

1 **A Resolution of the Board of Supervisors of the County of Fresno to determine the total**
2 **amount of a Clean Water State Revolving Fund Loan in the amount of \$4,144,919 for**
3 **improvements to the residential wastewater treatment facility serving Zone D of County**
4 **Service Area No. 44 (Monte Verdi Estates), to determine that the assessment in**
5 **Assessment District No. 284 is due and payable, and to fix the total amount of the**
6 **assessment at \$5,310,000**

7 WHEREAS, the residential wastewater treatment facility (WWTF) serving Zone D of
8 County Service Area No. 44 (CSA 44D), also known as Monte Verdi Estates, required upgrades
9 to bring it into compliance with waste discharge requirements prescribed by the Regional Water
10 Quality Control Board (RWQCB), which upgrades involved, the installation of membrane
11 bioreactor technology with necessary appurtenant equipment, making structural modifications to
12 the existing tanks to accommodate new equipment, construction of a 20-foot by 31-foot addition
13 to the south side of the WWTF building to house blowers and influent mechanical screening
14 equipment, and construction of a biofilter (collectively, Improvements);

15 WHEREAS, as previously authorized by the Board of Supervisors (Board) on August 10,
16 2010, by Resolution No. 10-298, the County of Fresno (County), on behalf of CSA 44D,
17 submitted an application for financial assistance to the State Water Resources Control Board
18 (SWRCB), Division of Financial Assistance, and the SWRCB after credit review approved total
19 funding of \$4,877,000 comprised of a 30-year Clean Water State Revolving Fund (CWSRF)
20 loan in the amount of \$4,144,919 and a Water Recycling Fund Program (WRFP) grant in the
21 amount of \$732,081, for the purpose of financing the costs and expenses of the Improvements,
22 including planning, engineering, and construction;

23 WHEREAS, on August 2, 2013, the Board adopted Resolution No. 13-248 forming
24 Assessment District No. 284 (AD 284), with boundaries coextensive with CSA 44D, and
25 confirming an assessment in that district under the Municipal Improvement Act of 1913 (Division
26 12, beginning with section 10000, of the California Streets and Highways Code) (1913 Act) in
27 the maximum total amount of \$2,833,627.50 over a term of 20 years for the purpose of securing
28 repayment of the CWSRF loan (including an additional amount calculated as 10 percent of the

1 annual debt service payment on the loan, as required by the applicable SWRCB policy)
2 (Assessment);

3 WHEREAS, the Board further provided in Resolution No. 13-248 for a maximum annual
4 assessment under section 10204, subdivision (f), of the 1913 Act, for administrative costs in the
5 amount of \$76 per parcel per year for 20 years for necessary costs and expenses incurred, and
6 not otherwise reimbursed, resulting from the administration and collection of assessments
7 (Annual Administrative Assessment);

8 WHEREAS, a certified copy of the diagram, notice, and list of property owners of
9 assessed properties for the Assessment is on record in the Office of the Fresno County
10 Recorder, and a Notice of Assessment was recorded in that Office on August 22, 2013, as
11 document number 2013-0120910, as required by Section 3114 of the California Streets and
12 Highways Code;

13 WHEREAS, on February 28, 2017, after construction bids revealed that the cost of the
14 Improvements would be higher than originally estimated, the Board conducted a majority protest
15 hearing after notice to property owners under Proposition 218 and, upon no majority protest,
16 adopted Resolution No. 17-135 to increase the maximum total amount of the Assessment to
17 \$5,403,750 and extend the term to 30 years, for the same purpose as provided in Resolution
18 No. 13-248;

19 WHEREAS, the Board further provided in Resolution No. 17-135 that the changes
20 approved in that resolution did not affect the Annual Administrative Assessment except to
21 extend its term from 20 years to 30 years;

