

RESOLUTION NO. 19-374

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVING AND LEVYING ASSESSMENTS ON REAL PROPERTY UNDER THE UNIFORM STANDBY CHARGE PROCEDURES ACT FOR LOCAL WATER AND SEWER UTILITY SYSTEM READY-TO-SERVE MAINTENANCE FOR COUNTY SERVICE AREA NO. 34 ZONE F (THE VISTAS)

WHEREAS, the County provides certain facilities and services in County Service Area No. 34 Zone F (CSA 34F), which is also known as The Vistas; and

WHEREAS, the facilities and services provided by the County in CSA 34F include maintaining water distribution piping system facilities and sewer collection piping and pumping facilities in ready-to-serve status (collectively, Water and Sewer Facilities); and

WHEREAS, Government Code section 25215.6 authorizes the County to impose a benefit assessment in CSA 34F under the Uniform Standby Charge Procedures Act (Government Code sections 54984 through 54984.9) to pay for the costs of the Water and Sewer Facilities; and

WHEREAS, the map attached to this resolution as exhibit A, by which parcels are shaded in pink, shows the territory within CSA 34F where a benefit assessment for the costs of the water and sewer facilities is to be levied; and

WHEREAS, the Board, by resolution 19-327, adopted on August 20, 2019, appointed and designated Kheng Vang, a registered professional engineer, as the assessment engineer (Assessment Engineer) and authorized and directed him to make and, no later than August 20, 2019, file with the Clerk of the Board a written report with regard to the proposed benefit assessment; and

WHEREAS, on August 20, 2019, the Assessment Engineer filed an "Engineer's Report for Tract 6189 and Tract 4934 On Proposed Water and Wastewater Service Fees and Proposed Infrastructure Operations And Maintenance Benefit Assessments for Fresno County Service Area 34 and Its Zone G (Granville) and Zone F (The Vistas)," dated July 25, 2019, which, under Article XIII D, Section 4, of the California Constitution, Chapter 2 of the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500), which supports a benefit assessment on properties benefitting from the Water and Sewer Facilities (Engineer's Report); and

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1 WHEREAS, the Board, by resolution 19-328, adopted on August 20, 2019, proposed to proceed
2 under the Uniform Standby Charge Procedures Act to levy and collect a benefit assessment in CSA
3 34F for the cost of the Water and Sewer Facilities, and declared that, if the Board imposes the
4 proposed benefit assessment, the resolution imposing the assessment shall provide that the
5 assessment will continue in successive years through Fiscal Year 2024-25 in the amounts stated in
6 Exhibit B and the Engineer's Report, and then remain the same amounts in the following years until the
7 assessment is reduced or terminated, or there is a new proceeding to increase the assessment; and

8 WHEREAS, Exhibit B to this resolution identifies all of the parcels that receive a special benefit
9 from the Water and Sewer Facilities, upon which the benefit assessment is to be imposed, and the
10 amount of the assessment for each parcel; and

11 WHEREAS, the Engineer's Report contains all of the following as required by Article XIII D,
12 Section 4, of the California Constitution, and the Uniform Standby Charge Procedures Act (Government
13 Code sections 54984 through 54984.9); and

- 14 A. A description of the services proposed to be financed through the revenue derived from the
15 assessment, including CSA 34F.
- 16 B. An identification and description of all parcels which have a special benefit conferred on
17 them and on which the assessment will be imposed, which is CSA 34F.
- 18 C. The amount of the proposed assessment for each parcel, and the method by which it will be
19 imposed.
- 20 D. The basis and schedule of the assessment.
- 21 E. A determination of the proportionate special benefit derived by each identified parcel in
22 relationship to the entirety of the cost of the operation and maintenance services to be
23 provided for the 10 parcels within CSA 34F.
- 24 F. A statement of the methodology and rationale followed in determining the degree of benefit
25 conferred by the services for which the assessment is made.
- 26 G. A determination that no assessment is imposed on any parcel which exceeds the
27 reasonable cost of the proportional special benefit conferred on that parcel.
- 28 H. A determination that the only benefits assessed are special and that general benefits have

1 been separated from special benefits conferred on each parcel.

- 2 I. A determination that no parcel owned by any agency, the State of California or the United
3 States, but not identified and described above, receives any special benefit from the
4 operation and maintenance services to be provided; and

5 WHEREAS, the Board gave notice of a public protest hearing on the assessment under
6 subdivisions (c) and (d) of Article XIII D, Section 4, of the California Constitution, and subdivisions (b)
7 and (c) of Government Code section 53753, as follows: The Clerk of the Board issued notice by mail
8 on August 21, 2019, to the record owner of each parcel identified as having a special benefit conferred
9 upon it and upon which the assessment is to be imposed. Each notice contained:

- 10 A. The dates, times, and locations of the Public Hearing;
- 11 B. The total amount of the proposed benefit assessment chargeable to all of the affected
12 parcels;
- 13 C. The amount of the proposed benefit assessment for each affected parcel;
- 14 D. The basis upon which the amount of the proposed benefit assessment was calculated;
- 15 E. A statement that the assessment will continue in successive years through Fiscal Year
16 2024-25 in the amounts stated in Exhibit B and the Engineer's Report;
- 17 F. A website link to view the Engineer's Report;
- 18 G. The reason for the assessment, namely the costs of the Water and Sewer Facilities;
- 19 H. The address to which property owners may mail a protest against the proposed benefit
20 assessment;
- 21 I. The telephone number and address of an individual or office that interested persons may
22 contact to receive additional information about the proposed benefit assessment;
- 23 J. An assessment ballot that included the address for receipt of the ballot and a place where
24 the person returning the ballot may indicate his or her name, a reasonable identification of
25 the parcel, and his or her support or opposition to the proposed benefit assessment;
- 26 K. Assessment ballot instructions;
- 27 L. A conspicuous summary of the procedures for the completion, return, and tabulation of the
28 ballots; and

1 M. A statement that the proposed benefit assessment shall not be imposed if the ballots
2 submitted in opposition to the assessment exceed the ballots submitted in favor of the
3 assessment, with ballots weighted according to the proportional financial obligation of the
4 affected property; and,

5 WHEREAS, the Board held a public protest hearing on October 8, 2019, more than 45 days
6 after the mailing of the notice on August 21, 2019, as described above; and

7 WHEREAS, the Board followed the assessment ballot procedure required by Section 4 of Article
8 XIII D of the California Constitution to determine whether a "majority protest" existed at the close of the
9 public hearing of protests, summarized as follows: Immediately following the close of the public protest
10 hearing, the returned assessment ballots were tabulated, both in support of and in opposition to the
11 new assessment, with each assessment ballot weighted according to the proportional financial
12 obligation of the affected property, and the results were announced; and,

13 WHEREAS, at the public protest hearing conducted by the Board on October 08, 2019, the
14 assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not
15 exceed the assessment ballots submitted, and not withdrawn, in its favor, with each assessment ballot
16 weighted according to the proportional financial obligation of the affected property; and,

17 WHEREAS, a "majority protest" does not exist concerning the proposed assessment on real
18 property for the Water and Sewer Facilities;

19 **Now, for those reasons, the Board of Supervisors of the County of Fresno hereby finds,**
20 **determines, and resolves as follows:**

21 1. The above recitals are all true and correct.

22 2. The Board, under the Uniform Standby Charge Procedures Act (Government Code
23 sections 54984 through 54984.9) approves the Engineer's Report, and determines and levies an
24 assessment on real property to pay for the Water and Sewer Facilities benefiting the 10 parcels in the
25 CSA 34F, as shown and described in Exhibit B to this Resolution, for the FY 2019-20 and each year
26 after as follows:

27 A. The first annual assessment will occur in Fiscal Year 2019-20. Beginning in fiscal
28 year 2020-21, and for each year after, the Board may levy an annual assessment in an amount not to

1 exceed the amounts shown in Exhibit B to this resolution. The assessment may not be levied in
2 amounts exceeding what is shown in Exhibit B unless the property owners in CSA 34F approve such
3 an increase in another proceeding that complies with the requirements of Proposition 218.

4 B. The lien date shall be that prescribed by law and the assessment shall be
5 collected annually at the same time, and in the same manner, and subject to the same penalties, as the
6 general taxes of the County, except that for Fiscal Year 2019-20, the assessment may be collected by
7 direct billing to the owner of each assessed property through the Department of Public Works and
8 Planning.

9 3. The assessment shall be published in the Master Schedule of Fees, Charges and
10 Recovered Costs for administrative purposes only.

11 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
12 of the County of Fresno this 8th day of October, 2019, to-wit:

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

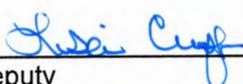
14 NOES: None

15 ABSENT: None

16 ABSTAINED: None

17
18 
Nathan Magsig, Chairman of the Board
of Supervisors of the County of Fresno

