

ATTACHMENT A



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

**For Costs of Water Contract Administration and Millerton Lake Pump
Ready-To-Serve Maintenance for Fresno County Service
Area No. 34 MNT and its Proposed Zone D**

APN

«NAME1»

«ADDRESS1»

«ADDRESS2»

Dear Property Owner:

This is an important notice regarding your rights under Proposition 218 relating to a proposed assessment on your property. The proposed assessment would be used to pay for the costs of water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status necessary to deliver water within County Service Area No. 34 MNT and its proposed Zone D.

Read this notice carefully. If you have any questions, please contact Julie Zimmer-Belle, 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) 600-4259 or by email at jzimmer@co.fresno.ca.us.

This notice is given under the California Constitution, Article XIII D, section 4, and California Government Code sections 53753, 53954.6, and 54984.4.

The proposed assessment is supported by an Engineer's Report that is available online at: <http://www.co.fresno.ca.us/viewdocument.aspx?id=74169>

Notice of Public Meeting

You are notified that on **November 1, 2017 at 3:00 p.m.**, there will be a public meeting at **2220 Tulare Street 8th Floor Large Conference Room A, Fresno, CA. 93721**. The meeting will be open to all members of the public. During the meeting, members of the public may give testimony regarding the proposed assessment. Staff from the County of Fresno (County) will also be present to answer questions. There will be no official action to impose the proposed assessment at this meeting. The County staff person who conducts the meeting may continue it to a later date without further notice by the Board of Supervisors, but in any case the meeting must be completed not later than November 15, 2017.

Notice of Public Protest Hearing

You are notified that on **December 5, 2017 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 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

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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 assessment. During the hearing, the Board may decide to continue the hearing to a later date without further notice.

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

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

In summary, the 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 to 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 assessment ballot instructions describe the procedures to withdraw an 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 assessment ballot, a change of ownership assessment ballot, or a co-owner assessment ballot, and the procedures to do so.

Please note that alterations to 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 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 assessment ballots that have been properly completed and timely submitted to the Clerk to the Board, and not withdrawn, in support of or opposition to the proposed assessment. County staff will then report the tabulation totals to the Board.

The assessment will not be imposed if the Board determines, based on the tabulation totals, that there is a majority protest to the proposed assessment. A majority protest occurs if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the 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 assessment.

Duration and Amount of Proposed Assessment

The FY 2017-18 assessments that were imposed on all properties within the benefit assessment area on March 15, 2016 will remain in effect. The **maximum total annual amount of the proposed assessment for all assessed properties** in FY 2018-19 is **\$154,529.12**, in FY 2019-20 it is **\$155,999.96**, in FY 2020-21 it is **\$157,528.56**, and in FY 2021-22 it is **\$159,023.46**, and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The **maximum amount of the proposed assessment on your property** in FY 2018-19 is **\$39.76**, in FY 2019-20 it is **\$40.17**, in FY 2020-21 it is **\$40.84**, in FY 2021-22 it is **\$41.02**, and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

Reason for Proposed Assessment

County Service Area No. 34 (CSA 34) was formed in 1988 to provide community services for the development of "Millerton New Town," which consists of 1,420 acres lying on the north and south sides of Millerton Road. Through CSA 34, the County currently provides a variety of services. Those services include:

- (1) annual administrative services associated with maintaining the active status of three surface water supply contracts that permit the County to pump raw water from Millerton Lake for treatment and delivery as finished water to zone A (Brighton Crest), zone C (Bella Vista), proposed zone D (Renaissance at Bella Vista) and other properties within CSA 34; and
- (2) annual administrative services associated with ensuring that the Millerton Lake raw water pumping facilities retain their standby, ready-to-serve status for the benefit of all CSA 34 properties for which the Board has allocated water from the water supply contracts.

Previously, the Board of Supervisors levied an assessment in zone A, zone C, and other properties within CSA 34 to pay for these costs. In this proceeding, a portion of that prior assessment, covering the proposed zone D would be re-apportioned to account for new development in the proposed zone D and re-levied in that area, without affecting the assessment in zones A and C.

The proposed re-apportioned assessment is intended to recover all operating costs for those services that are attributable to the proposed zone D, and to accumulate the following reserves:

- (1) a special reserve for the purpose of repairing the pumps in Millerton Lake if there is a failure like the one that occurred in 2012, accumulating to a minimum total amount of \$362,000 over a period of 10 years; and
- (2) a capital facilities replacement reserve for the purpose of replacing various components of the Millerton Lake pumping facilities as they reach the ends of their expected useful lives, accumulating to a minimum total amount of \$805,400 over a period of 20 years.

The proposed assessment would also recover the cost of this Proposition 218 proceeding.

For more detailed information about the reason for the proposed assessment, see Section 3 of the Engineer's Report.

