



## NOTICE AND CALL OF SPECIAL MEETING

**NOTICE IS HEREBY GIVEN**, pursuant to section 54956 of the California Government Code, a special meeting of the Board of Directors of the Oak Tree Farm, Moller Ranch, Laurel Creek Estates (The Preserve, Oak Hill Estates and Kolb Ranch Estates), and Lemoine Ranch Estates Geologic Hazard Abatement District's is hereby called.

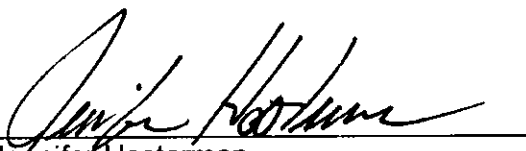
**Date/Time:** Tuesday, June 19, 2012 at 7:00 p.m.

**Location:** City Council Chamber  
200 Old Bernal Avenue  
Pleasanton, CA 94566

**Purpose:** SPECIAL MEETING AGENDA

1. Call to Order
2. Roll Call
3. Public Comment - *Comments are limited to items listed on this Special Meeting Agenda*
4. Approve Meeting Minutes of May 15, 2012
5. **Public Hearing** Adopt resolutions approving the annual assessments for the Geologic Hazard Abatement District (GHADS) for OakTree Farm, Moller Ranch, Laurel Creek Estates (The Preserve, Oak Hill Estates, and Kolb Ranch Estates), and Lemoine Ranch Estates
6. Adjournment

Dated: June 12, 2012

  
Jennifer Hosterman

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### Accessible Public Meetings

In compliance with the Americans with Disabilities Act, the meeting room is wheelchair accessible and disabled parking. If you are a person with a disability and you need disability-related modifications or accommodations to participate in this meeting, please contact the City Clerk's Office at (925) 931-5027 or fax (925) 931-5492. Notification 48 hours prior to the meeting will enable the City to make reasonable arrangements to ensure accessibility to this meeting. {28 CFR 35.102-35, 104 ADA Title II}

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**MINUTES  
CITY OF PLEASANTON  
GEOLOGIC HAZARD ABATEMENT DISTRICTS  
BOARD OF DIRECTORS MEETING  
May 15, 2012**

**CALL TO ORDER**

Chair Hosterman called the special meeting to order at 7:00 p.m.

**ROLL CALL**

Present: Board members Cook-Kallio, McGovern, Sullivan, Thorne, Chair Hosterman

Absent: None

**PUBLIC COMMENT**

None

**CONSENT CALENDAR**

1. Adopted Resolution No(s). **GHAD 12-051**, a Resolution declaring the Board's intention to approve assessments within the Moller Ranch Geologic Hazard Abatement District; **GHAD 12-049**, a Resolution declaring the Board's intention to approve assessments within the Lemoine Ranch Estates Geologic Hazard Abatement District; **GHAD 12-050**, a Resolution declaring the Board's intention to approve assessments within Oak Tree Farm the Geologic Hazard Abatement District; **GHAD 12-052**, a Resolution declaring the Board's intention to approve assessments within the Laurel Creek Estates Geologic Hazard Abatement District and set June 19, 2012, as the date of the public hearings to hear protests concerning the proposed assessments

Motion: It was m/s by Thorne/Cook-Kallio to approve the Consent Calendar as recommended.  
Motion passed by the following vote:

Ayes: Members Cook-Kallio, McGovern, Sullivan, Thorne, Chair Hosterman  
Noes: None  
Absent: None

**ADJOURNMENT:** There being no further business, the meeting adjourned at 7:03 p.m.

Respectfully submitted,

Karen Diaz  
City Clerk



## GEOLOGIC HAZARD ABATEMENT DISTRICT AGENDA REPORT

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June 19, 2012  
Community Development  
Engineering Division

**TITLE: ADOPT RESOLUTIONS APPROVING THE ANNUAL ASSESSMENTS FOR THE GEOLOGIC HAZARD ABATEMENT DISTRICTS (GHADS) FOR OAK TREE FARM, MOLLER RANCH, LAUREL CREEK ESTATES (THE PRESERVE, OAK HILL ESTATES, AND KOLB RANCH ESTATES), AND LEMOINE RANCH ESTATES**

### **SUMMARY**

A Geologic Hazard Abatement District (GHAD) is a property assessment district that is formed to conduct geologic and storm drainage monitoring, maintenance and repair work within the District, as well as repair landslides, using assessment funds. At the request of property developers, the City has formed four GHADs – Oak Tree Farm, Moller Ranch, Laurel Creek Estates (The Preserve, Oak Hill Estates and Kolb Ranch Estates), and Lemoine Ranch Estates – for annual monitoring and maintenance of geologic features. This report establishes the assessment amounts to be levied on properties within the Districts for the upcoming tax year.

