



Board Agenda Item 9

DATE: August 20, 2024

TO: Board of Supervisors

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

SUBJECT: Public Protest Hearing to Consider the Dissolution of Zone AI of County Service Area No. 35 and the Termination of Assessments on Real Property Used to Maintain Bull Run Lane and Williamsburg Lane Benefiting 15 Parcels within Zone AI

RECOMMENDED ACTION(S):

1. **Accept certified voter count on file with the Clerk of the Board, dated May 13, 2024, provided by the Fresno County Clerk/Registrar of Voters, showing that there are seven registered voters residing in Zone AI of County Service Area No. 35.**
2. **Conduct public protest hearing to consider all objections or protests, if any, to the proposed dissolution of Zone AI of County Service Area No. 35.**
3. **Close the public protest hearing and direct the Clerk of the Board to tabulate timely-submitted written objections to the dissolution of Zone AI of County Service Area No. 35; and, depending on the circumstances, approve action item A or B:**
 - A. **If more than 50 percent of the property owners who own more than 50 percent of the assessed value of all taxable property in the zone have filed written objections to the dissolution, abandon proceedings for dissolution of Zone AI.**
 - B. **If no majority protest exists, as described in action 3A, adopt Resolution approving the dissolution of Zone AI and declaring that the Round Mountain Estates Homeowner's Association shall have the sole responsibility of providing road and associated drainage maintenance for the private roads formerly maintained by Zone AI.**

The recommended action will allow your Board to conduct a public protest hearing required before considering the dissolution of Zone AI (see Exhibit "A") and the termination of an assessment on real property for road maintenance in accordance with Title 3, Division 2, Part 2, Chapter 2.5, Article 8 of the California Government Code (County Service Area Law). This item pertains to location in District 5.

ALTERNATIVE ACTION(S):

The Board may reject the property owners' and registered voters' request. If rejected, gates installed by property owners within CSA 35-AI will be required to be removed.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All County staff costs, and dissolution fees will be paid by CSA 35-AI. After all fees and maintenance costs for FY 2024-25 are paid, all remaining funds in the CSA 35-AI account will be transferred into the CSA 35 account.

DISCUSSION:

CSA 35-AI was formed by your Board on June 27, 1995, pursuant to Chapter 17.48.460 of the County Ordinance Code and as a condition of approval for Parcel Map Waiver No. 93-18. Since its formation, CSA 35-AI has provided maintenance for the two public access roads, through assessments being collected from the benefiting properties. The accompanying map shows the district and its location within Fresno County (Exhibit "A").

Due to recent developments, causing an increase in unwanted traffic in the area, the benefiting property owners have recently installed a gate at each of the entrances of Bull Run Lane and Williamsburg Lane to ensure safety and provide more privacy to residents within Zone AI. This action on the part of the property owners has necessitated consideration by your Board to dissolve CSA 35-AI since County Service Area No. 35 only maintains roads for public use.

If your Board approves dissolution, the road maintenance responsibility will be assumed by the RMEHOA. It is estimated that the RMEHOA will assume full responsibility beginning in FY 2025-26.

Notice of Hearing for Dissolution

Posted notices were placed in at least three public places within Zone AI and mailed notices were sent to the property owners and to any affected agencies, at least 20 days prior to today's public protest hearing. A newspaper publication was published prior to today's public protest hearing. All noticing was done in accordance with Section 25217 of the Government Code.

Public Protest Hearing for Dissolution

Any registered voter residing within CSA 35-AI or owner of property within CSA 35-AI may submit a written protest. Each protest against the dissolution must be in writing and must contain a description of the property in which the signer is interested that is sufficient to identify that property. Written protests may be withdrawn at any time before the conclusion of the public protest hearing. Any protests pertaining to the regularity or sufficiency of the proceeding must be in writing, clearly setting forth the irregularities and defects to which objections are made, and all written protests must be filed with the Clerk of the Board at or before the time fixed for the Public Protest Hearing. The Board will determine whether there is a majority protest against the proposed dissolution by applying the standard established in section 25217.1 of the Government Code.

REFERENCE MATERIAL:

BAI #59, July 9, 2024
BAI #43, June 27, 1995 - Resolution #95-445

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A - Location Map
On file with Clerk - CSA 35-AI Voter Certification May 13, 2024
On file with Clerk - Resolution to Dissolve CSA 35 Zone AI

CAO ANALYST:

Salvador Espino

