

RESOLUTION NO. 20-223

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO INITIATING AN ASSESSMENT PROCEEDING UNDER THE UNIFORM STANDBY CHARGE PROCEDURES ACT FOR WATER AND SEWER SERVICES FOR COUNTY SERVICE AREA 1, ALSO KNOWN AS TAMARACK ESTATES

WHEREAS, the Board of Supervisors (Board) formed County Service Area No. 1 (CSA 1) in 1962 to provide a wide variety of governmental services for the unincorporated community of Tamarack Estates; and

WHEREAS, the facilities and services proposed to be provided by the County in CSA 1 include the supply, treatment, and distribution of potable water; the collection, treatment, and disposal of raw sewage; an operations and maintenance reserve; and costs associated with administering utility bills, financial audit requirements, liability insurance, and other administrative costs (collectively, Water and Sewer Facilities); and

WHEREAS, Government Code section 25215.6 authorizes the County to impose benefit assessments in CSA 1 under the Uniform Standby Charge Procedures Act (Government Code section 54984 through 54984.9) to pay for the costs of Water and Sewer Facilities; and

WHEREAS, Steven E. White (Assessment Engineer), who is registered under the Professional Engineers Act (Division 3, Chapter 7 of the California Business and Professions Code, beginning with section 6700), has prepared a written report, titled "Engineer's Report for Tamarack Estates Fresno County Service area No. 1, Standby Charge Assessment for Operations & Maintenance of Potable Water Facilities and for Operations & Maintenance of Sewer Facilities" (Engineer's Report);

WHEREAS, the Engineer's Report complies with Article XIII D, section 4, of the California Constitution and Government Code section 54984.3, and includes (1) a description of the standby charge assessment and the method by which it will be imposed; (2) a compilation of the amount of the charge proposed for each parcel subject to the charge; (3) a statement of the methodology and rationale followed in determining the degree of special benefit conferred by the service for which the charge is made; and (4) other factors required by Government Code section 54984.2, including the benefit to be derived from the use or availability of facilities to provide water and sewer service;

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

WHEREAS, a description of the lands upon which the standby charge assessment is to be

1 imposed is provided in Exhibit A to this resolution;

2 WHEREAS, the amount of the standby charge assessment to be imposed is as stated in Exhibit
3 B to this resolution, which is a roll of the proposed standby charge assessment;

4 NOW, THEREFORE, THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DOES
5 HEREBY FIND, DETERMINE, AND RESOLVE AS FOLLOWS:

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

7 **Section 2.** The Board hereby initiates proceedings under the Uniform Standby Charge
8 Procedures Act and to levy and collect a standby charge assessment in CSA 1 for the costs of the Water
9 and Sewer Facilities. The standby charge assessment shall be imposed on the parcels identified in
10 Exhibit A, at the amounts stated in Exhibit B, except that after fiscal year 2024-25, the amount of the
11 assessment may be increased annually by a factor equal to the average annual change for the San
12 Francisco-Oakland-San Jose Consumer Price Index – All Items (SFCPI-U) up to 3% over the prior year,
13 until the standby charge assessment is reduced or terminated, or there is a new proceeding to increase
14 the standby charge assessment.

15 **Section 3.** A public protest hearing (Public Hearing) on the proposed standby charge
16 assessment is hereby set for **August 4, 2020 at 9:00 A.M.**, or as soon after as practicable, in the
17 Board Room of the Fresno County Board of Supervisors, Room 301, Hall of Records, 2281 Tulare Street,
18 Fresno, California, 93721, for hearing all objections and protests to the proposed standby charge
19 assessment as set forth in the Engineer’s Report. The Public Hearing shall be held under Section 53753
20 of the California Government Code. The Public Hearing may be continued from time to time by the Board
21 without further notice by the Board.

22 **Section 4.** The Governor of the State of California on March 4, 2020, proclaimed a state of
23 emergency to exist in California as a result of the threat of COVID-19. The Board, by Resolution 20-093
24 on March 17, 2020, proclaimed the existence of a local emergency. Under Executive Order N-29-20 on
25 March 17, 2020, the Governor of the State of California suspended certain meeting requirements under
26 the Ralph M. Brown Act (Gov. Code, §§ 54950–54963).