### **RECOMMENDATION**

1. Convene as the Board of Directors for the Oak Tree Farm, Moller Ranch, Laurel Creek Estates (The Preserve, Oak Hill Estates and Kolb Ranch Estates) and Lemoine Ranch Estates Geologic Hazard Abatement Districts; and open and hold a Public Hearing to receive comments regarding the levy of annual assessments for each of the Geologic Hazard Abatement Districts.
2. Adopt a resolution confirming the assessments and order that the amount of the assessments be levied against each parcel of property within each district that is benefited thereby.
3. Direct the Clerk of the District to record a notice of assessments.
4. Appropriate \$280 from the Sewer Fund (303), and \$844 from the Water Fund (305) to the respective Geologic Hazard Abatement Districts to pay City assessments.

### **FINANCIAL STATEMENT**

Funding of these GHADs will have a minimal financial effect on the City. Because of Proposition 218, the City pays a share of the Oak Tree Farm assessment (\$280), a share of the Moller Ranch assessment (\$106), and two shares of the Laurel Creek Estates assessment (\$738 annually) due to the City's ownership of parcels of land within each of these Districts upon which public facilities (such as water tanks and pump stations) are located. Staff's cost to administer these Districts will continue to be funded by the assessments.

## **BACKGROUND**

At the meeting of May 15, 2012, the GHAD Board of Directors approved the Engineer's Report relating to each respective assessment district and scheduled a public hearing per the requirements of the Geologic Hazard Abatement District.

### GHAD - Purposes and Description

Geologic Hazard Abatement Districts (GHADs) are State-authorized districts which can be formed for the purpose of prevention, mitigation, abatement or control of a geologic hazard. A "geologic hazard"<sup>1</sup> is an actual or threatened landslide, land subsidence, soil erosion, or other natural or unnatural movement of land.

The GHADs assess landowners for operation and maintenance of improvements covered under the GHADs. These assessments are collected at the same time and in the same manner as property taxes. The annual assessments can be adjusted each year by an index<sup>2</sup> to compensate for inflation. The current index allows for an increase of two percent. The annual assessments were last adjusted for inflation in fiscal year 2009-10.

### Existing GHADs within the City of Pleasanton

At the request of residential property developers, the City formed four GHADs: Oak Tree Farm, Moller Ranch, Laurel Creek Estates (The Preserve, Oak Hill Estates and Kolb Ranch Estates) and Lemoine Ranch Estates. The Oak Hill Estates subdivision and the Kolb Ranch Estates subdivision were both annexed into the Laurel Creek GHAD after the formation of the original district; those annexations occurred on August 1, 2000, and July 20, 2004, respectively. All of the four existing GHADs are located on the west side of Foothill Road and in areas where potential geologic hazards exist.

## THIS YEAR'S ASSESSMENTS

### Oak Tree Farm

An Engineer's Report for the Oak Tree Farm GHAD has been prepared. It concludes that funding is needed for the following on-going special services for properties within this GHAD: cleaning of retention basins, site inspections, erosion stabilization, preparation of the Engineer's Report, and City administrative costs. This year, the parcel assessment has been increased two percent according to the index (to \$280). With 42 properties within the GHAD, including the City-owned sanitary sewer pump station, this year's revenue budget will be \$11,760. Currently, the Oak Tree Farm GHAD has a fund reserve of \$53,405; this reserve is to be used to pay for landslide repair work, which the original Plan of Control estimated would be needed approximately every ten years. This reserve is slowly being replenished because over the last several years the majority of the reserve funds were used to complete erosion repairs along the fire trail within the covered area.

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<sup>1</sup> Damage resulting from an earthquake is specifically exempted from coverage by the GHAD.

<sup>2</sup> The index is the *Engineer News Record* Construction Code Index for the San Francisco Bay Area.

