appointing the City Council as the Board of Directors for the GHAD; and

WHEREAS, on May 21, 2024, the Board of Directors of the Laurel Creek GHAD adopted Resolution No. GHAD 24-141 declaring the Board's intention to order the costs of operating the GHAD be assessed against properties within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against properties within the GHAD, for the 2024-25 fiscal year, those amounts set forth in the report prepared by the GHAD Engineer pursuant to California Public Resources Code §26651. Said Resolution further fixed June 18, 2024, at 6:55 p.m. as the time for the hearing of any protests to the proposed assessments; and further directed the City Clerk to mail notice of said hearing pursuant to California Public Resources Code §26652.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE LAUREL CREEK GEOLOGIC HAZARD ABATEMENT DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. A public hearing before the Board for the hearing of any protests to the proposed assessments within the Laurel Creek GHAD was held on June 18, 2024, at 6:55 p.m. Notice of said hearing was given in accordance with the requirements of California Public Resources Code §26652.

SECTION 2. At the hearing, the Board heard and considered all protests to the proposed assessments. Thereafter, the Board closed the hearing.

SECTION 3. The Board hereby orders that the costs of operating the GHAD shall be assessed against properties within the GHAD benefited thereby.

SECTION 4. The Board further confirms the assessments, as detailed in the above-referenced report submitted by the GHAD Engineer, and orders that the amount of said assessments levied against each property within the GHAD and benefited thereby, shall be as follows:

Single Family Residential Lots:	\$432 per annum
Tract 6400 (Lots 1 to 60)	
Tract 6590 (Lots 1 to 39)	
Tract 7045 (Lots 1 to 7)	
Tract 6951 (Lots 1 to 12)	
Open Space, Access, or Private Park Parcels:	\$0 per annum

Tract 6400 (Parcels A, B, D, F, G, H, I, K, N & O)
Tract 6590 (Parcels A & B)
Tract 6951 (Parcels B, D)
Tract 7045 (Parcel A)

City Water Reservoirs: \$432 per annum
Tract 6400 (Portion of Parcel B and Parcel L)

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year by the Engineering News Record Construction Cost Index for the San Francisco Bay Area with a maximum adjustment of two percent.

PROJECTED INCOME:

Annual Income (119 Single-Family Residential Lots)	\$51,408.00
2 Laurel Creek Water Reservoir Parcels	\$864.00
Remaining Parcels	\$0.00
Interest Income:	<u>\$13,000</u>
TOTAL:	\$65,272.00

PROJECTED EXPENDITURE:

Geologic and/or Geotechnical Engineering Consultant	\$30,210.00
Repair and maintenance (per Plan of Control)	\$59,100.00
City Review and Inspection	\$4,478.00
County Administration	<\$783.00>
Reserve	<u><\$27,733.00></u>
TOTAL:	\$65,272.00

SECTION 5. The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2024-25 fiscal year.

SECTION 6. The Board further orders that said assessments shall be levied and collected in the following manner:

(a) The City Clerk of the Board shall cause to be recorded a Notice of Assessments, as provided for in California Streets and Highways Code §3114, whereupon the assessments shall attach as a lien upon the property, as provided in said Code.

(b) Thereafter, such assessments shall be payable at the same time and in the same manner as general taxes on real property within the GHAD.

(c) All funds generated by such assessments, and all interest earned thereon, shall be kept segregated and in a separate account for the exclusive benefit of the Laurel Creek GHAD, and shall not be deemed at any time to constitute funds credited to the City treasury.

SECTION 7. The City Attorney is authorized to enter into, on behalf of the City of Pleasanton, a Certification and Mutual Indemnification Agreement with the County of Alameda in order to effectuate the collection of special taxes, assessments and fees on the Secured Tax Roll.

SECTION 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton, acting as Board of Directors of the Laurel Creek Geologic Hazard Abatement District, at a meeting held on June 18, 2024.