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Basis of Calculation for the Proposed Assessment

The calculation of the proposed assessment begins with the total annual cost of the services and reserves described above. Then, within each of the areas, the costs are allocated to individual parcels by methods that account for the unique circumstances in that area. Only a portion of the total number of affected areas is included in the CSA 34 Water Contract and Pump Assessment Area that is affected by this reapportionment and re-levy proceeding (CSA 34MNT and CSA 34D). Other areas where the assessment was previously levied are not affected by this proceeding (CSA 34A and CSA 34C).

Two Cost Categories

The first cost category (called “Fixed Costs” in section 3.4 of the Engineer’s Report) includes the costs of maintaining the permits and licenses to operate the lake pumps, the cost of oversight to ensure the pumps remain in ready-to-serve status, the costs of the reserves, and operations expenditures contingency that is calculated at the rate of 10% of the total annual operating expenditures.

The second cost category (called “Variable Costs” in section 3.3 of the Engineer’s Report) includes the costs of administering two of the water supply contracts (with Arvin-Edison Water Storage District, referred to below as “Arvin-Edison,” and with Lower Tule River Irrigation District, referred to below as “Lower Tule”), an annual fee under one of those contracts, the cost of ongoing negotiations with the United States Bureau of Reclamation regarding the long-term renewal of the contract allowing the County to use water from Millerton Lake to serve CSA 34, the cost of contracts with certain state agencies as needed to maintain continuous availability of a sufficient volume of water, and an operations expenditures contingency that is calculated at the rate of 10% of the total annual operating expenditures.

Cost Categories

Next, the two cost categories are allocated to properties within the proposed Zone D (“CSA 34D”). The “Fixed Costs” are allocated in proportion to the total amount of water that the Board of Supervisors has allocated to each of those areas from all three of the water supply contracts. The “Variable Costs” are allocated in proportion to Board of Supervisors allocations from only two of the water supply contracts. (The allocations are different for the two cost categories because “Variable Costs” does not include administrative costs from the third water supply contract, with Deer Creek and Tule River Authority, referred to below as “Deer Creek.”)

Allocation to Individual Parcels

Costs previously apportioned by the assessment previously levied that are attributed to the proposed zone Dare then allocated to the individual parcels within those areas by methods that account for unique circumstances in each area. This re-apportionment does not affect the assessments in zones A and C.

For “CSA 34-MNT,” costs are allocated to parcels by acreage because the land in that area is undeveloped. The “Fixed Costs” are allocated to parcels in proportion to the total amount of water available under Board of Supervisors allocations from all three of the water supply contracts. The “Variable Costs” are allocated to parcels in proportion to Board of Supervisors allocations from the Arvin-Edison and Lower Tule contracts. (The allocations are different for the two cost categories because “Variable Costs” does not include administrative costs for the Deer Creek contract.)

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For “CSA 34D” or the residential parcels in Renaissance at Bella Vista, both “Fixed Costs” and “Variable Costs” are allocated to all parcels in equal proportion. That method is used because they are all single-family residential parcels, and therefore estimated to receive equivalent special benefit from the services provided.

For more detailed information about the basis upon which the proposed assessment was calculated, see Section 3 of the Engineer’s Report.

Additional Information

The area proposed where the proposed re-apportioned assessment would be imposed includes CSA 34 MNT and proposed zone CSA 34D Other parts of CSA 34 are not affected by the proposed re-apportioned assessment. If proposed 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 contract administration services and Millerton Lake pump maintenance services to avoid exceeding available revenues.

A copy of the agenda materials for the Board’s October 17, 2017 meeting, including the resolution setting the public meeting and 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 to 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 December 5, 2017 meeting, including the public protest hearing described above, will be made available for public inspection at the Office of the Clerk to the Board of Supervisors, at the address stated above, on or around the Wednesday before that date.

Dated: _____

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

By: _____

Deputy

Enclosures:

1. Assessment Ballot Instructions
2. Assessment Ballot
3. Return Envelope
4. Self-Addressed Stamped Mailing Envelope



Assessment Ballot Instructions

These are the assessment ballot instructions for the proposed re-apportionment and re-levy in Fresno County Service Area No. 34MNT and levy the proposed zone D of an assessment for costs of water contract administration and Millerton Lake pump ready-to-serve maintenance for Fresno County Service Area No. 34. These instructions apply equally to all assessment ballots, including substitute, change of ownership, and co-owner assessment ballots, which are described below.

Important Information

The **public protest hearing** on the proposed assessment will occur on **December 5, 2017 at 9:00 a.m.** (or as soon after as practicable) in the regular meeting chambers for the Fresno County Board of Supervisors in the **Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721.**

The **Clerk to the Board of Supervisors** may be contacted at 2281 Tulare Street, Room 301, Fresno, California 93721-2198, and by telephone at (559) 600-3529.