### Moller Ranch

The Engineer's Report for the Moller Ranch GHAD concludes that funding is needed for the following special services for properties within this GHAD: excavation and re-compaction of shallow slope failures, installation of additional subdrain systems, repair of surface drainage improvements, construction of additional surface drainage improvements, restoration of eroded areas and/or removal of siltation deposits, site inspection, preparation of the Engineer's Report and City administrative costs. This year, the parcel assessment has been increased two percent according to the index (to \$106). With 100 properties within the GHAD, including the City-owned water reservoir site, this year's revenue budget will be \$10,600. Currently, the Moller Ranch GHAD has a fund balance of \$93,102 for the repair of landslides, hillside slopes and drainage facilities, as may be necessary in the future, based on estimates of significant earth movement events discussed in the original Plan of Control for this GHAD.

### Laurel Creek Estates

The Engineer's Report for the Laurel Creek Estates GHAD concludes that funding is needed for the following special services for properties within this GHAD: repair and maintenance of surface and subsurface drainage facilities, slope stabilization, erosion control, routine maintenance, site inspection, preparation of the Engineer's Report and City administrative costs. This year, the parcel assessment has been increased two percent according to the index (to \$369). There are 121 properties within the GHAD (102 Laurel Creek Estates, including the two City-owned water reservoirs, the 7 Oak Hill Estates and the 12 Kolb Ranch Estates). This year's revenue budget will be \$44,649. Currently, the Laurel Creek Estates GHAD has a fund reserve of \$607,961. The reserve assumes the potential for a significant repair of the hillside slopes once every ten years, and staff experience with the cost of other significant repairs in this area west of Foothill Road makes this reserve amount appropriate.

### Lemoine Ranch Estates

The Engineer's Report for the Lemoine Ranch Estates GHAD concludes that funding is needed for the following special services for properties within this GHAD: inspection and repair of the surface drainage improvements such as the concrete v-ditches and storm drain outlets; detection and mitigation of potential geologic hazards; slope stabilization; erosion control; routine maintenance; site inspection; preparation of the Engineer's Report; and City administrative costs. This year, the parcel assessment has been increased two percent according to the index (to \$615). There are no City-owned parcels within this GHAD. With 12 properties within the GHAD, this year's budget will be \$7,380. The Lemoine Ranch Estates GHAD has a fund balance of \$52,865.

As noted above, the proposed assessments fund geologic monitoring and related maintenance services which provide a special benefit to the properties within the GHADs that do not benefit the public at large. Combined with the fact that the proposed increases to the assessments are only in the amount of the ENR Construction Code Index, and that the GHADs were formed by consent of all original property owners (the developers), the current proposed assessments are not subject to a Prop. 218 vote of present property owners.

**DISCUSSION**

Declaration of Intention

At the May 15, 2012, Board of Directors meeting, the Board adopted a resolution declaring an intention to order the cost of maintenance be assessed against the property owners within each of the Districts for fiscal year 2012-13. As required by Geologic Hazard Abatement Districts, the Board of Directors must levy an annual assessment on all parcels (including the City's parcel) benefited by the GHAD.

At the assessment hearing, the Board shall hear and consider all protests, and make modifications, if determined to be necessary, to the proposed assessments. After the close of the public hearing, the Board shall confirm the assessments as submitted by the General Manager, and order that the amount of each assessment be levied against each parcel within the GHAD.

If the assessments are ordered, the City Clerk will record the notice of assessments with the Alameda County Tax Collector as provided in Streets and Highways Code §3114.

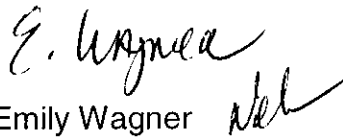
Subsequent annual Engineer's Reports will also contain a statement of the yearly estimated budget for the maintenance and construction of improvements. This report will be submitted to the Board for review and approval, at which time, the Board will conduct a public hearing and the assessments will be levied based upon the recommendations of the report and the action taken at the public hearing.