22 WHEREAS, on July 6, 2017, the Clerk of the Board mailed, postage prepaid, to all
23 property owners of the assessed properties whose names and addresses appeared on the last
24 equalized assessment roll as of that date, a notice that stated the maximum total amount of the
25 Assessment as increased, and the term of the Assessment as extended, by Resolution No. 17-
26 135, which notice referred to the Notice of Assessment recorded on August 22, 2013, in the
27 Office of the Fresno County Recorder, as document number 2013-0120910;

28 WHEREAS, Resolution No. 13-184 (the resolution of intention for the Assessment),

1 Resolution No. 13-248 (levying the Assessment), and Resolution No. 17-135 (increasing and
2 extending the Assessment) all provided that, under sections 10402 and 10550 of the 1913 Act,
3 the Assessment will not become due and payable until the total amount of the CWSRF loan is
4 fully determined, after construction is complete, as established by the Board in a change
5 proceeding under section 10350 and following of the 1913 Act;

6 WHEREAS, on May 22, 2020, the County on behalf of CSA 44D submitted the final
7 disbursement claim on the CWSRF loan, and the total of all disbursements claimed on the
8 CWSRF loan is \$4,144,919, which is the maximum amount of disbursements available under
9 the CWSRF loan;

10 WHEREAS, prior disbursements of loan proceeds accrued interest through November
11 19, 2019, when the SWRCB deemed construction to be substantially complete ("Construction
12 Period Interest") in the total amount of \$13,137.20, and that amount will be added to the
13 principal amount that accrues interest during the repayment period;

14 WHEREAS, the contractor fully completed construction on June 1, 2020;

15 WHEREAS, the SWRCB has provided an estimated payment schedule for the CWSRF
16 loan, assuming the final disbursement of loan proceeds will occur on September 1, 2020, and a
17 copy of that estimated payment schedule is attached as Exhibit A to this resolution, showing
18 total principal payments in the amount of \$4,158,056.20 (including the maximum loan amount of
19 \$4,144,919, and Construction Period Interest in the amount of \$13,137.20) and estimated total
20 interest payments during the repayment period in the amount of \$667,330.77, with estimated
21 total annual debt service in the amount of \$160,846.23 before the additional 10 percent
22 Coverage (as that term is defined in Resolution No. 13-184);

23 WHEREAS, section 10352 of the 1913 Act provides that all changes to the Assessment
24 shall be made on notice and hearing, except for changes after the Improvements are ordered
25 and during the pendency of the proceedings which do not increase the total amount of the
26 assessment;

27 WHEREAS, because Resolution Nos. 13-184, 13-248, and 17-135 expressly provided
28 that the Assessment will not become due and payable until the total amount of the CWSRF loan

1 is fully determined, after construction is complete, as established by the Board in a change
2 proceeding under section 10350 and following of the 1913 Act, the proceedings are still pending
3 and the Board retains the power to establish the final amount of the Assessment in this
4 proceeding without further notice or hearing;

5 WHEREAS, although notice is not required, the Department of Public Works and
6 Planning, on June 15, 2020, mailed a notice to owners of property in CSA 44D and AD 284, to
7 inform them of the date, time, and place of the Board meeting at which this resolution was
8 proposed for approval, in the form attached as Exhibit B to this resolution; and

9 WHEREAS, the only change to the Assessment to be made by this resolution is to fix
10 the total amount of the Assessment and determine that the assessment is due and payable;

11 **Now, therefore, the Board hereby finds, resolves, and orders as follows:**

12 1. **Recitals.** All of the recitals above are true and correct.

13 2. **Total Principal Amount of CWSRF Loan.** The total principal amount of the
14 CWSRF loan is \$4,144,919, which is the maximum amount.

15 3. **Completion of Construction.** Construction of the Improvements was completed
16 on June 1, 2020.