I, Jocelyn Kwong, Clerk for the Laurel Creek GHAD, certify that the foregoing Resolution was adopted by the Board of Directors at a meeting held on the 18th of June 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, Clerk for the Laurel Creek
GHAD

APPROVED AS TO FORM

Daniel G. Sodergren, General Counsel
for the Laurel Creek GHAD

RESOLUTION NO. GHAD 24-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AS BOARD OF DIRECTORS OF THE MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT CONFIRMING ASSESSMENTS WITHIN THE MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT AND ORDERING LEVY AND COLLECTION THEREOF**

WHEREAS, on August 15, 1995, the City Council of the City of Pleasanton adopted Resolution No. 95-92, approving the formation of a geologic hazard abatement district (GHAD) for the Moller Ranch project area and appointing the City Council as the Board of Directors for the GHAD; and

WHEREAS, on May 21, 2024, the Board of Directors of the Moller Ranch GHAD adopted Resolution No. GHAD 24-142 declaring the Board's intention to order the costs of operating the GHAD be assessed against properties within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against properties within the GHAD, for the 2024-25 fiscal year, those amounts set forth in the report prepared by the GHAD Engineer pursuant to California Public Resources Code §26651. Said Resolution further fixed June 18, 2024, at 6:55 p.m. as the time for the hearing of any protests to the proposed assessments; and further directed the City Clerk to mail notice of said hearing pursuant to California Public Resources Code §26652.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. A public hearing before the Board for the hearing of any protests to the proposed assessments within the Moller Ranch GHAD was held on June 18, 2024, at 6:55 p.m. Notice of said hearing was given in accordance with the requirements of California Public Resources Code §26652.

SECTION 2. At the hearing, the Board heard and considered all protests to the proposed assessments. Thereafter, the Board closed the hearing.

SECTION 3. The Board hereby orders that the costs of operating the GHAD shall be assessed against properties within the GHAD benefited thereby.

SECTION 4. The Board further confirms the assessments, as detailed in the above-referenced report submitted by the GHAD Engineer, and orders that the amount of said assessments levied against each property within the GHAD and benefited thereby, shall be as follows:

Single Family Residential Tract 6618 (Lots 1-99)	\$133.00 per annum
Open Space and Trailhead Parking Parcels: Tract 6618 (Parcels A, B, C, D, E, F, G, & H)	\$0 per annum
City Water Reservoir:	\$133.00 per annum

Tract 6618 (Lot I)

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year by the Engineering News Record Construction Cost Index for the San Francisco Bay Area with a maximum adjustment of two percent.

PROJECTED INCOME:

Annual Income (99 Single-Family Residential Lots)	\$13,167.00
Moller Ranch Water Reservoir Parcel	\$133.00
Open Space and Trailhead Parking Parcels	\$0.00
Interest Income:	<u>\$1,700</u>
TOTAL:	\$15,000.00

PROJECTED EXPENDITURE:

Geologic and/or Geotechnical Engineering Consultant	\$6,386.00
Repair and maintenance (per Plan of Control)	\$48,200.00
City Review and Inspection	\$1,836.00
County Administration	<\$118.00>
Reserve	< <u>\$41,304.00</u> >
TOTAL:	\$15,000.00

SECTION 5. The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2024-25 fiscal year.

SECTION 6. The Board further orders that said assessments shall be levied and collected in the following manner:

(a) The City Clerk of the Board shall cause to be recorded a Notice of Assessments, as provided for in California Streets and Highways Code §3114, whereupon the assessments shall attach as a lien upon the property, as provided in said Code.

(b) Thereafter, such assessments shall be payable at the same time and in the same manner as general taxes on real property within the GHAD.

(c) All funds generated by such assessments, and all interest earned thereon, shall be kept segregated and in a separate account for the exclusive benefit of the Moller Ranch GHAD, and shall not be deemed at any time to constitute funds credited to the City treasury.

SECTION 7. The City Attorney is authorized to enter into, on behalf of the City of Pleasanton, a Certification and Mutual Indemnification Agreement with the County of Alameda in order to effectuate the collection of special taxes, assessments and fees on the Secured Tax Roll.

SECTION 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton, acting as Board of Directors of the Moller Ranch Geologic Hazard Abatement District, at a meeting held on June 18, 2024.