Submitted by:



Brian Dolan  
Director of  
Community Development

Fiscal Review:



Emily Wagner  
Director of Finance

Approved by:



Nelson Fialho  
City Manager

Attachments:

1. Resolution – Oak Tree Farm
2. Resolution – Moller Ranch
3. Resolution – Laurel Creek Estates
4. Resolution – Lemoine Ranch Estates

**RESOLUTION NO. GHAD 12-**

**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 project area and appointing the City Council as the Board of Directors for the GHAD; and

**WHEREAS**, on May 15, 2012, the Board of Directors of the Oak Tree Farm GHAD adopted Resolution No. 12-050 declaring the Board's intention to order that the costs and expenses of maintaining and operating the GHAD improvements shall be assessed against the property within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against the property within the GHAD, for the 2012-13 fiscal year and for subsequent fiscal years, those amounts set forth in the report prepared by the General Manager of the GHAD pursuant to the Public Resources Code Section 26651. Said report is attached as Exhibit "A" to said Resolution. Said resolution further fixed June 19, 2012, at 7:00 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 Public Resources Code Section 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 19, 2012, at 7:00 p.m. Notice of said hearing was given in accordance with the requirements of Public Resources Code Section 26652.

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

**SECTION 3.** The Board hereby orders that the costs and expenses of maintaining and operating the GHAD improvements shall be assessed against the property within the GHAD benefited thereby.

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

Single Family Residential Lots	\$280.00 per annum
Tract 6563, Tract 6748 & Parcel Map 8293	
Parcel B Parcel Map 6359	\$-0- per annum
City Sanitary Sewer Pump Station	\$280.00 per annum

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year, to the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

**SECTION 5.** The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2012-13 fiscal year and for subsequent fiscal years.

**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 Section 3114 of the California Streets and Highway Code, whereupon the assessments shall attach as a lien upon the property, as provided in said Section 3114 Streets and Highways 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 are payable.

(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.

**SECTION 9.** Clerk of the Board shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton, as the Board of Directors of the Oak Tree Farm Geologic Hazard Abatement District, at a meeting held on June 19, 2012.



I, Karen Diaz, Clerk for the Oak Tree Farm GHAD, certify that the Board of Directors at a meeting held on the 19<sup>th</sup> of June, 2012, by the following vote, adopted the foregoing resolution:

Ayes:     Members  
Noes:  
Absent:   Members  
Abstain:

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Karen Diaz, Clerk for the  
Oak Tree Farm GHAD

APPROVED AS TO FORM:

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Jonathan P. Lowell, General Counsel  
for the Oak Tree Farm GHAD

## **EXHIBIT A**

### **REPORT BY GENERAL MANAGEMENT OF THE OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT**

The undersigned, General Manager of the Oak Tree Farm geologic hazard abatement district ("GHAD"), has reviewed the report pursuant to Public Resources Code Section 26651. It sets forth the estimated GHAD budget for the 2012-13 fiscal year, the proposed estimated assessments to be levied this fiscal year against each parcel of property (single-family residential lot, the City sanitary sewer pump station site and the remaining parcel) within the GHAD (Part I), the map of the area within the District and the parcels within it (Part II), and a description of the method used in formulating the estimated assessments (Part III).

It is proposed that the amounts set forth in Part I will be assessed against the property within the GHAD for the 2012-13 fiscal year.



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Stephen M. Kirkpatrick  
GHAD General Manager

**PART I.**

**OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT  
PROJECTED BUDGET  
2012 – 13 FISCAL YEAR**

**A. PROJECTED INCOME**

Annual Income: 41 Single-Family Residential Lots @ \$280	\$11,480.00
City sanitary sewer pump station site @ \$275	\$280.00
Remaining Parcel (Parcel B, Parcel Map 6359)	<u>\$00.00</u>
TOTAL:	<u>\$11,760.00</u>