17 4. **Total Amount of Assessment Due and Payable.** The Assessment is hereby
18 determined to be due and payable, and is fixed in the total amount of \$5,310,000 (which is
19 \$42,480 per parcel, or \$1,416 per parcel per year). The total amount of the Assessment as fixed
20 by this resolution is the amount necessary to cover (a) the principal amount necessary to repay
21 the CWSRF loan in the amount of \$4,144,919 to finance the Improvements (including planning,
22 engineering, and construction costs), (b) the interest on the CWSRF loan in the estimated total
23 amount of \$680,467.97 (which includes \$13,137.20 in Construction Period Interest that will be
24 added to the principal amount, and estimated interest to be paid during the repayment period in
25 the amount of \$667,330.77), and (c) the additional amount calculated as 10 percent of the
26 annual debt service payment on the loan, as required by the applicable SWRCB policy, in the
27 estimated total amount of \$484,613.03.

28 5. **Annual Administrative Assessment.** The change approved in this resolution do

1 not affect the Annual Administrative Assessment, which is \$76 per parcel per year.

2 **6. Notice of Assessment Changes.** The Clerk of the Board is authorized and
3 directed to cause a notice of Assessment changes, substantially in the form of Exhibit C to this
4 resolution, to be mailed, postage prepaid, to all property owners of the assessed properties
5 whose names and addresses appear on the last equalized assessment roll.

6 **7. Collection.** The Assessment, in the amount fixed by this resolution, and the
7 Annual Administrative Assessment, shall be collected in the same manner, and be subject to
8 the same penalties, as general property taxes. Under sections 10428 and 10550 of the 1913
9 Act, the assessment lien will continue until the expiration of four years after the due date of the
10 last installment of debt service for the CWSRF loan. The owner of assessed land may prepay
11 the Assessment and remove the assessment lien at any time after the Assessment becomes
12 due and payable, which is any time after the date of this resolution, with a discount for the
13 amount of the Assessment representing the Coverage (as that term is defined in Resolution No.
14 13-184) for all future annual installments at the time of the prepayment. The prepayment
15 amount shall include interest on the CWSRF loan estimated to accrue on the principal amount
16 of the prepayment through the date of the next installment payment on the CWSRF loan. The
17 amount prepaid shall be included in the next installment payment on the CWSRF loan with the
18 portion of the prepayment for future principal installments allocated as a principal payment.

19 **8. Delivery of Roll.** The Director of the Department of Public Works and Planning is
20 authorized and directed to timely deliver, or to cause their designee to timely deliver, to the
21 Auditor-Controller/Treasurer-Tax Collector, for each fiscal year for which the Assessment is
22 levied by this resolution, beginning with Fiscal Year 2020-21, a true and complete roll of the
23 Assessment, and a true and complete roll of the Annual Administrative Assessment.

24 **9. Legal Compliance.** The Board made all of the findings above and in full
25 compliance with the law, including but not limited to the 1913 Act, the Proposition 218 Omnibus
26 Implementation Act, Article XIII D of the California Constitution, and any other law referred to in
27 this resolution.

28 **10. Prior Resolutions.** All of the prior resolutions of this Board with respect to AD

1 284 and the Assessment, including but not limited to Resolution Nos. 13-184 (adopted May 21,
2 2013), 13-201 (adopted June 4, 2013), 13-248 (adopted August 2, 2013), 17-015 (adopted
3 January 10, 2017), and 17-135 (adopted February 28, 2017), remain in full force and effect
4 except as provided in this resolution.

5 11. **Effective Date.** This resolution is effective immediately upon its adoption.
6

7 THE FOREGOING RESOLUTION was passed and adopted by the following vote of
8 the Board of Supervisors of the County of Fresno this 7th day of July,
9 2020, to wit:

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

11 NOES: None

12 ABSENT: None

13 ABSTAINED: None
14

15 

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

16
17
18 **Attest:**

19 Bernice E. Seidel
20 Clerk of the Board of Supervisors
County of Fresno, State of California

21
22 By: Susan Bishop

23 Deputy
24
25
26
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28

EXHIBIT A

State of California - State Water Resources Control Board Clean Water State Revolving Fund Payment Schedule

Recipient: Fresno, County of
Project No.: C-06-5541-110
Agreement No.: D1501013-550-0

