



Attachment A

Notice of a Public Meeting and Public Protest Hearing on a Proposed Standby Charge Assessment

For Costs of Water and Sewer Services for Fresno County Service Area No. 1

APN: «APN»
«NAME1»
«ADDRESS1»
«ADDRESS2»

Dear Property Owner:

This is an important notice regarding your rights under Proposition 218 relating to a proposed standby charge assessment on your property. The proposed standby charge assessment would be used to pay for the cost of services for the water and sewer services within County Service Area No. 1.

Read this notice carefully. If you have any questions, please contact Jennifer Cavalla, Staff Analyst, County of Fresno Department of Public Works and Planning, Resources Division, 2220 Tulare Street, 6th Floor, Fresno, California 93721, by telephone at (559) 600-4321 or by email at jcavalla@fresnocountyca.gov.

This notice is given under the California Constitution, Article XIII D, section 4, and California Government Code sections 53753, 54716, and 54984.4.

The proposed assessment is supported by an Engineer's Report that is available online at:
<http://www.fresnocountyca.gov/csa1/er>

Notice of Public Protest Hearing

You are notified that on **August 4, 2020**, at **9:00 a.m.** (or as soon after as practicable), the Board of Supervisors (Board) will conduct a public protest hearing on the proposed standby charge assessment. The public protest hearing will happen in the Board's regular meeting chambers in the **Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721**. The public protest hearing will be open to all members of the public. During the hearing, any person may present relevant oral or written testimony to the Board, and the Board will consider all objections or protests to the proposed standby charge assessment. During the hearing, the Board may decide to continue the hearing to a later date without further notice.

The Governor of the State of California on March 4, 2020, proclaimed a state of emergency to exist in California as a result of the threat of COVID-19. The Board, by Resolution 20-093 on March 17, 2020, proclaimed the existence of a local emergency. Under Executive Order N-29-20 on March 17, 2020, the Governor of the State of California suspended certain meeting requirements under the Ralph M. Brown Act (Gov. Code, §§ 54950–54963).

- Under those authorities, the Board has established a procedure that does not allow for physical attendance by the public at Board meetings. The Board procedure provides for remote public participation in Board meetings.

- Due to the nature of the emergency, the Board procedure for public meetings is subject to change. The County cannot predict when that procedure might change.
- If any procedure limiting physical attendance and providing for remote public participation remains in place for the August 4, 2020 Board meeting, the specific procedure for the Public Hearing will be specified in the Board agenda for that meeting.

Summary of Procedures for the Completion, Return, and Tabulation of the Standby Charge Assessment Ballots

A standby charge assessment ballot and standby charge assessment ballot instructions are enclosed with this notice. If you wish to support or oppose the standby charge assessment, and have your support or opposition counted for purposes of the majority protest determination, you must properly complete a standby charge assessment ballot and timely submit to the Clerk of the Board by following the standby charge assessment ballot instructions. The instructions apply equally to all ballots, including substitute, change of ownership, and co-owner standby charge assessment ballots,

In summary, the standby charge assessment ballot instructions require that each ballot must be:

1. Marked "YES" or "NO" by the owner of the affected property, or that person's legally authorized representative, and dated and signed, all in ink;
2. Sealed inside the return envelope provided; and
3. Delivered personally or by mail so that the Clerk of the Board of Supervisors, at 2281 Tulare Street, Room 301, Fresno, California 93721-2198, receives the sealed ballot no later than the conclusion of public testimony at the public protest hearing at the date, time, and place stated above.

The standby charge assessment ballot instructions describe the procedures to withdraw a standby charge assessment ballot before the conclusion of public testimony at the public protest hearing. The instructions also describe the circumstances in which you may obtain a substitute standby charge assessment ballot, a change of ownership standby charge assessment ballot, or a co-owner standby charge assessment ballot, and the procedures to do so.

Please note that alterations to standby charge assessment ballots are prohibited. Alterations to, or comments written on, your ballot will be disregarded. If you wish to explain your support or opposition, or make detailed objections to the proposed standby charge assessment, you may do so orally or in writing at the public protest hearing.

At the conclusion of the public hearing, County staff designated by the Board will tabulate the standby charge assessment ballots that have been properly completed and timely submitted to the Clerk of the Board, and not withdrawn, in support of or opposition to the proposed standby charge assessment. County staff will then report the tabulation totals to the Board.

The standby charge assessment will not be imposed if the Board determines, based on the tabulation totals, that there is a majority protest to the proposed standby charge assessment. A majority protest occurs if the ballots submitted in opposition to the standby charge assessment exceed the ballots submitted in favor of the standby charge assessment, with ballots weighted according to the proportional financial obligation of the affected property.

If there is not a majority protest, the Board will impose the standby charge assessment.

Duration and Amount of Proposed Standby Charge Assessment

The **maximum total annual amount of the proposed standby charge assessment for all assessed properties** is **\$121,890.00 in fiscal year 2020-21, \$125,546.70 in fiscal year 2021-22, \$129,313.34 in fiscal year 2022-23, \$133,192.79 in fiscal year 2023-24, and \$137,188.39 in fiscal year 2024-25**. Each year after that, beginning in fiscal year 2025–2026, the maximum annual standby charge assessment may be increased over the previous year’s standby charge assessment to account for inflation, as stated in the Engineer’s Report.

