

RESOLUTION NO. 18-246**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 – 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 the 2014–2015 fiscal year; and

WHEREAS, the Board, by Resolution 14-230, also provided that beginning with the 2014-2015 fiscal year, and for each year after until fiscal year 2023–2024, 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 (5) 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 18-176 on May 8, 2018, initiated this annual proceeding under Chapter 3 of the 1972 Act, and appointed Steven E. White, P.E., Deputy Director, Department of Public Works and Planning, County of Fresno, as the assessment engineer to prepare and file an engineer’s report regarding an

1 assessment of the total cost of maintenance for Tenaya Park for the 2018-19 fiscal
2 year; and

3 WHEREAS, the Board, on May 8 2018, received and approved an engineer's
4 report prepared by the assessment engineer, which report, under Article XIID, Section
5 4, of the California Constitution, and the 1972 Act, supports an annual benefit
6 assessment on property within the District of the total cost of maintenance of Tenaya
7 Park for the 2018-19 fiscal year; and

8 WHEREAS, the Board, by Resolution 18-177 on May 8, 2018, declared its
9 intention to levy and collect an assessment in the Tenaya Park Assessment District,
10 under Chapter 3 of the Landscaping and Lighting Act of 1972, for operation and
11 maintenance of Tenaya Park for the 2018-19 fiscal year; and

12 WHEREAS, the engineer's report is on file with the Clerk to the Board; and

13 WHEREAS, the engineer's report contains all of the following under Article XIID,
14 Section 4, of the California Constitution, and the Landscaping and Lighting Act of 1972.

- 15 A. A diagram identifying all parcels that have a special benefit conferred
16 on them and on which the proposed annual Assessment will be
17 imposed (exhibit A to the engineer's report).
- 18 B. An estimation of the entirety of the cost of maintenance for Tenaya Park to
19 be assessed on properties within the District (exhibit B to the engineer's
20 report).
- 21 C. A specification of the improvements, which are, generally, the operation
22 and maintenance of Tenaya Park.
- 23 D. A determination that the proportionate special benefit derived by each
24 identified parcel in relationship to the entirety of the cost of park
25 maintenance service to be provided is as set forth in Exhibit B to the
26 engineer's report.
- 27 E. An assessment on each of the properties in the District of the estimated
28 entire cost of the improvements, proportional to the special benefit

1 conferred on each property.

2 F. A determination that no assessment on any parcel exceeds the
3 reasonable cost of the proportional special benefit conferred on that
4 parcel.

5 G. A determination that the only benefits assessed are special benefits, that
6 general benefits have been separated from the special benefits conferred
7 on each parcel, and that there is no general benefit derived from the park
8 maintenance service to be provided.

9 H. A determination that no parcel owned by any public agency, the State of
10 California or the United States but not identified and described in the
11 engineer's report receives any special benefit from the maintenance of
12 Tenaya Park.

13 WHEREAS, the proposed assessment for the 2018-19 fiscal year is not an
14 "increased" assessment under Government Code section 53750, subdivision (h), or
15 Streets and Highways Code section 22630.5, because it does not increase any
16 applicable rate used to calculate the assessment, revise the methodology by which the
17 assessment is calculated, or result in an assessment being levied on any person or
18 parcel that exceeds what was approved in the Proposition 218 proceeding in 2014, but
19 applies the inflation increases approved by the Board in Resolution 14-230, and for
20 those reasons is not subject to the special notice, protest, hearing, and assessment
21 balloting procedures under Government Code Section 53753; and

22 WHEREAS, the Board gave notice of a public hearing by causing the May 8,
23 2018 resolution of intention to be published one time, no later than 10 days prior to the
24 public hearing, as required by Government Code section 6061, and California Streets
25 and Highways Code Sections 22552 and 22553; and

26 WHEREAS, before adopting this resolution, the Board considered all testimony
27 and documentary evidence, and gave all persons a full and fair opportunity to be heard
28 with respect to any matter relating to the subject of this resolution, both in favor and

1 against it, and any matter relevant to these proceedings, all of which was done in the
2 interest of the public, and the Board is fully informed of all matters referred to in this
3 resolution.