Date: 6/2/2020
Amount: 4,144,919
Interest rate: 1.000%
Term: 30 Years

Date	Disbursement/ Payment	No.	Beginning Balance	Draw Amount	Construction Period Interest (CPI)		Annual Interest Accrued	Principal Paid/Due	Interest Paid/Due	Total Payment	Ending Balance
					Amount Accrued	Amt. Trans. to Principal					
16-May-2018	Disbursement	1	0.00	688,251.00	0.00					0.00	688,251.00
30-Jun-2018	End FY		688,251.00		841.20					0.00	688,251.00
9-Jan-2019	Disbursement	2	688,251.00	28,712.00	3,613.32					0.00	716,963.00
30-May-2019	Disbursement	3	716,963.00	534,506.00	2,808.11					0.00	1,251,469.00
30-Jun-2019	End FY		1,251,469.00		1,042.89					0.00	1,251,469.00
19-Nov-2019	Const. Compl.		1,251,469.00		4,832.06	13,137.20				0.00	1,264,606.20
24-Jan-2020	Disbursement	4	1,264,606.20	2,589,995.00			2,283.32			0.00	3,854,601.20
30-Jun-2020	End FY		3,854,601.20				16,703.27			0.00	3,854,601.20
1-Sep-2020	Disbursement	5	3,854,601.20	303,455.00			6,531.41			0.00	4,158,056.20
19-Nov-2020	Payment	1	4,158,056.20				9,009.12	126,319.11	34,527.12	160,846.23	4,031,737.09
19-Nov-2021	Payment	2	4,031,737.09				40,317.37	120,528.86	40,317.37	160,846.23	3,911,208.23
19-Nov-2022	Payment	3	3,911,208.23				39,112.08	121,734.15	39,112.08	160,846.23	3,789,474.08
19-Nov-2023	Payment	4	3,789,474.08				37,894.74	122,951.49	37,894.74	160,846.23	3,666,522.59
19-Nov-2024	Payment	5	3,666,522.59				36,665.23	124,181.00	36,665.23	160,846.23	3,542,341.59
19-Nov-2025	Payment	6	3,542,341.59				35,423.42	125,422.81	35,423.42	160,846.23	3,416,918.78
19-Nov-2026	Payment	7	3,416,918.78				34,169.19	126,677.04	34,169.19	160,846.23	3,290,241.74
19-Nov-2027	Payment	8	3,290,241.74				32,902.42	127,943.81	32,902.42	160,846.23	3,162,297.93
19-Nov-2028	Payment	9	3,162,297.93				31,622.98	129,223.25	31,622.98	160,846.23	3,033,074.68
19-Nov-2029	Payment	10	3,033,074.68				30,330.75	130,515.48	30,330.75	160,846.23	2,902,559.20
19-Nov-2030	Payment	11	2,902,559.20				29,025.59	131,820.64	29,025.59	160,846.23	2,770,738.56
19-Nov-2031	Payment	12	2,770,738.56				27,707.39	133,138.84	27,707.39	160,846.23	2,637,599.72
19-Nov-2032	Payment	13	2,637,599.72				26,376.00	134,470.23	26,376.00	160,846.23	2,503,129.49
19-Nov-2033	Payment	14	2,503,129.49				25,031.29	135,814.94	25,031.29	160,846.23	2,367,314.55
19-Nov-2034	Payment	15	2,367,314.55				23,673.15	137,173.08	23,673.15	160,846.23	2,230,141.47
19-Nov-2035	Payment	16	2,230,141.47				22,301.41	138,544.82	22,301.41	160,846.23	2,091,596.65
19-Nov-2036	Payment	17	2,091,596.65				20,915.97	139,930.26	20,915.97	160,846.23	1,951,666.39
19-Nov-2037	Payment	18	1,951,666.39				19,516.66	141,329.57	19,516.66	160,846.23	1,810,336.82
19-Nov-2038	Payment	19	1,810,336.82				18,103.37	142,742.86	18,103.37	160,846.23	1,667,593.96
19-Nov-2039	Payment	20	1,667,593.96				16,675.94	144,170.29	16,675.94	160,846.23	1,523,423.67
19-Nov-2040	Payment	21	1,523,423.67				15,234.24	145,611.99	15,234.24	160,846.23	1,377,811.68
19-Nov-2041	Payment	22	1,377,811.68				13,778.12	147,068.11	13,778.12	160,846.23	1,230,743.57
19-Nov-2042	Payment	23	1,230,743.57				12,307.44	148,538.79	12,307.44	160,846.23	1,082,204.78