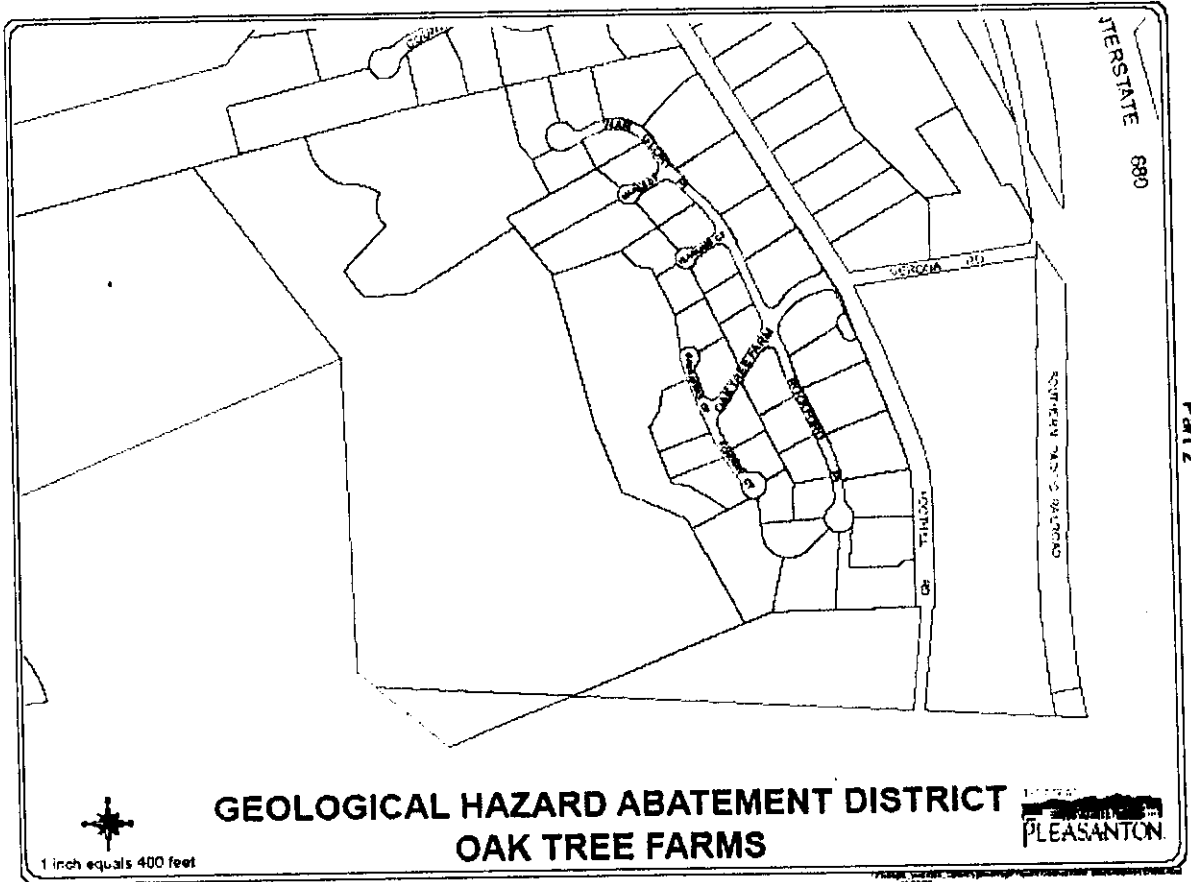
**B. PROJECTED EXPENSES**

1. Geologic and/or Geotechnical Engineering Consultant	\$4,200.00
2. Repair and maintenance (per Engineer's Estimate)	\$2,474.00
3. City Review and Inspection	\$928.00
4. Administration	\$710.00
5. Reserve	\$3,260.00
6. County Collection Fee	\$188.00
TOTAL	<u>\$11,760.00</u>

**C. ASSESSMENT**

Rate per Single Family Residential Lot/Sewer Pump Station Site	\$280.00
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PART II.



### **PART III.**

#### **OAK TREE FARM GEOLOGIC HAZARD ABATEMENT DISTRICT METHOD USED IN FORMULATING ASSESSMENTS**

A geologic hazard abatement district ("GHAD") is essentially a benefit assessment district. The proposed estimated assessments set forth in Part I above are based on the fact that the GHAD is comprised of residential land uses (23 single-family residential lots in Tract 6563, 16 single family residential lots in Tract 6748, and 2 single-family residential lots in Parcel Map 8293), the City owned sanitary sewer pump station site, and the remaining property in Parcel Map 6359, with all lots, other than the remaining property in Parcel Map 6539, sharing a similar amount of risk and benefit. For the purpose of formulating GHAD assessments, the benefits and burdens of the GHAD have been assessed equally to the 41 residential lots and City sanitary sewer pump station site.

The total proposed budget for the fiscal year of the District (2012-13), in the amount of \$11,760.00, is allocated to the 41 residential lots and to the City owned sanitary sewer pump station site.

**RESOLUTION NO. GHAD 12-**

**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 15, 2012, the Board of Directors of the Moller Ranch GHAD adopted Resolution No. 12-051 declaring the Board's intention to order that the costs and expenses of maintaining and operating the GHAD improvements shall be assessed against the property within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against the property within the GHAD, for the 2012-13 fiscal year and for subsequent fiscal years, those amounts set forth in the report prepared by the General Manager of the GHAD pursuant to the Public Resources Code Section 26651. Said report is attached as Exhibit "A" to said Resolution. Said resolution further fixed June 19, 2012, at 7:00 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 Public Resources Code Section 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 19, 2012, at 7:00 p.m. Notice of said hearing was given in accordance with the requirements of Public Resources Code Section 26652.