4 NOW, THEREFORE, BE IT RESOLVED by the Board that each of the foregoing
5 recitals is true and correct.

6 BE IT FURTHER RESOLVED that the Board, under Streets and Highways Code
7 section 22631, confirms the diagram and assessment in the engineer's report, and
8 levies an annual assessment on the benefitted parcels within the District as shown and
9 described in Attachment A to this resolution. The annual assessment is levied for fiscal
10 year 2018-19. The total annual assessment chargeable to each of the 142 lots in the
11 District for fiscal year 2018-19 is \$374.00.

12 The lien date shall be that prescribed by law and the assessment shall be
13 collected with the fiscal year 2018-19 property tax billing for each property having a
14 special benefit conferred on it and upon which the assessment is levied.

15 BE IT FURTHER RESOLVED, the assessment shall be published in the Master
16 Schedule of Fees, Charges and Recovered Costs for administrative purposes only.

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THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 12th day of June 2018, to-wit:

AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero
NOES: None
ABSENT: None
ABSTAINED: None

By: Sal Quintero
Sal Quintero, Chairperson 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: Joseli Cruz
Deputy

FOR ACCOUNTING PURPOSES ONLY:
0160/12000/9142/5066

**ATTACHMENT A
PROPOSED BENEFIT ASSESSMENT
COUNTY SERVICE AREA NO. 2
ASSESSMENT ROLL**

Number	APN	Owner Name	FY 2018-19
136	40728044	BARNES JAY & TRACY	\$374.00
137	40728045	JENKINS MICHAEL GREGORY	\$374.00
138	40728046	SMITH GLENNA LEE TRUSTEE	\$374.00
139	40728047	RUELAS JOSEPH M & ELISA T	\$374.00
140	40728048	NAZZARETTA ADALA M TRS	\$374.00
141	40728049	ROBERTSON W NEIL & ANGELA M	\$374.00
142	40728050	MC CLUNE JAMES B & DOLORES M	\$374.00
TOTAL			\$53,108.00

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PROPOSED BENEFIT ASSESSMENT
COUNTY SERVICE AREA NO. 2
ASSESSMENT ROLL**

Number	APN	Owner Name	FY 2018-19
1	40725101	DODSON DANIEL J & MICHELE	\$374.00
2	40725102	LUCIDO WILLIAM S & ELIZABETH S TRUSTEES	\$374.00
3	40725103	WITHROW ROBERT & MARGARET	\$374.00
4	40725104	FLAGLER WALTER GEORGE & MARGARET B	\$374.00
5	40725105	WIENS JAMES A & ANGELA M	\$374.00
6	40725106	NAKAGUCHI RUSSELL K & JEAN M	\$374.00
7	40725107	KALEMKARIAN STEPHEN A & PEGGY	\$374.00
8	40725108	HUSHEK JOSEPH C & KATHLEEN L TRS	\$374.00
9	40725201	HEATH PAUL W & LINDA D TRUSTEES	\$374.00
10	40725202	BRADLEY PATRICK W	\$374.00
11	40725203	PEREZ AUGUSTINE A & KATHRYN M PAPE	\$374.00
12	40725204	CADY DANIEL J & LISA H BENNETT	\$374.00
13	40725205	RITTER KENNETH M	\$374.00
14	40725206	KREBS HANNA TRUSTEE	\$374.00
15	40725207	MERZOIAN MITCHELL & ELEANOR TRUSTEES	\$374.00
16	40725208	DI NUZZO MICHELE & ANGELINA TRUSTEES	\$374.00
17	40725209	DWYER JAMES C & LIDIA G	\$374.00
18	40725210	PATTERSON JAMES D & RENEE B TRS	\$374.00
19	40725211	SMITH PATRICK M & WENDY L	\$374.00
20	40725212	BLOHM PHILIP TRUSTEE	\$374.00
21	40725213	SOSA SUSANA L & DANIEL NADANER	\$374.00
22	40725214	CONWAY WILLIAM JOSEPH JR & JOAN R TRS	\$374.00
23	40725216	TAN KELLY LEE	\$374.00
24	40725217	QUAN PATRICK M & ANDREA L	\$374.00
25	40725218	ARMSTRONG CRAIG W & JESSICA T	\$374.00
26	40725219	STARBUCK JEFFERY R & MIRANDA N	\$374.00
27	40725220	KELLEY MICHAEL E & JESSICA M TRUSTEES	\$374.00
28	40725221	BUSH PAUL D TRS	\$374.00
29	40725222	REBA SCOTT J & DEBORAH S	\$374.00
30	40725223	ABEL HOWARD & BETTY	\$374.00
31	40725224	FALCONE PATRICIA L	\$374.00
32	40725225	AMARO ANGELINA M	\$374.00
33	40725226	LEONIK BENJAMIN JAMES & SARA KIRA	\$374.00
34	40725227	KAUSIN ANNE MARIE	\$374.00
35	40725228	ZARATE CRISTINA E	\$374.00
36	40725229	ELLSWORTH TERRY TRUSTEE	\$374.00
37	40725230	VINCENT DAVID D TRUSTEE	\$374.00
38	40725231	WHITEHEAD THOMAS & CYNTHIA	\$374.00
39	40725232	MCCULLOUGH GILBERT L	\$374.00
40	40725233	LUM STANLEY & JANE	\$374.00
41	40725301	SPARKS ROBIN	\$374.00
42	40725302	SCHOLES JULIE A TRUSTEE	\$374.00
43	40725303	MOTT TRAVIS R & JOHANNA R	\$374.00
44	40725304	TAKESHITA-DOTY KRISTINE & DAVID DOTY II	\$374.00

