

RESOLUTION NO. 2023-61

A RESOLUTION PRELIMINARILY APPROVING ENGINEER'S REPORT AND DIRECTING RELATED ACTIONS FOR THE PROPOSED CARMEL AREA WASTEWATER DISTRICT ASSESSMENT DISTRICT NO. 23-01 (CORONA ROAD AREA SANITARY SEWER SYSTEM PROJECT)

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WHEREAS, on October 26, 2023, the Board of Directors (the "Board") of the Carmel Area Wastewater District (the "District") adopted its resolution entitled "A Resolution of Intention to Make Acquisitions and Improvements for the Proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project)" (the "Resolution of Intention") under the Municipal Improvement Act of 1913 (Division 12 of the Streets and Highways Code of California (the "Act")), to initiate proceedings under the Act in and for the proposed Carmel Area Wastewater District Assessment District No. 23-01 (Corona Road Area Sanitary Sewer System Project) (the "Assessment District") for the making of certain public improvements (the "Improvements") as described in the Resolution of Intention.; and

WHEREAS, the Resolution of Intention designated Monterey Bay Engineers, Inc., as engineer of work for the Assessment District (the "Engineer of Work") and directed the Engineer of Work to prepare and file with the Board Clerk, pursuant to the Act, a report (the "Engineer's Report") containing the information requested in the Resolution of Intention, to which reference is hereby made for further particulars; and

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED by the Board of the District as follows:

Section 1. Engineer's Report Preliminarily Approved. The Engineer of Work has prepared and filed the Engineer's Report with the Board Clerk. This Board, with the aid of District's staff, has reviewed the Engineer's Report and hereby finds it to be sufficient for purposes of subsequent proceedings for the Assessment District. The Engineer's Report is hereby preliminarily approved.

Section 2. Public Hearing. Pursuant to the Act, this Board hereby orders a public hearing to be held before this Board at 3945 Rio Road, Carmel, California, on December 12, 2023, at the hour of 2:00 p.m., for the purposes of this Board's (i) determining whether the public interest, convenience and necessity require the Improvements, whether the properties in the Assessment District are specially benefited by the Improvements, the tabulation of special assessment ballots and the existence of any majority protest, and (ii) taking final action upon the Engineer's Report and the assessments proposed therein. The public hearing may be continued from time to time as determined by this Board.

Section 3. Notice. The Board Clerk is hereby authorized and directed to cause notice of the hearing ordered under Section 2 hereof to be given by mailing, with postage prepaid, via United States mail, and the notice shall be deemed to have been given at the time of mailing. The envelope or cover of the mailing shall include the name of the District and the return address of the Board Clerk. The mailed notice shall be given to all owners of property proposed to be assessed within the Assessment District, as shown in the Engineer's Report, using the names and addresses that appear on the last equalized assessment roll of the County of Monterey (the "County") or the State Board of Equalization assessment roll, as the case may be. The notice shall be mailed not less than 45 days before the date of the public hearing ordered under Section 2 hereof.

The amount of the proposed assessment for each parcel shall be calculated, and the record owner of each parcel shall be given written notice by mail of the, the total amount of the proposed assessment chargeable to each of the entire Assessment District and the owner's particular parcel, the anticipated duration of payments for the proposed assessment (if bonded), the reason for the proposed assessment and the basis upon which the amount of the proposed assessment was calculated. Each mailed notice to owners shall contain a ballot that includes the property owner's name, identification of the parcel and a request to support or oppose the proposed assessment.

Each notice shall include, in a conspicuous place, a summary of the procedures applicable to the completion, return and tabulation of ballots, including a statement that the existence of a majority protest (in which ballots submitted in opposition exceed those submitted in favor of the proposed assessment, with ballots weighed according to proportional financial obligation of the affected property) will result in the proposed assessment's not being imposed. Each mailed ballot shall include a sealable return envelope with the District's address for the completed ballot.

Section 4. Ballots. The Board Clerk (or such other person designated by the General Manager) is hereby designated as the impartial person, without a vested interest in the outcome of the assessment, responsible for the tabulation of the ballots. The Board Clerk shall maintain a separate and secure file for the safekeeping of the assessment ballots as they are received and pending tabulation. Ballots shall be received up to the time of the closing of the public hearing.

Ballots shall remain sealed until the close of the public hearing and the beginning of the tabulation. Ballots may be submitted, or changed, or withdrawn by the person submitting the ballot prior to the conclusion of the public hearing. During and after tabulation, the ballots shall constitute disclosable public records under Section 6252 of the California Government Code.

Section 5. Boundary Map. The proposed boundaries of the Assessment District are shown on a map on file in the office of the Board Clerk (the "Boundary Map"), which indicates by a boundary line the extent of the territory to be included in the proposed Assessment District. The Boundary Map shall govern for purposes of establishing the boundaries of the Assessment District proceedings, and reference is hereby made to it for further particulars. The Board Clerk is hereby authorized and directed to (i) endorse upon the original, copy and at least one facsimile of the Boundary Map the date of its filing with the Board Clerk and of the adoption of this resolution and (ii) cause a facsimile of the Boundary Map to be filed with the County Recorder within 15 days of the adoption of this resolution, but in no event later than 15 days before the date of the public hearing ordered under Section 2 hereof. The County Recorder shall endorse upon the Boundary Map the time and date of its filing and shall fasten the same securely in a book of maps of assessment and community facilities districts that the County Recorder keeps in its office. The County Recorder shall index the Boundary Map by the name of the District and the distinctive designation of the proposed Assessment District.

PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Carmel Area Wastewater District duly held on October 26, 2023 by the following vote:

AYES: BOARD MEMBERS: PRESIDENT WHITE, DIRECTORS: D'AMBROSIO,
URQUHART, RACHEL AND SIEGFRIED
NOES: BOARD MEMBERS:
ABSENT: BOARD MEMBERS:
ABSTAIN: BOARD MEMBERS:



Ken White, President of the Board

ATTEST:

Domine Barringer
Domine Barringer, Secretary of the Board