

RESOLUTION NO. 15-06-11a

A REVISED RESOLUTION INITIATING PROCEEDINGS, PROVIDING INTENTION TO LEVY ASSESSMENTS FOR FISCAL YEAR 2015-16, PRELIMINARILY APPROVING THE ENGINEER'S REPORT, AND PROVIDING FOR NOTICE OF HEARING, AND THE MAILING OF ASSESSMENT BALLOTS FOR THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT LEVEE AND FLOOD CONTROL FACILITIES MAINTENANCE AND REPAIR ASSESSMENT DISTRICT

**WHEREAS**, Bethel Island Municipal Improvement District ("District") desires to initiate the proceedings for the formation of a levee and flood control facilities maintenance and repair assessment district pursuant to the provisions of the Government Code section 53750, 54710 et seq. and Article XIID of the California Constitution; and to continue to maintain, repair and improve levee and flood control facilities to protect all the properties within the boundaries of the District; and

**WHEREAS**, Proposition 218 was adopted on November 6, 1996, adding Articles XIIC and XIID to the California Constitution; and

**WHEREAS**, Articles XIIC and XIID of the California Constitution and implementing statutes impose certain procedural and substantive requirements relating to assessments (as defined); and

**WHEREAS**, an Engineer's Report (the "Report") has been prepared by SCI Consulting Group (the "Engineer of Work") and submitted to the District Board of Directors (the "Board"), in which a new assessment is proposed to fund the cost of maintaining, repairing and improving levee and flood control facilities within the District boundaries. This proposed assessment shall be described as the "Levee and Flood Control Facilities Maintenance and Repair Assessment District" (hereinafter the "Assessment District").

**WHEREAS**, Resolution 14-12-11A is hereby retracted.

NOW, THEREFORE, BE IT RESOLVED, BY THE DISTRICT BOARD OF DIRECTORS OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT AS FOLLOWS:

1. **Reference to Initiation.** SCI Consulting Group, the Engineer of Work, has prepared an Engineer's Report in accordance with Article XIID of the California Constitution and Government Code section 53750, 54710 et seq. (the "Report"). The Report has been made, filed with the Secretary of the Board and duly considered by the Board and is hereby deemed sufficient and preliminarily approved. The Report shall stand as the Engineer's Report for all subsequent proceedings under and pursuant to the foregoing resolution.
2. **Description of the Services.** Within the Assessment District, The proposed Services will include the inspection, maintenance and repair of levees and levee patrol roads; the maintenance of pumping stations; control of vegetation and rodents; the reimbursement of the local share of costs of construction of levee improvements identified as needing critical improvements; and other flood control services as referenced in the Engineer's Report identified below. "Maintenance" means the furnishing of services and materials for the ordinary and usual maintenance, operation and servicing of any improvements, including repair, removal, or replacement of all or part of any improvement and the

removal of rubbish, debris, and other solid waste.

3. **Reference to Engineer's Report.** Reference is hereby made to the Report for a full and detailed description of the Services, the boundaries of the Assessment District and the proposed assessments upon assessable lots and parcels of land within the Assessment District.
4. **Report of the Engineer of Work.** The Report, which is available for public review at the District's office – 3085 Stone Rd, Bethel Island, CA 94511 is hereby incorporated by reference. This Engineer's Report includes:
  - A. A description of the Services to be funded with assessment proceeds;
  - B. An estimate of the annual cost of such Services;
  - C. A description of the assessable parcels of land within the District and proposed to be subject to the new assessment;
  - D. A description of the proportionate special and general benefits conferred on property by the proposed assessment;
  - E. A description of the boundaries of the proposed Assessment District, and
  - F. A specification of the amount to be assessed upon various types of assessable land and their possible associated structures to fund the cost of the Services.
5. **Description of Assessment District.** The Assessment District consists of the lots and parcels shown on the boundary map of the Assessment District on file with the Secretary of the Board, and reference is hereby made to such map for further particulars.
6. **Proposed Assessment Rate.** It is the intention of this Board to levy and collect assessments within the Assessment District. The estimated fiscal year 2015-16 cost of providing the Services is \$213,947. This cost results in a proposed assessment rate of ONE HUNDRED and TEN DOLLARS (\$110.00) per single family equivalent benefit unit within the District for fiscal year 2015-16.
7. **Public Hearing.** The public hearing on the proposed assessment is scheduled to be held before the Board of Directors of Bethel Island Municipal Improvement District at the BIMID District's office located at 3085 Stone Rd, Bethel Island, California on August 6, 2015 at the hour of 7:00 P.M. and for the purpose of this Board's determination of whether the public interest, convenience and necessity require the Services and this Board's final action upon the Report and the assessments therein.
8. **Notice and Ballot.** The Board's Secretary is hereby authorized and directed to cause Notice of the hearing ordered under Section 7 hereof to be given in accordance with law by mailing, postage prepaid, in the United States mail, and such Notice shall be deemed to have been given when so deposited in the mail. The envelope or cover of the mailing shall include the name of the District. The mailed Notice shall be given by such mailing by name to those persons whose names and addresses appear on the last equalized secured property tax assessment roll of Contra Costa County, or in the case of any