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Number	APN	Owner Name	FY 2018-19
45	40725305	EWALT KEVIN D & RAQUEL A	\$374.00
46	40725306	PUCHEU JACQUELINE MCDONALD & JASON E	\$374.00
47	40725307	WILLIAMSON DEAN & LISA K	\$374.00
48	40725308	MARKS STANLEY A & JUDITH K	\$374.00
49	40726001	BRANCH DANIEL & KERRI	\$374.00
50	40726002	KORETOFF BILL J TRS	\$374.00
51	40726003	SANDERS SKYLAR G	\$374.00
52	40726004	CAVELLA RONALD E & SHIRLEY ANNE	\$374.00
53	40726005	O'NEAL BRUCE W & DOLORES I TRUSTEES	\$374.00
54	40726006	COTTON DAVID A & NICOLE C	\$374.00
55	40726007	HARO MIGUEL & ESVELIA	\$374.00
56	40726008	DUKE BILLIE D & ROBIN A TRUSTEES	\$374.00
57	40726009	STEVENS BRAD W & ROBIN RUSSO TRS	\$374.00
58	40726010	CERBO LUCY	\$374.00
59	40726011	POLGLASE VAN N & ANGELA TRUSTEES	\$374.00
60	40726012	TALLEY RANDALL E	\$374.00
61	40726013	SNYDER JOAN TRUSTEE	\$374.00
62	40726014	MCKELVEY JAMES ALAN & DIANE CLARE	\$374.00
63	40726015	CROSBY KENNETH O & CATHY TRUSTEES	\$374.00
64	40726016	EARL SHANNON M & JEFF	\$374.00
65	40726017	PETERSON MICHELE & DARIN	\$374.00
66	40726018	ADAMS JULIE A TRUSTEE	\$374.00
67	40726019	SMOKE LEO & LAURA	\$374.00
68	40726020	FRAZIER MARLENE A TRUSTEE	\$374.00
69	40726021	CAVANAGH JANE	\$374.00
70	40726022	SETTERQUIST ALLYSON	\$374.00
71	40726023	NELSON MICHAEL K & CINDY A	\$374.00
72	40727001	GOMEZ MANUEL JR & MARY	\$374.00
73	40727002	GEARY ELMYRA	\$374.00
74	40727003	COLLINS MIKE & JUDY	\$374.00
75	40727004	SANCHEZ MARCELA	\$374.00
76	40727005	LLA LEASING COMPANY LLC	\$374.00
77	40727007	LARSON ROSALENE L	\$374.00
78	40727008	LONE TODD A & ANNETTE E LEVI	\$374.00
79	40727009	MARTIN RONALD S & NORMA M TRUSTEES	\$374.00
80	40727010	DOLATA CYNTHIA A	\$374.00
81	40727011	MACIAS AGAPITO & ERICA GAMINO	\$374.00
82	40727012	DOMINGO ERIC R	\$374.00
83	40727013	WEIGANDT BRENT & DIANE CASSANO	\$374.00
84	40727014	HARDING CLARKE T III & LINLEY B TRS	\$374.00
85	40727015	TOPOOZIAN DUSTIN J	\$374.00
86	40727016	BECERRA JAVIER & LUZ E	\$374.00
87	40727017	MENEFEE TERRY & ROSALIE	\$374.00
88	40727018	SHEEHAN PETER M & MICHELLE	\$374.00
89	40727019	BERGER THOMAS E & CHERYL L	\$374.00
90	40727020	BREMSETH DOUGLAS & EMILY N	\$374.00