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

**SECTION 3.** The Board hereby orders that the costs and expenses of maintaining and operating the GHAD improvements shall be assessed against the property within the GHAD benefited thereby

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

Single Family Residential Lots (1-99), Tract 6618	\$106.00 per annum
Remaining Parcels A, B, C, D, E, F, G & H	\$-0- per annum
Moller Ranch Reservoir	\$106.00 per annum

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year, to the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

**SECTION 5.** The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2012-13 fiscal year and for subsequent fiscal years.

**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 Section 3114 of the California Streets and Highways Code, whereupon the assessments shall attach as a lien upon the property, as provided in said Section 3114 Streets and Highways 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 are payable.

(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.

**SECTION 9.** Clerk of the Board shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton, as the Board of Directors of the Moller Ranch Geologic Hazard Abatement District, at a meeting held on June 19, 2012.

I, Karen Diaz, Clerk for the Moller Ranch GHAD, certify that the foregoing resolution was adopted by the Board of Directors at a meeting held on the 19th of June, 2012, by the following vote:

Ayes:       Members

Noes:

Absent:     Members

Abstain:

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Karen Diaz, Clerk for the  
Moller Ranch GHAD

APPROVED AS TO FORM:

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Jonathan P. Lowell, General Counsel  
for the Moller Ranch GHAD

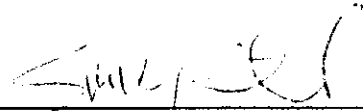


## EXHIBIT A

### REPORT BY GENERAL MANAGEMENT OF THE MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT

The undersigned, General Manager of the Moller Ranch geologic hazard abatement district ("GHAD"), has reviewed the report pursuant to Public Resources Code Section 26651. It sets forth the estimated GHAD budget for the 2012-13 fiscal year and the proposed estimated assessments to be levied this fiscal year against each parcel of property (single-family residential lot and the remaining parcels) within the GHAD (Part I), the map of the area within the GHAD and the parcels within it (Part II), and a description of the method used in formulating the estimated assessments (Part III).

It is proposed that the amounts set forth in Part I will be assessed against the property within the GHAD for the 2012-13 fiscal year.



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Stephen M. Kirkpatrick  
GHAD General Manager

