



# Board Agenda Item 67

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DATE: December 3, 2024

TO: Board of Supervisors

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

SUBJECT: Agreement to Reimburse Costs Associated with Annexation of Territory into Community Facilities District No. 2006-01 (Countywide Mello-Roos District for Police Protection Services)

RECOMMENDED ACTION(S):

**Approve and authorize the Chairman to execute an Agreement with Family Farms, LLC and Bryant A. Dunkle and Carolyn G. Dunkle, for the reimbursement of costs associated with annexation of territory identified by Assessor's parcel numbers 118-340-69 and 118-340-75, and which are located on the west side of Auberry Road approximately 600 feet southwest of its intersection with Thunderbird Road, within the unincorporated community of Prather, into Community Facilities District No. 2006-01 (Police Protection Services), effective December 3, 2024 to February 11, 2025 (\$15,000), and which includes petition to undertake annexation proceedings as related to the territory.**

Approval of the recommended action will provide the mechanism for Family Farms, LLC and Bryant A. Dunkle and Carolyn G. Dunkle (Dunkle) (collectively, "Landowners"), to reimburse the Department of Public Works and Planning (Department) staff costs to perform the project territory annexation process, as shown on Exhibit A, to Community Facilities District (CFD) No. 2006-01 (Police Protection Services), also called the Countywide Mello-Roos District for Police Protection Services (CFD 2006-01), per Mello-Roos Community Facilities Act of 1982. This item pertains to locations in District 5.

ALTERNATIVE ACTION(S):

Your Board may choose not to approve the recommended action and reject the Landowners' request to annex future tract maps of planned residential developments to CFD 2006-01; however, that would deny the Landowners the ability to meet one of the Conditions of Approval for the affected Tract Map as required for annexation to CFD 2006-01.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. The agreement requires that the Landowners deposit \$15,000 with the County, to establish a trust account to pay the actual fees, costs, and expenses incurred by the County for its performance under the agreement, including conducting public hearings and proceedings in connection with annexing and incorporating the project territory to the CFD 2006-01; developing the method of apportionment; imposing and implementing of the special taxes (including, but not limited to, recording any notice of lien and imposing the initial levy); establishing the initial appropriations limit for the project territory under the California Constitution; processing, reviewing, and preparing documents and comments; and, performing other related work and activities. Should the

annexation cost exceed the initial deposit, the agreement requires that the Landowners deposit additional funds with the Department upon receipt of an invoice. Any funds remaining in the trust account after annexation is completed or abandoned will be returned to the Landowners; thereafter, future Department staff costs to administer the annexation to CFD 2006-01 project territory will be paid by the benefiting properties.

DISCUSSION:

County Policy

On February 9, 1993, the Board adopted a policy for the use of the Mello-Roos Community Facilities Act of 1982 (Act) for bond financing of public facilities for private development projects.

The 2000 Fresno County General Plan established, under Policy PF-G.2:

“The County shall strive to maintain a staffing ratio of two sworn officers serving unincorporated residents per 1,000 residents served. (This count of officers includes all ranks if deputy sheriff personnel and excludes all support positions and all sworn officers serving county wide population interests such as bailiffs and sworn officers serving contract cities and grant specific populations).”

To provide funding for this service and to find the most equitable means for the users to pay for the service in developing areas of the County, various mechanisms of ongoing financing were reviewed. The Act provides the needed funding mechanism for the Police Protection Services.

On September 14, 2004, the Department received direction from the Board to use the Act to fund additional Police Protection Services in developing unincorporated areas of the County, including later annexations, such as the area of the proposed Annexation Project Territory, shown on Exhibit A.

On February 7, 2006, the Board approved the use CFD 2006-01, which contained a standard tax rate to be used for subdivision maps. CFD 2006-01 is a single CFD based on a “seed” District with subsequent annexations to it. On January 11, 2011, the Board adopted Resolution No. 11-018, restating, and adopting the goals and policies for use of the Act to finance Police Protection Services in developing unincorporated areas of the County.

Landowners' Agreement

The recommended agreement requires the Landowners to pay all County costs for annexation of the subject parcels, identified by Assessor's parcel numbers 118-340-69 and 118-340--75 and which are located on the west side of Auberry Road and approximately 600 feet southwest of its intersection with Thunderbird Road within the unincorporated community of Prather, and which are shown in Exhibit A to this Agenda Item (Project Territory), to CFD 2006-01.

The Landowners must deposit \$15,000 into a trust account, to pay all costs of annexation. The recommended agreement establishes the deposit to cover Department staff costs involved in the proposed annexation until the proceedings are completed or abandoned, and the responsibilities to be carried out by each party from the date of the deposit. If the annexation proceedings are abandoned, all unexpended funds will be returned to the Landowners.

The recommended agreement also constitutes a petition from the Landowners to the County, to undertake proceedings to annex the Project Territory to CFD 2006-01, establish the Initial Appropriations Limit for the Project Territory under the California Constitution, establish a lien for special taxes on non-exempt properties within the project area, and levy a special tax in the project area. By entering into the agreement, the Landowners waive their rights to certain notices related to the various annexation proceedings described above, their rights to object or protest to those proceedings, and various other requirements related to those

proceedings. Under the agreement, the Landowners agree to indemnify the County for liability caused by the Landowners' failure to perform under the agreement.

REFERENCE MATERIAL:

BAI #10, January 11, 2011  
BAI #15, February 7, 2006  
BAI #21, September 14, 2004  
BAI #5, February 9, 1993

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map  
Exhibit A  
On file with Clerk - Agreement

CAO ANALYST:

Salvador Espino