

RESOLUTION NO. 19-376**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVING AND LEVYING ASSESSMENTS ON REAL PROPERTY UNDER CHAPTER 2 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 FOR STREET LIGHTING AND PUBLIC RIGHT-OF-WAY LANDSCAPE 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 operations and maintenance of a street lighting system owned by PG&E, providing street safety lighting along all of the Tract 4934 streets, to maintain the visual presentation of those streets, and all work and expenses associated with the maintenance of the public right-of-way landscaping, installed pursuant to the development of Tract 4934, to preserve the visual presentation of the community (collectively, Street Lighting and Landscape Maintenance); and

WHEREAS, Government Code section 25215.3 authorizes the County to impose a benefit assessment in CSA 34F under Chapter 2 of the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500) to pay for the costs of the Street Lighting and Landscape Maintenance; and

WHEREAS, the "improvements" for purposes of Streets and Highways Code section 22525 are the Street Lighting and Landscape Maintenance, as defined above; and

WHEREAS, the map attached to this resolution as exhibit A shows, by the parcels shaded in pink, the territory within CSA 34F where a benefit assessment for the costs of the Street Lighting and Landscape Maintenance is to be levied; and

WHEREAS, for purposes of this proceeding, the area to be assessed, as shown in exhibit A, is designated as "The Vistas Street Lighting and Landscape Maintenance Assessment Area"; 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

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

8 WHEREAS, the Board, by resolution 19-328 on August 20, 2019, proposed to proceed under
9 Chapter 2 of the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2,
10 beginning with section 22500) to levy and collect a benefit assessment in The Vistas Lighting and Public
11 Right-of-Way Landscape Maintenance Assessment Area for the cost of the Street Lighting and
12 Landscape Maintenance, and declared that, if the Board imposes the proposed benefit assessment, the
13 resolution imposing the assessment shall provide that the assessment will continue in successive years
14 through Fiscal Year 2024-25 in the amounts stated in Exhibit B and the Engineer's Report, and then
15 remain the same amounts in the following years until the assessment is reduced or terminated, or there
16 is a new proceeding to increase the assessment; and

17 WHEREAS, Exhibit B to this resolution identifies all of the parcels that receive a special benefit
18 from the Street Lighting and Landscape Maintenance, upon which the benefit assessment is to be
19 imposed, and the amount of the assessment for each parcel; and

20 WHEREAS, the Engineer's Report contains all of the following under Article XIII D, Section 4, of
21 the California Constitution, under Chapter 2 of the Landscaping and Lighting Act of 1972 (Streets and
22 Highways Code, Division 15, Part 2, beginning with section 22500):

23 A. A description of the improvement to be financed through the revenue derived from the
24 assessment, which is the Street Lighting and Landscape Maintenance.

25 B. An identification and description of all parcels which have a special benefit conferred on them
26 and on which the assessment will be imposed, which is The Vistas Lighting and Public Right-of-Way
27 Landscape Maintenance District.

28 C. A statement of the entirety of the cost of the Street Lighting and Landscape Maintenance.

1 D. The amount of the proposed assessment for each parcel, and the method by which it will be
2 imposed.

3 E. The basis and schedule of the assessment.

4 F. A determination of the proportionate special benefit derived by each identified parcel in
5 relationship to the entirety of the cost of the Street Lighting and Landscape Maintenance benefiting the
6 10 parcels within The Vistas Lighting and Public Right-of-Way Landscape Maintenance District.

7 G. A statement of the methodology and rationale followed in determining the degree of benefit
8 conferred by the services for which the assessment is made.

9 H. A determination that no assessment is imposed on any parcel which exceeds the reasonable
10 cost of the proportional special benefit conferred on that parcel.

11 I. A determination that the only benefits assessed are special and that general benefits have
12 been separated from special benefits conferred on each parcel.