**State of California - State Water Resources Control Board
Clean Water State Revolving Fund Payment Schedule**

Recipient: Fresno, County of
Project No.: C-06-5541-110
Agreement No.: D1501013-550-0

Date: 6/2/2020
Amount: 4,144,919
Interest rate: 1.000%
Term: 30 Years

Date	Disbursement/ Payment	No.	Beginning Balance	Draw Amount	Construction Period Interest (CPI)		Annual Interest Accrued	Principal Paid/Due	Interest Paid/Due	Total Payment	Ending Balance
					Amount Accrued	Amt. Trans. to Principal					
19-Nov-2043	Payment	24	1,082,204.78				10,822.05	150,024.18	10,822.05	160,846.23	932,180.60
19-Nov-2044	Payment	25	932,180.60				9,321.81	151,524.42	9,321.81	160,846.23	780,656.18
19-Nov-2045	Payment	26	780,656.18				7,806.56	153,039.67	7,806.56	160,846.23	627,616.51
19-Nov-2046	Payment	27	627,616.51				6,276.17	154,570.06	6,276.17	160,846.23	473,046.45
19-Nov-2047	Payment	28	473,046.45				4,730.46	156,115.77	4,730.46	160,846.23	316,930.68
19-Nov-2048	Payment	29	316,930.68				3,169.31	157,676.92	3,169.31	160,846.23	159,253.76
19-Nov-2049	Payment	30	159,253.76				1,592.54	159,253.76	1,592.54	160,846.30	0.00
				4,144,919.00	13,137.58	13,137.20	667,330.77	4,158,056.20	667,330.77	4,825,386.97	
Outstanding Disbursement Balance:				0.00							

EXHIBIT B



County of Fresno

BOARD OF SUPERVISORS

Chairman Buddy Mendes District Four	Vice Chairman Steve Brandau District Two	Brian Pacheco District One	Sal Quintero District Three	Nathan Magsig District Five	Bernice E. Seidel Clerk
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June 15, 2020

Tax Parcel Number:
Record Owner(s):
Address:

Re: Notice of Change Proceeding to Fix Total Amount of Assessment (Assessment District No. 284) in County Service Area No. 44, Zone D (Monte Verdi Estates)

Dear Property Owner(s):

This letter is to inform you that the Fresno County Board of Supervisors ("Board") will conduct a "change proceeding" on July 7, 2020, to fix the total amount of the assessment in Assessment District No. 284 ("Assessment"). The change proceeding will also make the Assessment due and payable, so that the Assessment will be placed on the County's tax roll for collection beginning in County Fiscal Year 2020-21.

The purpose of the Assessment is to secure repayment of a Clean Water State Revolving Fund Loan to finance upgrades to the residential wastewater treatment facility serving County Service Area No. 44, Zone D ("CSA 44D"). **The total amount of the Assessment to be fixed by the Board in the change proceeding will not exceed the maximum assessment amount that CSA 44D property owners approved in 2017, after a Proposition 218 proceeding, which was \$5,403,750.** A copy of the notice mailed to CSA 44D property owners on July 6, 2017, is enclosed with this letter for your reference.

