



Board Agenda Item 11

DATE: July 12, 2022

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Hearing on Annual Assessment Levy for Park Maintenance for County Service Area No. 2 - Tenaya Estates

RECOMMENDED ACTION(S):

- 1. Conduct public hearing to consider all oral statements and all written protests made or filed by any interested person, if any, to the annual assessment for the park maintenance costs in County Service Area No. 2, Tenaya Estates.**
- 2. Adopt Resolution approving and levying the annual assessment for park maintenance benefiting 142 parcels within the Tenaya Park Assessment District for County Service Area No. 2.**

Approval of the first recommended action allows your Board to consider all oral statements and written protests pertaining to the levying of an annual assessment in the Tenaya Park Assessment District for County Service Area No. 2 (CSA 2). Approval of the second recommended action approves the annual assessment for park maintenance for CSA 2. This item pertains to a location in District 2.

ALTERNATIVE ACTION(S):

During the course of or upon the conclusion of the hearing, your Board may order changes to the 2022 annual Engineer's Report, provided none of those changes increase any applicable rate used to calculate the assessment, or revises the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2014.

Your Board may also approve or disapprove the annual assessment based on your Board's independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after August 10, 2022, without the prior consent of the County Auditor-Controller/Treasurer-Tax Collector.

The adoption of the resolution constitutes the levy of an annual assessment for FY 2022-23.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All operation, maintenance, and Department staff costs are paid by the benefitted properties within CSA 2 from property assessments.

DISCUSSION:

CSA 2 was formed on December 26, 1962, to provide services for the subdivision known as Tenaya Estates located West of Palm Avenue, East of Fruit Avenue, North of Escalon Avenue, and South of Sierra Avenue in Fresno, CA. The services consist of maintaining a two-and-a-half-acre community park, known as Tenaya Park, which is located in the center of the Tenaya Estates Subdivision. The subdivision consists of 142 residential parcels as shown on Exhibit A.

On June 17, 2014, after a Proposition 218 proceeding in which CSA 2 property owners received an opportunity to protest, and there was not a majority protest, the Board approved an assessment of \$43,736, or \$308 per parcel, for FY 2014-15. CSA 2 property owners also approved a formula providing that the assessment may be adjusted for any or all of the nine budget years after FY 2014-15 to provide for building reserves and addressing inflation at the rate of no more than 5% over the previous year. The maximum annual assessment per parcel approved by CSA 2 property owners for the succeeding years is detailed on Exhibit B. The assessment now proposed for FY 2022-23 is the maximum assessment that was approved by the CSA 2 property owners on June 17, 2014.

After the end of the tenth budget year (FY 2023-24), the annual assessment per parcel, adopted by the Board and approved by CSA 2 property owners, will remain at the same amount unless the CSA 2 property owners approve an increased assessment through another Proposition 218 ballot process. The 142 parcels receiving park maintenance service will pay 100% of the costs associated with the service.

Annual Engineer's Report:

As part of its June 21, 2022, resolution initiating this proceeding, the Board appointed and designated Steven E. White, P.E., Director of the Department of Public Works and Planning, as the Assessment Engineer, and directed him to prepare an Engineer's Report, to be filed with the Board under Article XIII D Section 4 of the California Constitution, and in compliance with the Landscaping and Lighting Act of 1972.

The Engineer's Report was filed with the Clerk of the Board on June 21, 2022, and the Board accepted that report as part of its adopted resolution of intention on the same date.

Annual Assessment:

As described in the Engineer's Report, the annual assessment is for:

- Playground resurfacing
- Sprinkler system maintenance
- Sidewalk repairs
- Curb and gutter repairs
- Street lighting maintenance
- Electrical system maintenance for street lighting and sprinkler system
- Landscaping
- Playground equipment maintenance
- Recreational improvements
- Electrical power and water costs
- County administration costs (labor, annual audits)

The report includes the administration and all operations and maintenance (O&M) of Tenaya Park, as well as the funding and maintaining of an O&M cash reserve.

Exhibit B shows the maximum assessment approved by the property owners for each of the 142 developed single-family residence parcels in CSA 2 over the first ten years after the 2014 Proposition 218 proceeding. The FY 2022-23 assessment for each of the 142 developed single-family residence parcels in CSA 2 is \$454, which equals \$64,468, the total assessment to levy for FY 2022-23. That proportionality is based on each parcel receiving an equal special benefit from the operation and maintenance of Tenaya Park. The assessment for each of the 142 developed single-family residence parcels in CSA 2 may be increased by

no more than 5% over the previous year to build reserves to comply with the Board's 50% cash reserve requirement.

Annual Assessment Process:

This is not a Proposition 218 proceeding. Assessments governed by the Landscaping and Lighting Act of 1972 must be levied annually. Because the assessment described in this report does not exceed the total amount or the per-parcel amount approved by the CSA 2 property owners in a Proposition 218 proceeding in 2014, it is not "increased" for purposes of Proposition 218. That means the special notice, protest, and hearing requirements of Proposition 218, including the provision of printed protest ballots, are not applicable here.

At the public hearing, your Board must consider all oral statements and all written protests made or filed by any interested person. Any interested person may, prior to the conclusion of the hearing, file a written protest with the Clerk of the Board, or if they have previously filed a protest, may file a written withdrawal of that protest. A written protest shall state the name of the property owner or authorized representative, all grounds of objection and the Assessor's Parcel Number of the property in CSA 2.

During the course of or upon the conclusion of the hearing, your Board may order changes to the report, provided none of those changes increase any applicable rate used to calculate the assessment, or revises the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2014.

Your Board may approve or disapprove the annual assessment based on its independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after August 10, 2022, without the prior consent of the County Auditor- Controller/Treasurer-Tax Collector.

Your Board may adopt either the proposed resolution confirming the annual assessment or as amended by the Board. The adoption of the resolution constitutes the levy of an annual assessment for FY 2022-23. In addition to levying the annual assessment, the Resolution provides that the annual assessment shall be collected at the same, and in the same manner, and subject to the same penalties, as the Fiscal Year 2022-23 general property taxes of the County. The Resolution also authorizes and directs the Director of the Department of Public Works and Planning to timely deliver, or cause their designee to timely deliver, to the Auditor-Controller/Treasurer-Tax Collector, no later than August 10, 2022, a copy of the resolution, which must include the true and complete assessment roll. The assessment roll lists every property and the amount of the annual assessment on that property.

REFERENCE MATERIAL:

BAI # 75, June 21, 2022
BAI # 46, July 13, 2021
BAI # 3, July 7, 2020
BAI # 12, June 4, 2019
BAI # 11, June 12, 2018
BAI # 14, June 20, 2017
BAI # 7, June 21, 2016
BAI # 13, June 2, 2015
BAI # 11, June 17, 2014

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibits A-B
On file with Clerk - Resolution

CAO ANALYST:

Salvador Espino