I, Jocelyn Kwong, Clerk for the Moller Ranch GHAD, certify that the foregoing Resolution was adopted by the Board of Directors at a meeting held on the 18th of June, 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, Clerk for the
Moller Ranch GHAD

APPROVED AS TO FORM

Daniel G. Sodergren, General Counsel
for the Moller Ranch GHAD

RESOLUTION NO. GHAD 24-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AS BOARD OF DIRECTORS OF THE LEMOINE RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT CONFIRMING ASSESSMENTS WITHIN THE LEMOINE RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT AND ORDERING LEVY AND COLLECTION THEREOF**

WHEREAS, on May 20, 2003, the City Council of the City of Pleasanton adopted Resolution No. 03-062, approving the formation of a geologic hazard abatement district (GHAD) for the Lemoine Ranch neighborhood and appointing the City Council as the Board of Directors for the GHAD; and

WHEREAS, on May 21, 2024, the Board of Directors of the Lemoine Ranch GHAD adopted Resolution No. GHAD 24-143 declaring the Board's intention to order the costs of operating the GHAD be assessed against properties within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against properties within the GHAD, for the 2024-25 fiscal year, those amounts set forth in the report prepared by the GHAD Engineer pursuant to California Public Resources Code §26651. Said Resolution further fixed June 18, 2024, at 6:55 p.m. as the time for the hearing of any protests to the proposed assessments; and further directed the City Clerk to mail notice of said hearing pursuant to California Public Resources Code §26652.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE LEMOINE RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. A public hearing before the Board for the hearing of any protests to the proposed assessments within the Lemoine Ranch GHAD was held on June 18, 2024, at 6:55 p.m. Notice of said hearing was given in accordance with the requirements of California Public Resources Code §26652.

SECTION 2. At the hearing, the Board heard and considered all protests to the proposed assessments. Thereafter, the Board closed the hearing.

SECTION 3. The Board hereby orders that the costs of operating the GHAD shall be assessed against properties within the GHAD benefited thereby.

SECTION 4. The Board further confirms the assessments, as detailed in the above-referenced report submitted by the GHAD Engineer, and orders that the amount of said assessments levied against each property within the GHAD and benefited thereby, shall be as follows:

Single Family Residential Lots Tract 7176 (Lots 1-12)	\$780 per annum
Open Space and Private Road Parcel Tract 7176 (Parcel A)	\$0 per annum

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year by the Engineering News Record Construction Cost Index for the San Francisco Bay Area with a maximum adjustment of two percent.

PROJECTED INCOME:

Annual Income (12 Single-Family Residential Lots)	\$9,360.00
Open Space and Private Road Parcel	\$0.00
Interest Income:	<u>\$1,400</u>
TOTAL:	\$10,760.00

PROJECTED EXPENDITURE:

Geologic and/or Geotechnical Engineering Consultant	\$2,987.00
Repair and maintenance (per Plan of Control)	\$25,500.00
City Review and Inspection	\$1,836.00
Reserve	<u><\$19,563.00></u>
TOTAL:	\$10,760.00

SECTION 5. The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2024-25 fiscal year.

SECTION 6. The Board further orders that said assessments shall be levied and collected in the following manner:

(a) The City Clerk of the Board shall cause to be recorded a Notice of Assessments, as provided for in California Streets and Highways Code §3114, whereupon the assessments shall attach as a lien upon the property, as provided in said Code.

(b) Thereafter, such assessments shall be payable at the same time and in the same manner as general taxes on real property within the GHAD.

(c) All funds generated by such assessments, and all interest earned thereon, shall be kept segregated and in a separate account for the exclusive benefit of the Lemoine Ranch GHAD, and shall not be deemed at any time to constitute funds credited to the City treasury.

SECTION 7. The City Attorney is authorized to enter into, on behalf of the City of Pleasanton, a Certification and Mutual Indemnification Agreement with the County of Alameda in order to effectuate the collection of special taxes, assessments and fees on the Secured Tax Roll.

SECTION 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton, acting as Board of Directors of the Lemoine Ranch Geologic Hazard Abatement District, at a meeting held on June 18, 2024.

I, Jocelyn Kwong, Clerk for the Lemoine Ranch GHAD, certify that the foregoing Resolution was adopted by the Board of Directors at a meeting held on the 18th of June, 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, Clerk for the
Lemoine Ranch GHAD

APPROVED AS TO FORM

Daniel G. Sodergren, General Counsel
for the Lemoine Ranch GHAD

RESOLUTION NO. GHAD 24-**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF PLEASANTON AS BOARD OF DIRECTORS OF THE OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT CONFIRMING ASSESSMENTS WITHIN THE OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT AND ORDERING LEVY AND COLLECTION THEREOF**

WHEREAS, on November 15, 1994, the City Council of the City of Pleasanton adopted Resolution No. 94-135, approving the formation of a geologic hazard abatement district (GHAD) for the Oak Tree Farm neighborhood and appointing the City Council as the Board of Directors for the GHAD; and