13 J. A determination that no parcel owned by any agency, the State of California or the United
14 States, but not identified and described above, receives any special benefit from the operation and
15 maintenance services to be provided; and

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

21 A. The dates, times, and locations of the Public Hearing;

22 B. The total amount of the proposed benefit assessment chargeable to all of the affected parcels;

23 C. The amount of the proposed benefit assessment for each affected parcel;

24 D. The basis upon which the amount of the proposed benefit assessment was calculated;

25 E. A statement that the assessment will continue in successive years through Fiscal Year 2024-
26 25 in the amounts stated in Exhibit B and the Engineer's Report;

27 F. A website link to view the Engineer's Report;
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1 G. The reason for the assessment, namely the costs of the Street Lighting and Landscape
2 Maintenance;

3 H. The address to which property owners may mail a protest against the proposed benefit
4 assessment;

5 I. The telephone number and address of an individual or office that interested persons may
6 contact to receive additional information about the proposed benefit assessment;

7 J. An assessment ballot that included the address for receipt of the ballot and a place where the
8 person returning the ballot may indicate his or her name, a reasonable identification of the
9 parcel, and his or her support or opposition to the proposed benefit assessment;

10 K. Assessment ballot instructions;

11 L. A conspicuous summary of the procedures for the completion, return, and tabulation of the
12 ballots;

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

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

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

25 WHEREAS, at the public protest hearing conducted by the Board on October 8, 2019, the
26 assessment ballots submitted, and not withdrawn, in opposition to the proposed assessment did not
27 exceed the assessment ballots submitted, and not withdrawn, in its favor, with each assessment ballot
28 weighted according to the proportional financial obligation of the affected property; and,

1 WHEREAS, a “majority protest” does not exist concerning the proposed assessment on real
2 property for the Street Lighting and Landscape Maintenance;

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

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

6 2. The Board, under Streets and Highways Code section 22594, in the Landscaping and
7 Lighting Act of 1972, orders the improvements, which are generally described as the Street Lighting
8 and Landscape Maintenance for CSA 34F; approves the Engineer’s Report; confirms the diagram and
9 assessment in the Engineer’s Report; and levies an assessment on the benefitted parcels within The
10 Vistas Lighting and Public Right-of-Way Landscape Maintenance District as shown and described in
11 exhibits A and B to this Resolution.

12 3. The first annual assessment will occur in Fiscal Year 2019-20. Beginning in fiscal year
13 2020-21, and for each year after, the Board may levy an annual assessment that includes an inflation
14 increase in an amount not to exceed the amounts shown in exhibit B to this resolution. The assessment
15 may not be levied in amounts exceeding what is shown in exhibit B unless the property owners in The
16 Vistas Lighting and Public Right-of-Way Landscape Maintenance Assessment District approve such an
17 increase in another proceeding that complies with the requirements of Proposition 218.

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

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

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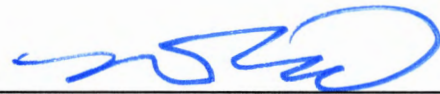
1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 8th day of October, 2019, to-wit:

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

5 NOES: None

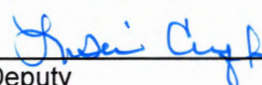
6 ABSENT: None

7 ABSTAINED: None

8 

9 Nathan Magsig, Chairman of the Board
10 of Supervisors of the County of Fresno

11 **ATTEST:**
12 Bernice E. Seidel
13 Clerk of the Board of Supervisors
14 County of Fresno, State of California

