

RESOLUTION NO. 25-06-12A

**RESOLUTION OF THE BOARD OF DIRECTORS
OF THE BETHEL ISLAND MUNICIPAL IMPROVEMENT DISTRICT
APPROVING ENGINEER'S REPORT, CONFIRMING DIAGRAM AND
ASSESSMENT, AND ORDERING LEVY
OF THE LEVEE AND FLOOD CONTROL FACILITIES MAINTENANCE AND
REPAIR ASSESSMENT FOR FISCAL YEAR 2025-26**

WHEREAS, the Bethel Island Municipal Improvement District Board of Directors (the "Board") on July 20, 2024, directed SCI Consulting Group, the Assessment Engineer, to initiate proceedings for the formation of an assessment pursuant to the provisions of California Code Section 53750, 54710 et seq. and Article XIII-D of the California Constitution, to be known as the "Levee and Flood Control Facilities Maintenance and Repair Assessment" (hereinafter the "Assessment"), for the purpose of financing the cost of levee and flood control facilities maintenance and repair services as specified in the Engineer's Report prepared by the Assessment Engineer; and

WHEREAS, said Board of Directors adopted Resolution No. 25-04-10B on April 10, 2025, a Resolution Initiating Proceedings, Providing Intention to Levy Assessments, Preliminarily Approving the Engineer's Report, and Providing Notice of a Public Hearing and the Mailing of Assessment Ballots for the Bethel Island Municipal Improvement District, Levee and Flood Control Facilities Maintenance and Repair Assessment within the boundaries of its service area, which includes all of Bethel Island ("Service Area") for the proposed Levee and Flood Control Facilities Maintenance and Repair Assessment. The annual assessment rates for various types of real property within the proposed assessment, the total number of parcels to be assessed, and the total amount of annual assessment revenue is contained within the Engineer's Report; and

WHEREAS, said Board of Directors adopted Resolution No. 25-04-10B on April 10, 2025 approving and filing an Engineer's Report which includes: (1) a description of the levee and flood control facilities maintenance and repair services and programs ("Services") to be funded with assessment proceeds; (2) an estimate of the annual cost of levee and flood control facilities maintenance and repair services and programs described in the Engineer's Report; (3) a description of the assessable parcels of land within the District and proposed to be subject to the new assessment; (4) a description of the proportionate special and general benefits conferred on property by the proposed assessment; (5) a diagram and boundary map for the Assessment, and (6) a specification of the amount to be assessed upon various types of assessable land within the Assessment to fund the cost of levee and flood control facilities maintenance and repair services. The Engineer's Report is incorporated herein by this reference; and

WHEREAS, said Board of Directors adopted Resolution No. 25-04-10A on April 10, 2025, a Resolution of Intention to Conform with Proposition 218 and its requirements; and

WHEREAS, said Board of Directors has provided a 45-day written mailed notice to each record owner of assessable parcels of real property located within the Service Area boundaries for the proposed Levee and Flood Control Facilities Maintenance and Repair Assessment, as set forth on the Assessment Diagram and Boundary Map, of a public hearing which was held at a special

meeting of the Board of Directors on June 12, 2025, at 6:30 p.m. at the Bethel Island Municipal Improvement District's offices, located at 3085 Stone Road, Bethel Island, CA 94511, on the issue of whether the Levee and Flood Control Facilities Maintenance and Repair Assessment should be formed and assessments levied and collected as proposed in the Engineer's Report for fiscal year 2025-26 and future fiscal years; and

WHEREAS, the form of written mailed public notice of the public meeting contained the following information: (a) the total amount of assessments proposed to be levied within the Assessment for fiscal year 2025-26; (b) the assessment chargeable to each owner's parcel; (c) the duration of the proposed assessment; (d) the reason for the assessment; (e) the basis upon which the amount of the proposed assessment was calculated; (f) the date, time and place of the public hearing as specified in this resolution; and (g) a summary of the voting procedures and the effect of a majority protest. The form of the written mailed public notice also included an assessment ballot by which each property owner could express their support or opposition to the proposed assessment. The ballot indicated that it must be returned before the conclusion of the public hearing on Wednesday, June 12, 2025, in order to be valid and counted, and that all assessment ballots received would be tabulated after the conclusion of the public hearing on Wednesday, June 12, 2025, by the Assessment Engineer, the tabulator; and

WHEREAS, pursuant to the provisions of California Constitution Article XIII-D, an opportunity for protest has been afforded, and the assessment ballots mailed to owners of assessable real property within the proposed boundaries of the Bethel Island Municipal Improvement District, Levee and Flood Control Facilities Maintenance and Repair Assessment have been received and tabulated, with assessment ballots weighted according to the proportional financial obligation of each affected parcel; and

WHEREAS, Any timely written objections to the assessment received by the deadline posted in the Notice of Public Hearing have been duly considered and a written response has been provided pursuant to Government Code Sections 53759.1 and 53759.2.

NOW, THEREFORE, BE IT RESOLVED that the Board of Directors of the Bethel Island Municipal Improvement District finds, determines and orders that:

Section 1: The above recitals are true and correct.