Instructions

1. **Read the entire assessment ballot.** Confirm that the ballot correctly identifies the current owner of the property.
 - a. If you did not receive a ballot, or if you believe there are problems with the ballot that you did receive, see below regarding **substitute assessment ballots.**
 - b. If you are not the person whose name is shown on the ballot, or the legally authorized representative of that person, but are the current owner of the property identified on the ballot, see below regarding **change of ownership assessment ballots.**
 - c. If you and another record owner of the property identified on the ballot wish to submit separate ballots, see below regarding **co-owner assessment ballots.**
2. **Mark the assessment ballot in ink.** Mark "YES" if you support proposed assessment, or "NO" if you oppose the proposed assessment. Do not mark both. Please note that alterations to 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 assessment, you may do so orally or in writing at the public protest hearing.
3. **Sign and date the assessment ballot in ink.** Ballots that are not signed and dated in ink will not be counted. Photocopies, fax copies, and electronic copies of signed ballots will not be counted.
4. **Seal the completed assessment ballot inside the return envelope provided.** Your completed assessment ballot *must* be placed and sealed within the envelope provided. If you did not receive a return envelope, or you need a new one, contact the Clerk to the Board of Supervisors. Unsealed assessment ballots will not be counted. *Please note that the return envelope is different from the mailing envelope.*
5. **Deliver your completed assessment ballot to the Clerk to the Board of Supervisors.** The address for the Clerk to the Board of Supervisors is:

Clerk to the Board of Supervisors
2281 Tulare Street, Room 301
Fresno, California 93721-2198

Assessment Ballot Instructions

There are two ways to deliver your completed ballot to that address:

- a. **Mail:** You may deliver your completed assessment ballot by mailing so that it is **received** by the Clerk to the Board **before** the conclusion of public testimony at the public protest hearing at the date, time, and place stated above. A self-addressed stamped mailing envelope has been provided for your use. If you did not receive a self-addressed stamped mailing envelope, or you need a new one, contact the Clerk to the Board of Supervisors. The sealed return envelope containing the ballot must be placed inside the mailing envelope. *If your mailed assessment ballot is not received by the Clerk to the Board before the conclusion of public testimony at the public protest hearing, it will not be counted.*
- b. **Personal Delivery:** You may personally deliver your completed assessment ballot to the Clerk to the Board at any time **before** the conclusion of public testimony at the public protest hearing at the date, time, and place stated above. You may personally deliver your completed assessment ballot before the day of the public protest hearing. Assessment ballots delivered personally must be sealed within the return envelope, but do not need to be inside the mailing envelope.

Withdrawing Assessment Ballots: You may withdraw your previously submitted assessment ballot at any time before the conclusion of public testimony at the public hearing at the date, time, and place stated above. To do so, contact the Clerk to the Board of Supervisors. You will need to complete and submit a form to withdraw your ballot. Withdrawn ballots will not be counted.

Substitute Assessment Ballots: If you did not receive a ballot, if you believe there are problems with the ballot that you did receive, or if you need a new ballot because you have withdrawn a previous ballot, you may request a substitute ballot at any time before the conclusion of public testimony at the public protest hearing at the date, time, and place stated above. To do so, contact the Clerk to the Board of Supervisors. You will need to complete and submit a form to request a substitute ballot. A properly completed and timely submitted substitute assessment ballot automatically revokes, replaces, and supersedes any other assessment ballot that was previously returned by a record property owner or his or her legally authorized representative in connection with the property identified on the substitute assessment ballot.

Change of Ownership Assessment Ballots: If you are not the person whose name is shown on the ballot, or the legally authorized representative of that person, but are the current owner of the property identified on the ballot, you may request a change of ownership ballot at any time before the conclusion of public testimony at the public protest hearing at the date, time, and place stated above. To do so, contact the Clerk to the Board of Supervisors. You will need to complete and submit a form to request a change of ownership ballot.

Co-Owner Assessment Ballots: If you and another record owner of the property identified on the ballot wish to submit separate ballots, you may request co-owner assessment ballots at any time before the conclusion of public testimony at the public protest hearing at the date, time, and place stated above. To do so, contact the Clerk to the Board of Supervisors. You will need to complete and submit a form to request a co-owner assessment ballot. For co-owner assessment ballots, the amount of the proposed assessment to be imposed upon the property identified on your ballots will be allocated to each properly completed and timely submitted co-owner assessment ballot in proportion to your record ownership interests, or, if your ownership interests are not shown in recorded documents, your respective interests as established to the satisfaction of the Board by documentation that you provide. A properly completed and timely submitted co-owner assessment ballot automatically revokes, replaces, and supersedes, in proportion to your ownership interest in the property identified on the ballot, any other assessment ballot that was previously returned by a record property owner or his or her legally authorized representative in connection with that property.

Assessment Ballot Instructions