**PART I.**

**MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT  
PROJECTED BUDGET  
2012 – 13 FISCAL YEAR**

**A. PROJECTED INCOME**

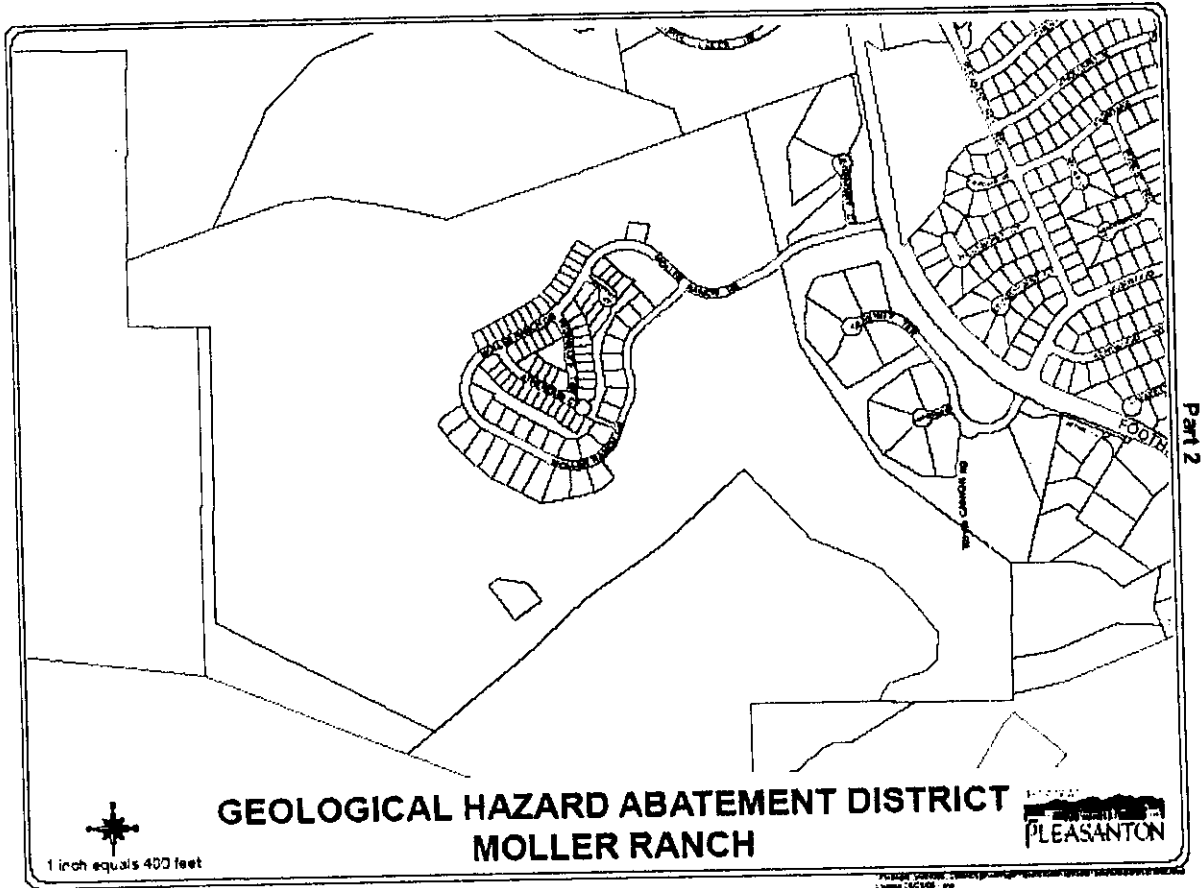
Annual Income: 99 Single-Family Residential Lots @ \$106.00	\$10,494.00
Moller Ranch Reservoir @ \$106.00	106.00
Remaining Parcels (A, B, C, D, E, F, G, & H)	<u>\$0.00</u>
<b>TOTAL:</b>	<b><u>\$10,600.00</u></b>

**B. PROJECTED EXPENSES**

1. Geologic and/or Geotechnical Engineering Consultant	\$4,400.00
2. Repair and maintenance (per Plan of Control)	\$2,991.00
3. City Review and Inspection	\$924.00
4. Administration	\$707.00
5. Reserve	\$1,406.00
6. County Collection Fee	\$172.00
<b>TOTAL</b>	<b><u>\$10,600.00</u></b>

<b>C. <u>ASSESSMENT:</u></b>	Rate per Single Family Residential Lot/Reservoir	\$106.00
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PART II.



### **PART III.**

#### **MOLLER RANCH GEOLOGIC HAZARD ABATEMENT DISTRICT METHOD USED IN FORMULATING ASSESSMENTS**

A geologic hazard abatement district ("GHAD") is essentially a benefit assessment district. The proposed estimated assessments set forth in Part I above are based on the fact that the GHAD is comprised of residential land uses (99 single-family residential lots in Tract 6618), the City owned reservoir site, and the remaining open space parcels, Parcels A, B, C, D, E, F, G, and H), with each such lot, other than the open space parcels, sharing a similar amount of risk and benefit.

The total budget for the fiscal year of the District (2012-13), in the amount of \$10,600.00, was allocated to the 99 residential lots and to the one City owned reservoir site. There was no allocation to the remaining open space parcels.

**RESOLUTION NO. GHAD 12-**

**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 ESTATES 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 Estates project area and appointing the City Council as the Board of Directors for the GHAD; and

**WHEREAS**, on May 15, 2012, the Board of Directors of the Laurel Creek Estates GHAD adopted Resolution No. 12-052 declaring the Board's intention to order that the costs and expenses of maintaining and operating the GHAD improvements shall be assessed against the property within the GHAD benefited thereby. Said resolution further declared the Board's intention to assess against the property within the GHAD, for the 2012-13 fiscal year and for subsequent fiscal years, those amounts set forth in the report prepared by the General Manager of the GHAD pursuant to the Public Resources Code Section 26651. Said report is attached as Exhibit "A" to said Resolution. Said resolution further fixed June 19, 2012, at 7:00 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 Public Resources Code Section 26652.