Section 2: The canvass of the assessment ballots submitted by property owners is complete and certified by SCI Consulting Group, the tabulator, and the votes cast are as follows:

Total Number of Valid Ballots Processed:	432
Total Assessment Amount of Valid Ballots:	\$145,553
Total Number of "Yes" Votes Processed:	<u>337</u>
Total Assessment Amount of "Yes" Votes Processed:	\$123,641
Percentage of "Yes" Votes, unweighted:	<u>78%</u>
Total Percentage of "Yes" Ballots, Weighted by Assessment:	84.95%
Total Number of "No" Votes Processed:	95

Total Assessment Amount of “No” Votes Processed:	\$21,912
Percentage of “No” Votes, unweighted :	22%
Total Percentage of “No” Ballots, Weighted by Assessment:	<u>15.05%</u>
Total Number of “Invalid” Ballots Processed:	3
Total Assessment Amount of “Invalid” Ballots Processed:	\$404.08

Section 3: **435** assessment ballots were returned and received prior to the close of the public hearing on June 12, 2025. Of the assessment ballots returned, **3** assessment ballots were declared invalid in that they were either not marked with a “Yes” or “No”, were marked with both a “Yes” and a “No”, were not signed, or the property ownership and barcode information was illegible.

Section 4: As determined by ballots cast, as weighted according to the amount of assessment for each parcel, **84.95%** of the property owners cast ballots in support of the Levee and Flood Control Facilities Maintenance and Repair Assessment. Since a weighted majority protest, as defined by Article XIID of the California Constitution, does not exist, this Board thereby acquires jurisdiction to order the levy of assessment prepared by and made a part of the Engineer's Report to pay the costs and expenses thereof.

BE IT FURTHER RESOLVED that the Board of Directors of the Bethel Island Municipal Improvement District hereby orders as follows:

1. The Final Engineer’s Report for the Levee and Flood Control Facilities Maintenance and Repair Assessment, together with the diagram and boundary map of the Assessment contained therein, and the proposed assessment roll for fiscal year 2025-26 are hereby confirmed and approved; and
2. That based on the oral and documentary evidence, including the Engineer’s Report, offered and received at the public hearing, the Board expressly finds and determines that: (a) each of the several assessed lots and parcels of land within the Service Area will be specially benefited by the Services (as described in the Engineer’s Report) in at least the amount of the Assessment apportioned against such lots and parcels of land, respectively; and (b) that there is substantial evidence to support, and the weight of the evidence preponderates in favor of, said finding and determination as to special benefit to property with the Assessment from the Services to be financed with assessment proceeds; and
3. That the Levee and Flood Control Facilities Maintenance and Repair Assessment is hereby formed, and assessments consistent with the Engineer’s Report are hereby levied, pursuant to the provisions of California Code Section 53750, 54710 et seq. and Article XIII-D of the California Constitution; and
4. That assessments for fiscal year 2025-26 shall be levied at the rate of ONE HUNDRED and FORTY-THREE DOLLARS and FIFTY-TWO (\$143.52) per single family equivalent benefit unit, as specified in the Engineer’s Report for fiscal year 2025-26 with estimated total annual assessment revenues as set forth in the Engineer’s Report; and

5. That Levee and Flood Control Facilities Maintenance and Repair services to be financed with assessment proceeds described in the Engineer's Report are hereby ordered; and
6. The authorized maximum assessment to be levied in future fiscal years after fiscal year 2025-26 shall be adjusted based on the Consumer Price Index (CPI-U) for All Urban Consumers in the San Francisco Bay Area, not to exceed 3% per year.
7. Immediately upon the adoption of this resolution, but in no event later than August 10 following such adoption, the Board shall file a certified copy of the Diagram and Assessment and a certified copy of this resolution with the Auditors of Contra Costa ("County Auditors"). Upon such filing, the County Auditor shall enter on the County assessment roll opposite each lot or parcel of land the amount of assessment thereupon as shown in the Assessment. The assessments shall be collected at the same time and in the same manner as County taxes are collected and all laws providing for the collection and enforcement of County taxes shall apply to the collection and enforcement of the assessments. After collection by the Counties, the net amount of the assessments, after deduction of any compensation due the Counties for collection, shall be paid to the Bethel Island Municipal Improvement District.
8. The monies representing assessments collected shall be deposited in a separate fund established under the distinctive designation of the Levee and Flood Control Facilities Maintenance and Repair Assessment. Funds collected from the Levee and Flood Control Facilities Maintenance and Repair Assessment shall be expended only for the special benefit of parcels within the Levee and Flood Control Facilities Maintenance and Repair Assessment.
9. The Levee and Flood Control Facilities Maintenance and Repair Assessment, as it applies to any parcel, may be corrected, cancelled or a refund granted as appropriate, by order of the Board of Directors of Bethel Island Municipal Improvement District by a determination from the Assessment Engineer that the Assessment should be revised to be consistent with the method of assessment established in the Engineer's Report. Any such corrections, cancellations or refunds shall be limited to the current fiscal year.

The foregoing Resolution was PASSED and ADOPTED by the Board of Directors of the Bethel Island Municipal Improvement District at a regular meeting thereof held on June 12, 2025, at 3085 Stone Road, Bethel Island, California, 94511, by the following vote on a roll call:

AYES: Directors: Berzinas, Smith, Knorr, Jr., Kirk, Rama


NOES:

ABSTAIN:


ABSENT:

APPROVED AND DATED this 12th day of June, 2025 after its passage.

ATTEST:

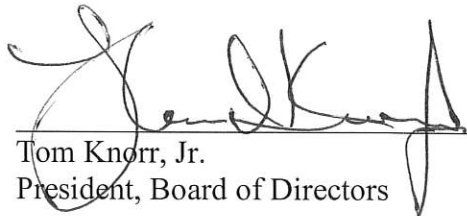


Lisa Kirk
Board Secretary



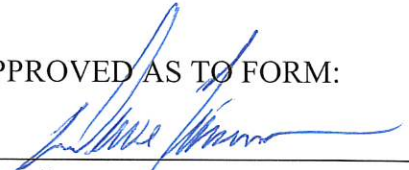
Regina Espinoza
District Manager

APPROVED:



Tom Knorr, Jr.
President, Board of Directors

APPROVED AS TO FORM:



Dave Larsen
General Counsel