

RESOLUTION NO. 23-175

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO INITIATING ANNUAL ASSESSMENT PROCEEDINGS UNDER CHAPTER 3 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 IN THE RENAISSANCE AT BELLA VISTA LIGHTING, OPEN SPACE AND LANDSCAPE ASSESSMENT DISTRICT FOR COUNTY SERVICE AREA NO. 34, ZONE D, AND APPOINTING AN ASSESSMENT ENGINEER TO PREPARE AND FILE AN ENGINEER'S REPORT.

WHEREAS, the County provides street lighting services, open space maintenance and public right-of-way landscape maintenance, in County Service Area No. 34, Zone D – Renaissance at Bella Vista (CSA 34D);

WHEREAS, Government Code section 25215.3 authorizes the Board of Supervisors (Board), on behalf of CSA 34D, to impose a benefit assessment in CSA 34D under the Landscaping and Lighting Act of 1972 (Streets and Highways Code, Division 15, Part 2, beginning with section 22500) for street lighting services, open space maintenance and public right-of-way landscape maintenance, subject to the requirements of California Constitution, Article XIII D, section 4; and

WHEREAS, the Board, by Resolution 17-544 on December 5, 2017, formed the Renaissance at Bella Vista Lighting, Open Space and Landscape Assessment District (Assessment District), whose boundaries are coextensive with those of CSA 34D the location and boundaries of which are shown on the map attached to this resolution as Exhibit A; and

WHEREAS, the “improvements” for purposes of Streets and Highways Code section 22525 are generally described as open space maintenance, the maintenance of public right of way landscape, which includes landscaping and irrigation systems, and street lighting services within the Assessment District; and

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

NOW, THEREFORE, the Board of Supervisors of the County of Fresno does hereby find, determine, and resolve as follows:

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

Section 2. The Board hereby proposes to proceed under Chapter 3 of the Landscaping and Lighting Act of 1972 to levy and collect in the Assessment District, for CSA 34D, an assessment of the total cost of the street lighting services, open space maintenance and public right-of-way landscape maintenance for the 2023-24 fiscal year.

Section 3. In connection with the proceedings that are the subject of this resolution, the Board hereby appoints and designates Steven E. White, P.E., Director, Department of Public Works and Planning, County of Fresno, registered under the Professional Engineers Act (Division 3, Chapter 7 of the California Business and Professions Code, beginning with section 6700), as the Assessment Engineer (Assessment Engineer).

Section 4. The Assessment Engineer is hereby ordered to prepare and, no later than May 17, 2023, file with the Clerk of the Board a written report (Engineer's Report) with regard to an assessment of the total cost street lighting services, open space maintenance, and public right-of-way landscape maintenance for the 2023-24 fiscal year. The Engineer's Report shall comply with the requirements of Streets and Highways Code, Division 15, Part 2, Chapter 1, Article 4, beginning with section 22565, and section 4 of Article XIII D of the California Constitution.

Section 5. The Board hereby finds and determines that it took all of the foregoing actions and made all of the foregoing findings in full compliance with the law, including, without limitation, the Landscape and Lighting Act of 1972, Article XIII D of the California Constitution, and any other law referred to in this resolution. All proceedings referred to in this resolution have been taken with respect to CSA 34D.

Section 6. This Resolution shall take effect immediately upon its adoption.

Section 7. The Clerk of the Board shall certify to the adoption of this Resolution and shall cause a certified copy of this Resolution to be filed in the office of the Clerk.

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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 23rd day of May, 2023, to-wit:

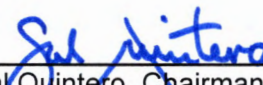
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4 AYES: Supervisors Brandau, Magsig, Mendes, Pacheco, Quintero

5 NOES: None

6 ABSENT: None

7 ABSTAINED: None
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9
10 COUNTY OF FRESNO

11 
12 Sal Quintero, Chairman of the Board
13 of Supervisors of the County of
14 Fresno

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

19 By: 
20 Deputy
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