

RESOLUTION NO. 23-176

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT UNDER CHAPTER 3 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 IN THE RENAISSANCE AT BELLA VISTA LIGHTING, OPEN SPACE, AND LANDSCAPE DISTRICT FOR COUNTY SERVICE AREA NO. 34, ZONE D, AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENT.

WHEREAS, the County provides street lighting services, open space maintenance and public right-of-way landscape maintenance, in County Service Area No. 34, Zone D – Renaissance at Bella Vista (CSA 34D);

WHEREAS, Government Code section 25215.3 authorizes the Board of Supervisors (Board), on behalf of CSA 34D, to impose a benefit assessment in CSA 34D under the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500) for street lighting services, open space maintenance, and public right-of-way landscape maintenance, subject to the requirements of California Constitution, Article XIII D, section 4; and

WHEREAS, the Board, by Resolution 17-544 on December 5, 2017, formed the Renaissance at Bella Vista Lighting, Open Space, and Landscape Maintenance District, whose boundaries are coextensive with those of CSA 34D, the location and boundaries of which are shown on the map attached to this resolution as Exhibit A; and

WHEREAS, the Board, by Resolution 17-544, also provided that, beginning in fiscal year 2018-19, and for each year after, the Board may levy an annual assessment that includes an inflation increase in an amount not to exceed the amounts shown in Exhibit B to Resolution 17-544; and

WHEREAS, the “improvements” for purposes of Streets and Highways Code section 22525 are generally described as open space maintenance, the maintenance of public right-of-way landscape, which includes landscaping and irrigation systems, and street lighting services within CSA 34D; and

WHEREAS, the Board has received and approved an engineer’s report, dated May 23, 2023, and prepared by a registered professional engineer certified by the State of California, supporting an annual assessment in the Assessment District for street lighting services, open space maintenance,

1 and public right-of-way landscape maintenance in CSA 34D in the 2023-24 fiscal year (Engineer's
2 Report); and

3 WHEREAS, the Engineer's Report contains a full and detailed description of the improvements,
4 the boundaries of the Assessment District, and the proposed assessments upon assessable lots and
5 parcels of land within the Assessment District; and

6 WHEREAS, the Engineer's Report is on file with the Clerk of the Board; and

7 WHEREAS, before adopting this Resolution, the Board considered all testimony and
8 documentary evidence, and gave all persons a full and fair opportunity to be heard with respect to any
9 matter relating to the subject of this Resolution, both in favor and against it, and any matter relevant to
10 these proceedings, all of which was done in the interest of the public, and the Board is fully informed of
11 all matters referred to in this resolution.

12 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DOES
13 HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

14 **Section 1.** The above recitals are all true and correct.

15 **Section 2.** The Board hereby declares its intention to levy and collect an assessment in the
16 Assessment District, under Chapter 3 of the Landscaping and Lighting Act of 1972, for street lighting
17 services, open space maintenance, and public right-of-way landscape maintenance for the 2023-24
18 fiscal year. The assessment is not proposed to increase from the previous year, under the definition of
19 "increase" provided by Streets and Highways Code section 22630.5, Government Code section
20 54954.6, subdivision (a)(1)(D), and Government Code section 53750, subdivision (h)(1), because it
21 does not increase any applicable rate used to calculate the assessment, revise the methodology by
22 which the assessment is calculated, or result in an assessment being levied on any person or parcel
23 that exceeds what was approved in the Proposition 218 proceeding in 2017, but applies the inflation
24 increases approved by the Board in Resolution 17-544, and for those reasons is not subject to the
25 special notice, protest, hearing, and assessment balloting procedures under Government Code section
26 53753.

1 **Section 3.** A public hearing of the Board is hereby set for **June 20, 2023, at 9:30 A.M.**, or as
2 soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301,
3 Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to
4 the annual assessment, the amount assessed against each parcel, and related matters as set forth in
5 the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Sections
6 22629 through 22631 of the California Streets and Highways Code. The Public Hearing may be
7 continued from time to time by the Board without further notice, except that it may not be continued to a
8 date after July 18, 2023 without prior consent of the County Auditor-Controller/Treasurer-Tax Collector,
9 so there is time to put the assessment onto the tax roll for the 2023-24 tax year.

10 **Section 4** The Board hereby authorizes and directs the Clerk of the Board to cause notice
11 of the filing of the Engineer's report, and of the time, date, and place of the Public Hearing to be
12 published under Government Code section 6061, one time, at least ten (10) days before the Public
13 Hearing, as required by Streets and Highways Code sections 22552 and 22553. The publication
14 required by this Section 4 of this resolution shall include all the information in this resolution.

15 **Section 5.** Property owners wishing to preserve the opportunity to file a lawsuit challenging
16 the assessment, if levied, must file a written protest and state therein the specific grounds of protest.
17 Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of
18 protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

19 **Section 6.** The validity of the assessment announced by the Board of Supervisors shall not
20 be contested in any action or proceeding unless the action or proceeding is commenced within thirty
21 days after the assessment is announced and adopted. (Fresno County Ordinance Code section
22 4.28.040).

23 **Section 7.** The Board hereby finds and determines that it took all of the foregoing actions
24 and made all of the foregoing findings in full compliance with the law, including, without limitation,
25 Landscaping and Lighting Act of 1972, Article XIII D of the California Constitution, and any other law
26
27
28

referred to in this resolution. All proceedings referred to in this resolution have been taken with respect to the Assessment District for CSA 34D.

Section 8. This Resolution shall take effect immediately upon its adoption.

Section 9. The Clerk of the Board shall certify to the adoption of this Resolution and shall cause a certified copy of this Resolution to be filed in the office of the Clerk.

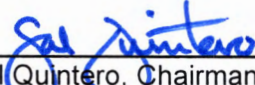
THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 23rd day of May, 2023, to-wit:

AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

NOES: None

ABSENT: None

ABSTAINED: None



Sal Quintero, Chairman of the Board
of Supervisors of the County of
Fresno

ATTEST:
Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno, State of California

By  _____
Deputy