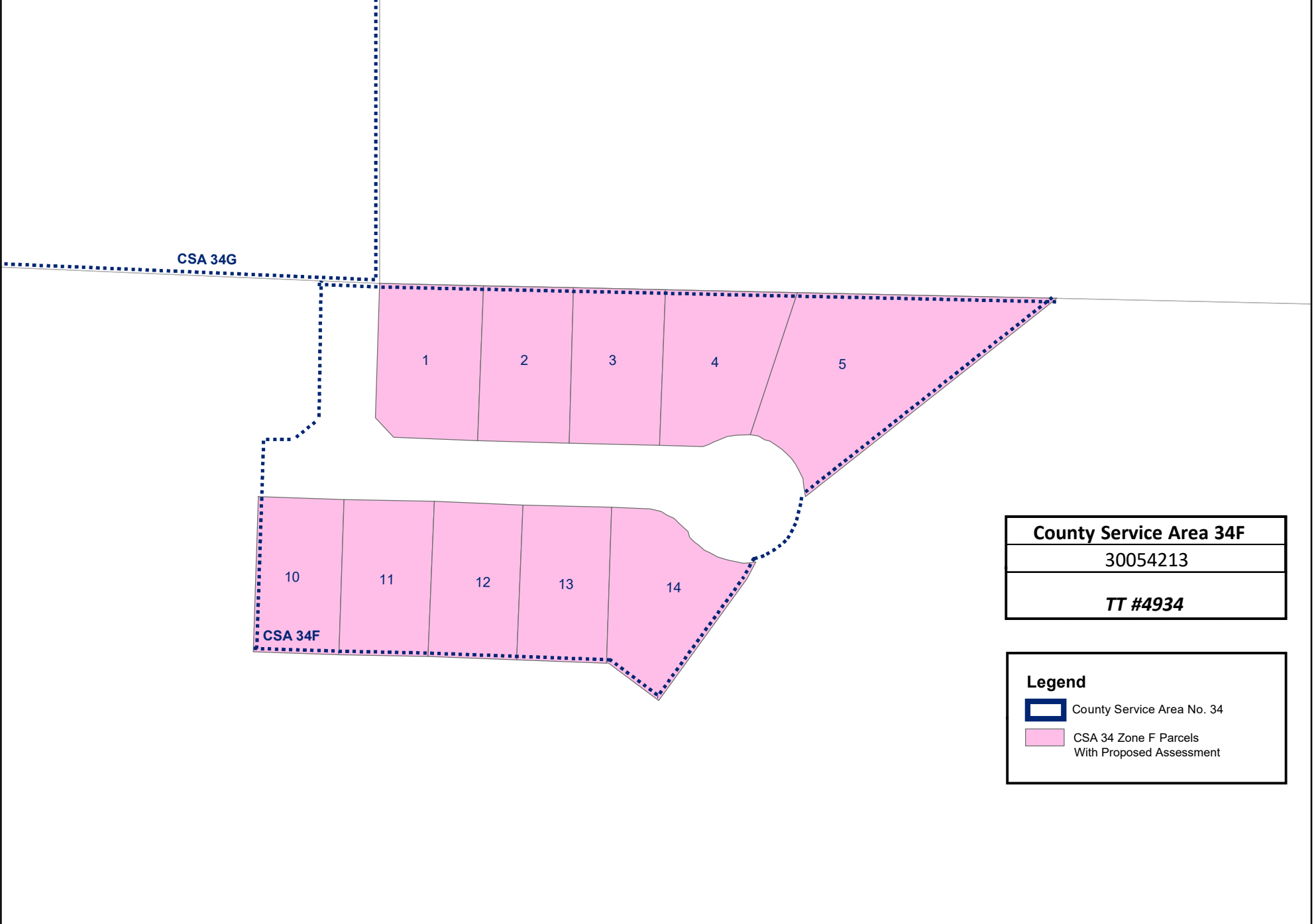
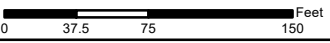
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County Service Area No. 34 Zone F

STREET LIGHTING AND PUBLIC RIGHT-OF-WAY LANDSCAPE 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 LANDSCAPE, OPENSOURCE AND STREET LIGHTING
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 STREET	LANDSCAPE	FY 19-20	STREET	LANDSCAPE	FY 20-21	STREET	LANDSCAPE	FY 21-22	STREET	LANDSCAPE	FY 22-23	STREET	LANDSCAPE	FY 23-24	STREET	LANDSCAPE	FY 24-25	
		34F LIGHTING	MAINT	TOTAL	LIGHTING	MAINT	TOTAL	LIGHTING	MAINT	TOTAL	LIGHTING	MAINT	TOTAL	LIGHTING	MAINT	TOTAL	LIGHTING	MAINT	TOTAL	
		EBU	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	ASSESSMENT	
1	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
2	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
3	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
4	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
5	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
6	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
7	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
8	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
9	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
10	WC MILLERTON DEVELOPERS	1	\$ 69.97	\$ 31.10	\$ 101.07	\$ 70.68	\$ 48.37	\$ 119.05	\$ 71.41	\$ 48.86	\$ 120.27	\$ 72.14	\$ 49.36	\$ 121.50	\$ 72.87	\$ 49.87	\$ 122.74	\$ 73.62	\$ 50.38	\$ 124.00
Total		10	\$ 699.70	\$ 311.00	\$ 1,010.70	\$ 706.80	\$ 483.70	\$ 1,190.50	\$ 714.10	\$ 488.60	\$ 1,202.70	\$ 721.40	\$ 493.60	\$ 1,215.00	\$ 728.70	\$ 498.70	\$ 1,227.40	\$ 736.20	\$ 503.80	\$ 1,240.00

EXHIBIT B