

RESOLUTION NO. 19-375**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVING AND LEVYING ASSESSMENTS ON REAL PROPERTY UNDER THE BENEFIT ASSESSMENT ACT OF 1982, FOR STORM DRAINAGE AND ROAD 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 storm drainage and road maintenance, specifically (1) inspecting street pavement services to identify sections in need of immediate repair, inspecting all street signage and replacing signs and poles as needed, inspecting and reconditioning all street striping, paving and reconditioning streets, and paying insurance and administrative costs to maintain the ready-to-serve status of CSA 34F streets for the benefit of all CSA 34F lots; and (2) include periodic monitoring during and after storm events and operation of the basin outlet controls as needed to empty the basin between storm events (collectively, Storm Drainage and Road Maintenance); and

WHEREAS, Government Code section 25215.3 authorizes the County to impose a benefit assessment in CSA 34F under the Benefit Assessment Act of 1982 (Government Code sections 54703 through 54720) to pay for the costs of the Storm Drainage and Road Maintenance; and

WHEREAS, the map attached to this resolution as exhibit A, by which parcels are shaded in pink, shows the territory within CSA 34F where a benefit assessment for the costs of Storm Drainage and Road Maintenance is to be levied; ; 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 assessments; and

WHEREAS, on August 20, 2019, the Assessment Engineer filed an "Engineer's Report for Tract 6189 and Tract 4934 On Proposed Water and Wastewater Service Fees and Proposed Infrastructure Operations And Maintenance Benefit Assessments for Fresno County Service Area 34 and Its Zone G

(Granville) and Zone F (The Vistas),” dated July 25, 2019, which, under Article XIII D, Section 4, of the California Constitution, and the under the Benefit Assessment Act of 1982 (Government Code sections 54703 through 54720) supports a benefit assessment on properties benefiting from the Storm Drainage and Road Maintenance (Engineer’s Report); and

WHEREAS, the Board, by resolution 19-328, proposed to proceed under the Benefit Assessment Act of 1982 (Government Code sections 54703 through 54720) to levy and collect a benefit assessment in CSA 34F for the cost of the Storm Drainage and Road Maintenance and declared that, if the Board imposes the proposed benefit assessment, the resolution imposing the assessment shall provide that the assessment will continue in successive years through Fiscal Year 2024-25 in the amounts stated in Exhibit B and the Engineer’s Report, and that, for years after Fiscal Year 2024-25, the Board may, by this resolution, continue the assessment at the same amount, without increase; and

WHEREAS, Exhibit B to this resolution identifies all of the parcels that receive a special benefit from the Storm Drainage and Road Maintenance, upon which the benefit assessment is to be imposed, and the amount of the assessment for each parcel; and

WHEREAS, the Engineer’s Report contains all of the following as required by Article XIII D, Section 4, of the California Constitution, and the Benefit Assessment Act of 1982 (Government Code sections 54703 through 54720):

- A. A description of the improvement to be financed through the revenue derived from the assessment, which is the Storm Drainage and Road Maintenance.
- B. An identification and description of all parcels which have a special benefit conferred on them and on which the assessment will be imposed, which is CSA 34F.
- C. A statement of the entirety of the cost of the Storm Drainage and Road Maintenance.
- D. The amount of the proposed assessment for each parcel, and the method by which it will be imposed.
- E. The basis and schedule of the assessment.
- F. A determination of the proportionate special benefit derived by each identified parcel in relationship to the entirety of the cost of the Storm Drainage and Road Maintenance

benefiting the 10 parcels within CSA 34F.

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

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

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

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

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

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

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

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

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

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

F. A website link to view the Engineer's Report;

G. The reason for the assessment, namely the costs of the Storm Drainage and Road Maintenance;

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

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

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

4 K. Assessment ballot instructions;

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

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

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

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

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

23 WHEREAS, a "majority protest" does not exist concerning the proposed assessment on real  
24 property for water and sewer facilities;

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

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

28 2. The Board, the under the Benefit Assessment Act of 1982 (Government Code sections

54703 through 54720), approves the Engineer's Report, and determines and levies an assessment on real property to pay for the Storm Drainage and Road Maintenance benefiting the 10 parcels in CSA 34F, as shown and described in Exhibit B to this resolution, for the Fiscal Year 2019-20 and each year after as follows:

A. Beginning in fiscal year 2019-20, and for each year after, the Board may levy an annual assessment in an amount not to exceed the amounts shown in Exhibit B to this resolution. The assessment may not be levied in amounts exceeding what is shown in Exhibit B unless owners of property in CSA 34F approve such an increase in another proceeding that complies with the requirements of Proposition 218.

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

3. The assessment shall be published in the Master Schedule of Fees, Charges and 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:

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

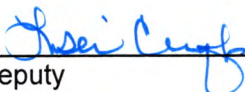
4 NOES: None

5 ABSENT: None

6 ABSTAINED: None

7  
8   
Nathan Magsig, Chairman of the Board  
of Supervisors of the County of Fresno