The change proceeding is under Chapter 4.5 of the Municipal Improvement Act of 1913 (beginning with Section 10350 of the California Streets and Highways Code), and is required by Board Resolution No. 13-248 (August 2, 2013), which originally levied the Assessment, and Board Resolution No. 17-135 (February 28, 2017), which increased and extended the Assessment. By the change proceeding, the Board will fix the total amount of the Assessment as follows:

1. The total amount of the Assessment will be fixed at **\$5,310,000**
2. The total amount of the Assessment per parcel will be fixed at **\$42,480**.

The term of the Assessment is **30 years** beginning with County Fiscal Year 2020-21. That means the amount of the Assessment per parcel per year will be **\$1,416**.

There is also an annual administrative assessment of **\$76** per parcel for each year for administrative costs during the term of the Assessment that the Board established by Resolution No. 13-248 and which remains unchanged by later Board resolutions.

The "Notice of Assessment" for Assessment District No. 284, which was recorded on August 22, 2013, in the office of the Fresno County Recorder as document number 2013-0120910, remains in effect.

Re: Notice of Change Proceeding to Fix Total Amount of Assessment (Assessment District No. 284) in County Service Area No. 44, Zone D (Monte Verdi Estates)
June 15, 2020
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If you have any questions concerning this matter, you may contact Sebastian Artal, Supervising Engineer, County of Fresno Department of Public Works and Planning, Design Division, 2220 Tulare Street, 7th Floor, Fresno, California 93721, by phone at (559) 600-4512 or email at sartal@fresnocountyca.gov

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

By: _____
Deputy



EXHIBIT C

County of Fresno

BOARD OF SUPERVISORS

Chairman

Buddy Mendes
District Four

Vice Chairman

Steve Brandau
District Two

Brian Pacheco
District One

Sal Quintero
District Three

Nathan Magsig
District Five

Bernice E. Seidel
Clerk

July 8, 2020

Tax Parcel Number:
Record Owner(s):
Address:

Re: Notice of Changed Assessment (Assessment District No. 284)

Dear Property Owner(s):

This letter is to inform you that the Board of Supervisors conducted a “change proceeding” on July 7, 2020, that fixed the total amount of the assessment in Assessment District No. 284 (“Assessment”). The change proceeding made the Assessment due and payable, so that the Assessment will be placed on the County’s tax roll for collection beginning County Fiscal Year 2020-21.

The purpose of the Assessment is to secure repayment of a Clean Water State Revolving Fund Loan to finance upgrades to the residential wastewater treatment facility serving County Service Area No. 44, Zone D (“CSA 44D”).

The change proceeding was under Chapter 4.5 of the Municipal Improvement Act of 1913 (beginning with Section 10350 of the California Streets and Highways Code), and was required by Board Resolution No. 13-248 (August 2, 2013), which originally levied the Assessment, and Board Resolution No. 17-135 (February 28, 2017), which increased and extended the Assessment and set the maximum total amount of the Assessment at \$5,403,750. By the change proceeding, the Board fixed the total amount of the Assessment, as follows:

1. The total amount of the Assessment is fixed at **\$5,310,000**
2. The total amount of the Assessment per parcel is fixed at **\$42,480**.

The term of the Assessment is set to **30 years** beginning with County Fiscal Year 2020-21. That means the amount of the Assessment per parcel per year will be **\$1,416**.

There is also an annual administrative assessment of **\$76** per parcel for each year for administrative costs during the term of the Assessment that the Board established by Resolution No. 13-248 and which remains unchanged by later Board resolutions.

The “Notice of Assessment” for Assessment District No. 284, which was recorded on August 22, 2013, in the office of the Fresno County Recorder as document number 2013-0120910, remains in effect.

If you have any questions concerning this matter, you may contact Sebastian Artal, Supervising Engineer, County of Fresno Department of Public Works and Planning, Design Division, 2220 Tulare Street, 7th Floor, Fresno, California 93721, by phone at (559) 600-4512 or email at sartal@fresnocountyca.gov

Re: Notice of Changed Assessment (Assessment District No. 284)
July 8, 2020
Page 2

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

By: _____
Deputy