

**RESOLUTION NO. 20-220**

**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 ASSESSMENT DISTRICT FOR COUNTY SERVICE AREA NO. 34D 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. 34D – 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; and

WHEREAS, the Board, by Resolution 17-544 on December 5, 2017, formed the Renaissance at Bella Vista Assessment District, whose boundaries are coextensive with those of CSA 34D; and

WHEREAS, the “improvements” for purposes of Streets and Highways Code section 22525 are generally described as street lighting services, open space maintenance and public right-of-way landscape maintenance; and

WHEREAS, the Board has received and approved an engineer’s report, dated June 9, 2020, and prepared by a registered professional engineer certified by the State of California, supporting an assessment in Renaissance at Bella Vista Assessment District for street lighting services, open space maintenance and public right-of-way landscape maintenance in CSA 34D in the 2020-21 fiscal year (Engineer’s Report); and

WHEREAS, the Engineer’s Report contains a full and detailed description of the improvements, the boundaries of the assessment district, and the proposed assessments upon assessable lots and parcels of land within the Renaissance at Bella Vista Assessment District; and

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

WHEREAS, before adopting this Resolution, the Board considered all testimony and

1 documentary evidence, and gave all persons a full and fair opportunity to be heard with respect to any  
2 matter relating to the subject of this Resolution, both in favor and against it, and any matter relevant to  
3 these proceedings, all of which was done in the interest of the public, and the Board is fully informed of  
4 all matters referred to in this resolution.

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

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

8 **Section 2.** The Board hereby declares its intention to levy and collect an assessment in the  
9 Renaissance at Bella Vista Assessment District, under Chapter 3 of the Landscaping and Lighting Act  
10 of 1972, for street lighting services, open space maintenance and public right-of-way landscape  
11 maintenance for the 2020-21 fiscal year. The assessment is not proposed to increase from the previous  
12 year, under the definition of "increase" provided by Streets and highways Code section 22630.5,  
13 Government Code section 54954.6, subdivision (a)(1)(D), and Government Code section 53750,  
14 subdivision (h)(1).

15 **Section 3.** A public hearing of the Board is hereby set for **July 7, 2020, at 9:00 A.M.**, or as  
16 soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301,  
17 Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to  
18 the annual assessment, the amount assessed against each parcel, and related matters as set forth in  
19 the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Sections  
20 22629 through 22631 of the California Streets and Highways Code. The Public Hearing may be  
21 continued from time to time by the Board without further notice, except that it may not be continued to a  
22 date after August 10, 2020, without prior consent of the County Auditor-Controller/Treasurer-Tax  
23 Collector.

24 **Section 4** The Board hereby authorizes and directs the Clerk of the Board to cause notice  
25 of the filing of the Engineer's report, and of the time, date, and place of the Public Hearing to be  
26 published under Government Code section 6061, one time, no more than 10 days before the Public  
27 Hearing.

28 **Section 5.** Property owners wishing to preserve the opportunity to file a lawsuit challenging

1 the assessment, if levied, must file a written protest and state therein the specific grounds of protest.  
2 Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of  
3 protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

4 **Section 6.** The validity of the assessment announced by the Board of Supervisors shall not  
5 be contested in any action or proceeding unless the action or proceeding is commenced within thirty  
6 days after the assessment is announced and adopted (Fresno County Ordinance Code Section  
7 4.28.040).

8 **Section 7.** The Board hereby finds and determines that it took all of the foregoing actions  
9 and made all of the foregoing findings in full compliance with the law, including, without limitation,  
10 Landscaping and Lighting Act of 1972, Article XIID of the California Constitution, and any other law  
11 referred to in this resolution. All proceedings referred to in this resolution have been taken with respect  
12 to the Renaissance at Bella Vista Assessment District for CSA 34D.

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

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

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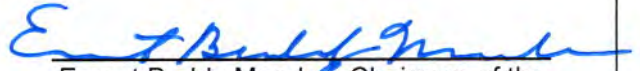
1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors  
2 of the County of Fresno this 9th day of June, 2020, to-wit:

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

4 NOES: None


5 ABSENT: None

6 ABSTAINED: None

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Ernest Buddy Mendes, Chairman of the  
Board of Supervisors of the County of  
Fresno

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

14 By  \_\_\_\_\_  
15 Deputy

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