WHEREAS, on May 21, 2024, the Board of Directors of the Oak Tree Farm GHAD adopted Resolution No. GHAD 24-144 declaring the Board's intention to order the costs of operating the GHAD be assessed against properties within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against properties within the GHAD, for the 2024-25 fiscal year, those amounts set forth in the report prepared by the GHAD Engineer pursuant to California Public Resources Code §26651. Said Resolution further fixed June 18, 2024, at 6:55 p.m. as the time for the hearing of any protests to the proposed assessments; and further directed the City Clerk to mail notice of said hearing pursuant to California Public Resources Code §26652.

NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT DOES RESOLVE, DECLARE, DETERMINE AND ORDER THE FOLLOWING:

SECTION 1. A public hearing before the Board for the hearing of any protests to the proposed assessments within the Oak Tree Farm GHAD was held on June 18, 2024, at 6:55 p.m. Notice of said hearing was given in accordance with the requirements of California Public Resources Code §26652.

SECTION 2. At the hearing, the Board heard and considered all protests to the proposed assessments. Thereafter, the Board closed the hearing.

SECTION 3. The Board hereby orders that the costs of operating the GHAD shall be assessed against properties within the GHAD benefited thereby.

SECTION 4. The Board further confirms the assessments, as detailed in the above-referenced report submitted by the GHAD Engineer, and orders that the amount of said assessments levied against each property within the GHAD and benefited thereby, shall be as follows:

Single Family Residential Lots:	\$355.00 per annum
Tract 6563 (Lots 1 to 21, 23 and Parcel B)	
Tract 6748 (Lots 1 to 15)	
Parcel Map 8293 (Parcels 1 to 3)	
Open Space Parcels:	\$0 per annum

Tract 6563 (Parcels A and C)

Sewage Lift Station Parcel: \$355.00 per annum
Tract 6748 (Grant Deed by separate instrument)

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year by the Engineering News Record Construction Cost Index for the San Francisco Bay Area with a maximum adjustment of two percent.

PROJECTED INCOME:

Annual Income (41 Single-Family Residential Lots)	\$14,555.00
Sewage Lift Station Parcel	\$355.00
Open Space Parcels	\$0.00
Interest Income:	<u>\$1,000</u>
TOTAL:	\$15,910.00

PROJECTED EXPENDITURE:

Geologic and/or Geotechnical Engineering Consultant	\$6,180.00
Repair and maintenance (per Plan of Control)	\$30,000.00
City Review and Inspection	\$1,844.00
County Administration	<\$328.00>
Reserve	<u><\$21,786.00></u>
TOTAL:	\$15,910.00

SECTION 5. The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2024-25 fiscal year.

SECTION 6. The Board further orders that said assessments shall be levied and collected in the following manner:

- (a) The City Clerk of the Board shall cause to be recorded a Notice of Assessments, as provided for in California Streets and Highways Code §3114, whereupon the assessments shall attach as a lien upon the property, as provided in said Code.
- (b) Thereafter, such assessments shall be payable at the same time and in the same manner as general taxes on real property within the GHAD.
- (c) All funds generated by such assessments, and all interest earned thereon, shall be kept segregated and in a separate account for the exclusive benefit of the Oak Tree Farm GHAD, and shall not be deemed at any time to constitute funds credited to the City treasury.

SECTION 7. The City Attorney is authorized to enter into, on behalf of the City of Pleasanton, a Certification and Mutual Indemnification Agreement with the County of Alameda in order to effectuate the collection of special taxes, assessments and fees on the Secured Tax Roll.

SECTION 8. This Resolution shall become effective immediately upon its passage and adoption.

PASSED, APPROVED AND ADOPTED by the City Council of the City of Pleasanton, acting as Board of Directors of the Oak Tree Farm Geologic Hazard Abatement District, at a meeting held on June 18, 2024.

I, Jocelyn Kwong, Clerk for the Oak Tree Farm GHAD, certify that the foregoing Resolution was adopted by the Board of Directors at a meeting held on the 18th of June, 2024, by the following vote:

Ayes:

Noes:

Absent:

Abstain:

Jocelyn Kwong, Clerk for the
Oak Tree Farm GHAD

APPROVED AS TO FORM

Daniel G. Sodergren, General Counsel
for the Oak Tree Farm GHAD