

RESOLUTION NO. 22-263**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVING AND LEVYING AN ANNUAL ASSESSMENT ON REAL PROPERTY UNDER CHAPTER 3 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 IN THE TENAYA PARK ASSESSMENT DISTRICT FOR COUNTY SERVICE AREA NO. 2**

WHEREAS, the County provides park maintenance services, in County Service Area No. 2, also known as Tenaya Estates (CSA 2), for the park known as Tenaya Park; and

WHEREAS, Government Code, section 25215.3 authorizes the Board of Supervisors (Board), on behalf of CSA 2, to impose a benefit assessment in CSA 2 under the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500) (1972 Act) for park maintenance; and

WHEREAS, the Board, by Resolution 14-230 on June 17, 2014, after a proceeding compliant with California Constitution, Article XIII D, Section 4 (also known as Proposition 218), formed the Tenaya Park Assessment District (District), whose boundaries are coextensive with those of CSA 2, and levied an assessment for FY 2014–15; and

WHEREAS, the Board, by Resolution 14-230, also provided that beginning with FY 2014-15, and for each fiscal year after until FY 2023–24, the Board may levy an annual assessment in an amount that may be increased over the annual assessment in the previous year for inflation, by a rate that shall not exceed five percent over the annual assessment for the previous year; and

WHEREAS, the “improvements” for purposes of Streets and Highways Code, section 22525 are generally described as the maintenance of Tenaya Park, which includes landscaping and irrigation systems, lighting and electrical systems, and recreational improvements, including playground equipment; and

WHEREAS, the Board, by Resolution 22-240, on June 21, 2022, initiated the annual proceeding under Chapter 3 of the 1972 Act, and appointed Steven E. White, P.E., Director, Department of Public Works and Planning, County of Fresno, as the assessment engineer (Assessment Engineer) to prepare and file an engineer’s report regarding an assessment of the total cost of maintenance for Tenaya Park for FY 2022-23; and

1 WHEREAS, the Board, on June 21, 2022, received and approved an engineer's report prepared
2 by the Assessment Engineer, which report, under Article XIII D, Section 4, of the California Constitution,
3 and the 1972 Act, supports an annual benefit assessment on property within the District of the total cost
4 of maintenance of Tenaya Park for FY 2022-23; and

5 WHEREAS, the Board, by Resolution 22-246 on June 21, 2022, declared its intention to levy and
6 collect an assessment in the District, under Chapter 3 of the Landscaping and Lighting Act of 1972, for
7 operation and maintenance of Tenaya Park for FY 2022-23; and

8 WHEREAS, the Engineer's Report is on file with the Clerk of the Board; and

9 WHEREAS, the Engineer's Report contains all of the following under Article XIII D, Section 4, of
10 the California Constitution, and the Landscaping and Lighting Act of 1972:

- 11 A. A diagram identifying all parcels that have a special benefit conferred on them and on which the
12 proposed annual Assessment will be imposed (Exhibit A to the Engineer's Report);
- 13 B. An estimation of the entirety of the cost of maintenance for Tenaya Park to be assessed on
14 properties within the District (Exhibit B to the Engineer's Report);
- 15 C. A specification of the improvements, which are, generally, the operation and maintenance of
16 Tenaya Park;
- 17 D. A determination that the proportionate special benefit derived by each identified parcel in
18 relationship to the entirety of the cost of park maintenance service to be provided is as set forth
19 in Exhibit B to the Engineer's Report;
- 20 E. An assessment on each of the properties in the District of the estimated entire cost of the
21 improvements, proportional to the special benefit conferred on each property;
- 22 F. A determination that no assessment on any parcel exceeds the reasonable cost of the
23 proportional special benefit conferred on that parcel;
- 24 G. A determination that the only benefits assessed are special benefits, that general benefits have
25 been separated from the special benefits conferred on each parcel, and that there is no general
26 benefit derived from the park maintenance service to be provided; and
- 27 H. A determination that no parcel owned by any public agency, the State of California or the United
28 States but not identified and described in the Engineer's Report receives any special benefit from

1 the maintenance of Tenaya Park; and

2 WHEREAS, the proposed assessment for FY 2022-23 is not an “increased” assessment under
3 Government Code section 53750, subdivision (h), Government Code section 54954.6, subdivision (a)(1),
4 or Streets and Highways Code section 22630.5, because it does not increase any applicable rate used
5 to calculate the assessment, revise the methodology by which the assessment is calculated, or result in
6 an assessment being levied on any person or parcel that exceeds what was approved in the Proposition
7 218 proceeding in 2014, but applies the inflation increases approved by the Board in Resolution 14-230,
8 and for those reasons is not subject to the special notice, protest, hearing, and assessment balloting
9 procedures under Government Code, section 53753; and

10 WHEREAS, the Board gave notice of a public hearing by causing the June 21, 2022, Resolution
11 of Intention to be published one time, at least 10 days before the public hearing, as required by
12 Government Code section 6061 and Streets and Highways Code sections 22552 and 22553; and

13 WHEREAS, before adopting this resolution, the Board considered all testimony and documentary
14 evidence, and gave all persons a full and fair opportunity to be heard with respect to any matter relating
15 to the subject of this resolution, both in favor and against it, and any matter relevant to these proceedings,
16 all of which was done in the interest of the public, and the Board is fully informed of all matters referred
17 to in this resolution.

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

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

21 2. The Board, under Streets and Highways Code section 22631, confirms the diagram and
22 assessment in the Engineer’s Report, and levies an annual assessment on the benefitted parcels within
23 the District as shown and described in Attachment A to this resolution. The annual assessment is hereby
24 levied for FY 2022-23. The total annual assessment chargeable to each of the 142 lots in the District for
25 FY 2022-23 is \$454.

26 3. The lien date shall be that prescribed by law and the assessment shall be collected at the
27 same time, and in the same manner, and subject to the same penalties, as the FY 2022-23 general
28 property taxes of the County.

4. The Director of the Department of Public Works and Planning is authorized and directed to timely deliver, or cause their designee to timely deliver, to the Auditor-Controller/Treasurer-Tax Collector, no later than August 10, 2022, a copy of this resolution, which shall include the true and complete roll of the assessment as provided in Attachment A to this resolution.

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

THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 12th day of July 2022, to-wit:

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

NOES: None

ABSENT: None

ABSTAINED: None



Brian Pacheco, Chairman of the Board
of Supervisors of the County of Fresno

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

By Hanani
Deputy