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

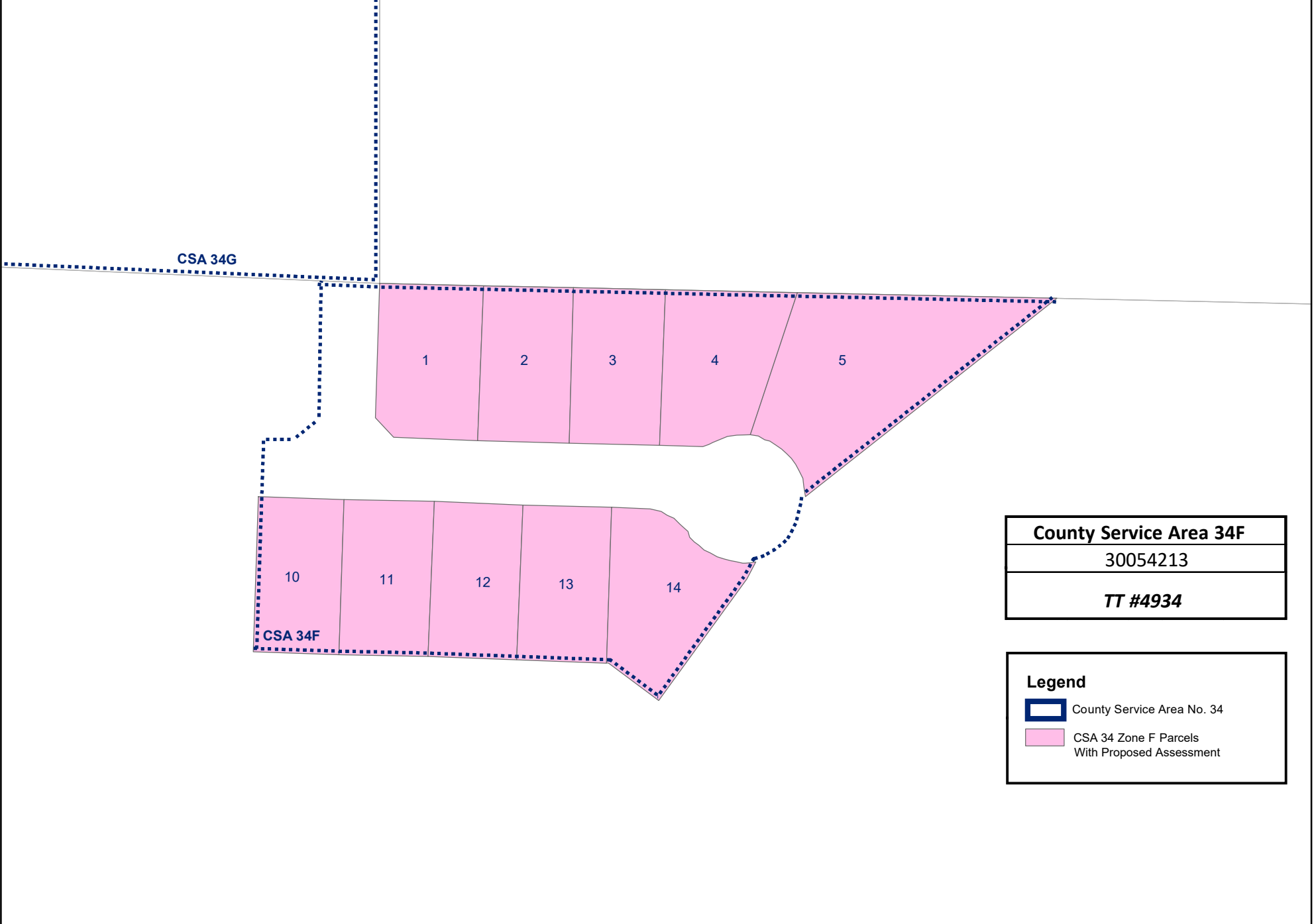
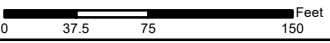
12 By   
13 Deputy

14 G:\4360Resources\SPECIAL DISTRICTS\CSA - County Service Area\CSA 34G\FIN\Prop 218\10-06-19\Reso's\9-17-19\CSA 34F SD-R Reso 9-17-19.docx



# County Service Area No. 34 Zone F

STORM DRAINAGE AND ROAD MAINTENANCE ASSESSMENT FOR  
COUNTY SERVICE AREA 34 ZONE F (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 ROAD AND DRAINAGE  
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 34F STORM DRAINAGE			ROAD SYSTEM			FY 19-20 TOTAL			STORM DRAINAGE			ROAD SYSTEM			FY 20-21 TOTAL			STORM DRAINAGE			ROAD SYSTEM			FY 21-22 TOTAL			STORM DRAINAGE			ROAD SYSTEM			FY 22-23 TOTAL			STORM DRAINAGE			ROAD SYSTEM			FY 23-24 TOTAL			STORM DRAINAGE			ROAD SYSTEM			FY 24-25 TOTAL		
		EBU	ASSESSMENT		ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT			ASSESSMENT											
1	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
2	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
3	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
4	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
5	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
6	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
7	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
8	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
9	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
10	WC MILLERTON DEVELOPERS	1	\$	42.87	\$	171.48	\$	214.35	\$	43.31	\$	173.23	\$	216.54	\$	43.75	\$	175.00	\$	218.75	\$	44.20	\$	176.79	\$	220.99	\$	44.65	\$	178.60	\$	223.25	\$	45.11	\$	180.42	\$	225.53																	
Total		10	\$	428.70	\$	1,714.80	\$	2,143.50	\$	433.10	\$	1,732.30	\$	2,165.40	\$	437.50	\$	1,750.00	\$	2,187.50	\$	442.00	\$	1,767.90	\$	2,209.90	\$	446.50	\$	1,786.00	\$	2,232.50	\$	451.10	\$	1,804.20	\$	2,255.30																	

**EXHIBIT B**