public entity, the representative of such public entity at the address thereof known to the Secretary. The Notice shall include, but not be limited to, the total amount of assessment proposed to be levied in the Assessment District for fiscal year 2015-16, the assessment proposed for the owner's particular parcel(s) and the duration thereof and the reason for the assessment. Each Notice shall also contain the proposed assessment and the basis upon which the amount of the assessment was calculated. Each Notice shall also contain an assessment ballot, a summary of the procedures applicable to the completion, return and tabulation of assessment ballots, the date, time, and location of the public hearing and a statement that the existence of a majority protest will result in the assessment not being imposed. The Notice herein provided shall be mailed not less than forty-five (45) days before the date of the public hearing.

9. **Additional Information.** To get additional information about the proposed assessments, the Assessment District or the proposed Services contact: L. Jeff Butzlaff, District Manager, Bethel Island Municipal Improvement District, 3085 Stone Rd, Bethel Island, CA 94511, phone number (925) 684-2210. The Engineer's Report and other written material about the Assessment District may also be reviewed at the District Office during regular business hours.
10. **Annual Assessments.** The assessments are proposed to be levied annually. If the proposed assessments are approved and confirmed by the District Board of Directors, the assessments may increase in future years by an amount equal to the annual change in the Consumer Price Index for All Urban Consumers in the San Francisco Bay Area, not to exceed 3% (three percent) per year without a further vote or balloting process. In each subsequent year in which the assessments will be levied, an updated Engineer's Report, including a proposed budget and assessment rate, shall be prepared. The updated Engineer's Report shall be considered by the District Board of Directors at a noticed public hearing. The updated Engineer's Report shall serve as the basis for the continuation of the assessments.
11. **Expiration Date.** The assessments are proposed to expire after 10 years. If the proposed assessments are approved and confirmed by the District Board of Directors, the assessment may be levied starting with the 2015-16 fiscal year, and cease to be levied after the 2024-25 fiscal year, unless renewed and extended by Proposition 218-compliant balloting.
12. **Assessment Revenue Accounts.** If approved, the monies representing assessments collected shall be deposited in a two separate funds established under the distinctive designation of the 1.) Levee and Flood Control Facilities Maintenance and 2.) Levee and Flood Control Facilities Repair and Improvements and shall be expended only for the specified purpose.

15-06-11A

The foregoing Resolution No. \_\_\_\_\_ was approved and adopted by the Board of Directors of the Bethel Island Municipal Improvement District at a regular meeting of said Board held on June 11, 2015, by the following voice vote:

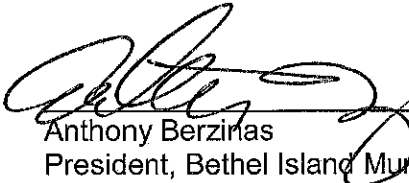
AYES Berzinas, Amrine, Smith, Simpson

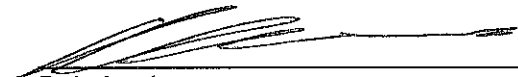
NAYES \_\_\_\_\_

ABSENT Eisenbeis

ABSTAIN \_\_\_\_\_

ATTEST:

  
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Anthony Berzinas  
President, Bethel Island Municipal  
Improvement District

  
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Bob Amrine  
Secretary, Bethel Island Municipal  
Improvement District