**NOW, THEREFORE BE IT RESOLVED THAT THE BOARD OF DIRECTORS OF THE LAUREL CREEK ESTATES 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 Estates GHAD was held on June 19, 2012, at 7:00 p.m. Notice of said hearing was given in accordance with the requirements of Public Resources Code Section 26652

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

**SECTION 3.** At the hearing, the Board heard and considered any and all protests to the proposed assessments. Thereafter, the Board closed the hearing

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

Single Family Residential Lots	\$369 per annum
Tracts 6400, 6590, 7045 & 6951	
Parcels A, B, D, F, G, H, I, N & O, Tract 6400	
Parcels A & B, Tract 6590	
Parcels B, D & E, Tract 6951	\$-0- per annum
City Water Reservoirs (2)	\$369 per annum

The foregoing rate shall be adjusted, effective as of July 1 of each fiscal year, to the Engineering News Record Construction Cost Index for the San Francisco Bay Area.

**SECTION 5.** The Board further orders that the amounts set forth above shall be assessed against the property within the GHAD for the 2012-13 fiscal year and for subsequent fiscal years.

**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 Section 3114 of the California Streets and Highways Code, whereupon the assessments shall attach as a lien upon the property, as provided in said Section 3114 Streets and Highways 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 are payable.

(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 Estates 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.

**SECTION 9.** Clerk of the Board shall certify to the passage of this resolution and enter it into the book of original resolutions.

**PASSED, APPROVED AND ADOPTED** by the City Council of the City of Pleasanton, as the Board of Directors of the Laurel Creek Estates Geologic Hazard Abatement District, at a meeting held on June 19, 2012.

I, Karen Diaz, Clerk for the Laurel Creek Estates GHAD, certify that the foregoing resolution was adopted by the Board of Directors at a meeting held on the 19th of June, 2012, by the following vote:

Ayes:  
Noes:  
Absent:  
Abstain:

APPROVED AS TO FORM

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Karen Diaz, Clerk for the  
Laurel Creek Estates GHAD

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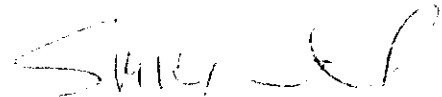
Jonathan P. Lowell, General Counsel  
for the Laurel Creek Estates GHAD

## EXHIBIT A

### REPORT BY GENERAL MANAGEMENT OF THE LAUREL CREEK ESTATES GEOLOGIC HAZARD ABATEMENT DISTRICT

The undersigned, General Manager of the Laurel Creek Estates geologic hazard abatement district ("GHAD"), has reviewed the report pursuant to Public Resources Code Section 26651. It sets forth the estimated GHAD budget for the 2012-13 fiscal year, the proposed estimated assessments to be levied this fiscal year against each parcel of property (single-family residential lot, the City water reservoirs (2)) within the GHAD (Part I), the map of the area within the District and the parcels within it (Part II), and a description of the method used in formulating the estimated assessments (Part III).

It is proposed that the amounts set forth in Part I will be assessed against the property within the GHAD for the 2012-13 fiscal year.



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Stephen M. Kirkpatrick  
GHAD General Manager



**PART I.**

**LAUREL CREEK ESTATES GEOLOGIC HAZARD ABATEMENT  
DISTRICT  
PROJECTED BUDGET  
2012 – 13 FISCAL YEAR**

**A. PROJECTED INCOME**

Annual Income: 119 Single-Family  
Residential Lots (Tract 6400, Tract 6590,  
Tract 7045 & Tract 6951) @ \$369.00 \$43,911.00

Laurel Creek Estates Reservoirs (2) @ \$369.00 ea. \$738.00

Remaining Parcels –  
Tract 6400 & Tract 6590 (Parcels A, B, C, D, E, F,  
G, & H)  
Tract 7045 (Parcel "A")  
Tract 6951 (Parcels B, D & E) \$0.00

TOTAL: \$44,649.00

**B. PROJECTED EXPENSES**

1. Geologic and/or Geotechnical  
Engineering Consultant \$5,200.00

2. Repair and maintenance  
(per Plan of Control) \$20,764.00

3. City Review and Inspection \$2,592.00

4. Administration \$1,384.00

5. Reserve \$13,989.00

6. County Collection Fee \$720.00

TOTAL \$44,649.00

**C. ASSESSMENT:**

Rate per Single Family  
Residential Lot/Reservoir \$369.00

PART II.