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COUNTY SERVICE AREA NO. 2
ASSESSMENT ROLL**

Number	APN	Owner Name	FY 2018-19
91	40727021	LACY WILLIAM J III	\$374.00
92	40727022	EMERSON RICHARD A G & MARY E TRS	\$374.00
93	40727023	FORREST ALAN H & CAROL TRUSTEES	\$374.00
94	40728001	GUERRERO MARCOS & MARIA	\$374.00
95	40728002	NAVARRO NATHANIEL J	\$374.00
96	40728003	GUZMAN LINDA M	\$374.00
97	40728004	GUZMAN LISA M TRUSTEE	\$374.00
98	40728005	SAMARIN VERNA J	\$374.00
99	40728006	BURNETT ASHLEY C	\$374.00
100	40728007	GRANT VERNON H JR & CARLA M	\$374.00
101	40728008	LUNDBERG BRUCE E & KATHLEEN A	\$374.00
102	40728009	CROSSMAN KEITH V & CHARLENE M	\$374.00
103	40728010	JEFFREYS GEORGE W & WILLENE P	\$374.00
104	40728011	ROJO ENRIQUE & SARAH C	\$374.00
105	40728012	DRANDELL HARRY M	\$374.00
106	40728013	XIONG ZONG	\$374.00
107	40728014	AGUAYO DANNY & MONA DIANE	\$374.00
108	40728015	WANG JAIXIN	\$374.00
109	40728016	THUESEN GERALDINE TRUSTEE	\$374.00
110	40728017	BERRETT NATALIE TRUSTEE	\$374.00
111	40728018	STRAUSS SHIRLEY J TRUSTEE	\$374.00
112	40728019	WIEST FREDRICK R & BECKY L	\$374.00
113	40728020	DASHJIAN ELIZABETH TRUSTEE	\$374.00
114	40728021	DRENTH JAN	\$374.00
115	40728022	DOWNING THOMAS H & CYNTHIA A TRUSTEES	\$374.00
116	40728023	BIRD DONALD L & JOYCE A TRS	\$374.00
117	40728024	PRIESTER RAE ANN G & RANDALL G	\$374.00
118	40728025	PAPULIAS THEODORE ALEXANDER & SUSAN L	\$374.00
119	40728027	NORMART ARA FRANK JR TRUSTEE	\$374.00
120	40728028	SURABIAN STANLEY R & CHERYL L TRUSTEES	\$374.00
121	40728029	ROBINSON RODERICK H JR & MARLENE B TRS	\$374.00
122	40728030	MORIZONO MARK T & KELLY L	\$374.00
123	40728031	DAVIS CATHERINE TRUSTEE	\$374.00
124	40728032	WALLACE SUZANNE L	\$374.00
125	40728033	CHEESEBOROUGH DERIK E & MARY	\$374.00
126	40728034	LAZARUS GORDON & KAREN DIANE TRUSTEES	\$374.00
127	40728035	MCGANN PETER D & KRIS A TRUSTEES	\$374.00
128	40728036	BIGHAM CRAIG CARTER & SUSAN J	\$374.00
129	40728037	ALLEN MARK L & SUSAN L TRUSTEES	\$374.00
130	40728038	LAMBRECHT KAREN E	\$374.00
131	40728039	LOPEZ FRANCISCO & ROSA GONZALEZ	\$374.00
132	40728040	COCKBURN TIMOTHY P & TRACEY J DUNN	\$374.00
133	40728041	REYNOLDS CHRISTOPHER & LORA	\$374.00
134	40728042	MISKULIN PAUL & LAURIE	\$374.00
135	40728043	HABIBE MICHAEL N	\$374.00