The **maximum total annual amount of the proposed standby charge assessment for residential parcels** is **\$2,550.00 in fiscal year 2020–2021, \$2,626.50 in fiscal year 2021–2022, \$2,705.30 in fiscal year 2022–2023, \$2,786.46 in fiscal year 2023-2024, and \$2,870.05 in fiscal year 2024-2025**. Each year after that, beginning in fiscal year 2025–2026, the maximum annual standby charge assessment chargeable to the residential parcels identified in this Report may be increased over the previous year’s standby charge assessment to account for inflation, as stated in the Engineer’s Report.

The **maximum total annual amount of the proposed standby charge assessment for the motel** is **\$9,690.00.00 in fiscal year 2020–2021, \$9,980.70 in fiscal year 2021–2022, \$10,280.14 in fiscal year 2022–2023, \$10,558.55 in fiscal year 2023-2024, and \$10,906.19 in fiscal year 2024-2025**. Each year after that, beginning in fiscal year 2025–2026, the maximum annual standby charge assessment chargeable to the residential parcels identified in this Report may be increased over the previous year’s standby charge assessment to account for inflation, as stated in the Engineer’s Report.

Reason for Proposed Standby Charge Assessment

County Service Area No. 1 (CSA 1) was formed in 1962 to provide community water, sewer, and snow removal services for the subdivision known as Tamarack Estates, located nine miles south of Huntington Lake. The subdivision contains a total of 45 lots, 38 of which are developed, 6 are undeveloped, and one contains a 10-unit motel.

The costs of operating CSA 1 facilities have exceeded revenues since 2015 and will continue to do so unless the proposed standby charge assessment described in this report is levied. For the period from 2015 to today, the average annual operation and maintenance budget was \$97,344, while revenues from the water and sewer annual service charges have been constant at \$49,910. Ad valorem property tax revenues have not been sufficient to make up the difference. As a result, cash reserves have been depleted. Revenues need to be increased to not only meet expenses, but also, in accordance with Board policy adopted November 7, 2006, to build a cash reserve of a minimum of fifty percent of the average of the last three fiscal years’ annual operation costs. The proposed Assessment is to provide a method for all parcels benefiting from the services to pay their proportional share of the cost of providing those services.

The proposed standby charge assessment described in the Engineer’s Report is to fund:

- the supply, treatment, and distribution of water;
- the collection, treatment, and disposal of raw sewage;
- an operations and maintenance reserve; and

- costs associated with administering utility bills, financial audit requirements, liability insurance and other administrative costs.

For more detailed information about the reason for the proposed standby charge assessment, see the Engineer's Report.

Basis of Calculation for the Proposed Standby Charge Assessment

The calculation of the proposed standby charge assessment begins with the total annual cost of the services and reserves described above. Those costs are then allocated to individual parcels in proportion to an "Equivalent Dwelling Unit," or "EDU." One EDU represents the special benefit provided to a single dwelling unit, or residential home, by the services and reserves described above.

The proposed standby charge assessment also includes a yearly reserve contribution, so that in year 5 of the standby charge assessment the District will meet the Board's policy of maintaining a minimum reserve equal to 50% of the average of the three previous years' expenditures. To keep the assessment inflation factor at 3%, a higher portion of the reserve is collected initially, and lower portions in each successive year.

Each one of the 44 residential lots of record in CSA 1 is assigned 1 EDU and the motel parcel is assigned 3.8 EDUs.

For more detailed information about the basis upon which the proposed standby charge assessment was calculated, see Engineer's Report.

Additional Information

If proposed standby charge assessment is not imposed due to a "majority protest," as defined above, County staff will schedule a public community meeting. The purpose of that meeting will be to discuss strategies to reduce water and sewer services to avoid exceeding available revenues.

A copy of the agenda materials for the Board's June 9, 2020 meeting, including the resolution setting the public protest hearing described above, and all of the documents referred to in this notice, are on file and available for public inspection at the Office of the Clerk of the Board of Supervisors, at the County of Fresno's Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721. All of those materials are also available on the County's website at: <https://fresnocounty.legistar.com/>.

A copy of the agenda materials for the Board's August 4, 2020 meeting, including the public protest hearing described above, will be made available for public inspection at the Office of the Clerk of the Board of Supervisors, at the address stated above, on or around the Wednesday before that date.

Dated: _____

Bernice E. Seidel
Clerk of the Board of Supervisors
County of Fresno

By: _____

Deputy

Enclosures:

Notice of Public Meeting and Public Protest Hearing on a Proposed Standby Charge Assessment

For Costs of Water and Sewer Services

Fresno County Service Area No. 1

Page 4 of 5

1. Standby Charge Assessment Ballot Instructions
2. Standby Charge Assessment Ballot
3. Return Envelope/Self-Addressed Stamped Mailing Envelope