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

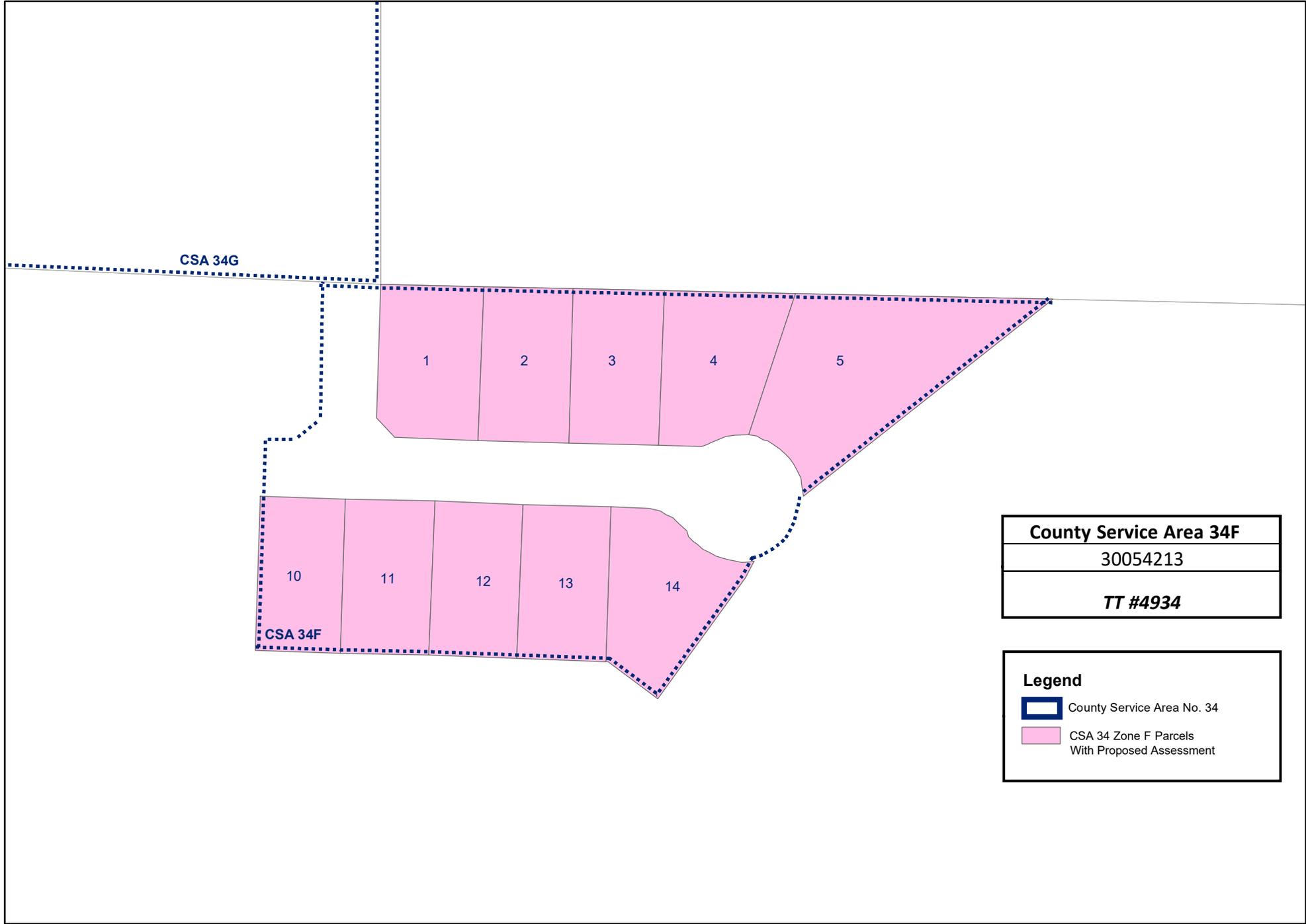
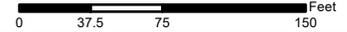
22 By 
23 Deputy

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County Service Area No. 34 Zone F

LOCAL WATER AND SEWER READY-TO-SERVE MAINTENANCE ASSESSMENT
FOR COUNTY SERVICE AREA 34F (THE VISTAS)



County Service Area 34F
30054213
TT #4934

Legend

-  County Service Area No. 34
-  CSA 34 Zone F Parcels With Proposed Assessment

Exhibit A

**ENGINEER'S REPORT ON PROPOSED BENEFIT ASSESSMENTS FOR WATER DISTRIBUTION AND SEWER COLLECTION SYSTEMS
OPERATION AND MAINTENANCE FOR FRESNO COUNTY SERVICE AREA NO 34, ZONE F
EXHIBIT B
CSA 34F LOCAL SERVICE UTILITY SYSTEMS PROPOSED PARCEL BENEFIT ASSESSMENTS FOR RECOVERY OF ALL OPERATIONS
COSTS, OPERATING CONTINGENCIES, AND CAPITAL FACILITIES RESERVES IN FISCAL YEARS 2019-20 THROUGH 2024-25**

LOT NO. OWNER	CSA 34F EBU	WATER ASSESSMENT	SEWER ASSESSMENT	FY 19-20			FY 20-21			FY 21-22			FY 22-23			FY 23-24			FY 24-25	
				TOTAL ASSESSMENT	WATER ASSESSMENT	SEWER ASSESSMENT	TOTAL ASSESSMENT													
1	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
2	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
3	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
4	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
5	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
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7	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
8	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
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10	WC MILLERTON DEVELOPERS	1	\$ 183.96	\$ 106.89	\$ 290.85	\$ 185.84	\$ 107.98	\$ 293.82	\$ 187.74	\$ 109.09	\$ 296.83	\$ 189.66	\$ 110.20	\$ 299.86	\$ 191.59	\$ 111.33	\$ 302.92	\$ 193.55	\$ 112.46	\$ 306.01
Total		10	\$ 1,839.60	\$ 1,068.90	\$ 2,908.50	\$ 1,858.40	\$ 1,079.80	\$ 2,938.20	\$ 1,877.40	\$ 1,090.90	\$ 2,968.30	\$ 1,896.60	\$ 1,102.00	\$ 2,998.60	\$ 1,915.90	\$ 1,113.30	\$ 3,029.20	\$ 1,935.50	\$ 1,124.60	\$ 3,060.10

EXHIBIT B