27 ///

28 ///

- 1 • Under those authorities, the Board has established a procedure that does not allow for
- 2 physical attendance by the public at Board meetings. The Board procedure provides for
- 3 remote public participation in Board meetings.
- 4 • Due to the nature of the emergency, the Board procedure for public meetings is subject to
- 5 change. The County cannot predict when that procedure might change.
- 6 • If any procedure limiting physical attendance and providing for remote public participation
- 7 remains in place for the August 4, 2020 Board meeting, the specific procedure for the Public
- 8 Hearing will be specified in the Board agenda for that meeting.

9 **Section 5.** The Board hereby authorizes and directs the Director of Public Works and
10 Planning (Director) or his designees, to prepare, the standby charge assessment ballots and standby
11 charge assessment ballot instructions, any materials for the change, withdrawal, or substitution of
12 standby charge assessment ballots, including substitute standby charge assessment ballots and
13 substitute standby charge assessment ballot instructions, any materials for co-owner standby charge
14 assessment ballots and co-owner standby charge assessment ballots, and any other forms and
15 materials, as the Director or his designees deem necessary or appropriate, with respect to the submission
16 of standby charge assessment ballots by record property owners of the property within CSA 1, under
17 Section 53753 of the California Government Code.

18 **Section 6.** The Board hereby authorizes and directs the Director or his designee to prepare,
19 for the standby charge assessment, a notice of the Public Hearing (Notice). The Notice shall contain:

- 20 A. The date, time, and location of the Public Hearing;
- 21 B. The total amount of the proposed standby charge assessment chargeable to all of the affected
- 22 parcels;
- 23 C. The amount of the proposed standby charge assessment for each affected parcel;
- 24 D. The basis upon which the amount of the proposed standby charge assessment was
- 25 calculated;
- 26 E. A statement that the amounts of the standby charge assessment will change in successive
- 27 years through Fiscal Year 2024-25 as stated in Exhibit B and the Engineer's Report, and then
- 28 continue to be increased annually by a factor equal to the average annual change for the San

1 Francisco-Oakland-San Jose Consumer Price Index – All Items (SFCPI-U) up to 3%, until the
2 standby charge assessment is reduced or terminated, or there is a new proceeding to increase
3 the standby charge assessment;

4 F. The reason for the standby charge assessment;

5 G. The address to which property owners may mail written protests against the standby charge
6 assessment;

7 H. The telephone number and address of an individual or office that interested persons may
8 contact to receive additional information about the standby charge assessment;

9 I. An assessment ballot for the standby charge assessment that includes the address for receipt
10 of the ballot and a place where the person returning the ballot may indicate his or her name,
11 a reasonable identification of the parcel, and his or her support or opposition to the standby
12 charge assessment;

13 J. Standby charge assessment ballot instructions as described in Section 5 of this resolution;
14 and

15 K. A statement that the standby charge assessment shall not be imposed if the ballots submitted
16 in opposition to the standby charge assessment exceed the ballots submitted in favor of the
17 standby charge assessment, with ballots weighted according to the proportional financial
18 obligation of the affected property.

19 L. The information in Section 4 of this resolution.

20 The Director or his designee shall deliver the Notices to the Clerk of the Board no later than June
21 18, 2020.

22 **Section 7.** The Board hereby authorizes and directs the Clerk of the Board (Clerk) to sign and
23 mail, no later than June 19, 2020, the Notice (which shall include the standby charge assessment ballot
24 and standby charge assessment ballot instructions as described above in Section 5 of this resolution, as
25 well as the information in Section 4 of this resolution), to the record property owners of the parcels to be
26 assessed. On the face of the envelope in which the Notice is sent, there shall appear, in no smaller than
27 16-point bold type, the words “OFFICIAL BALLOT ENCLOSED.” Upon the Clerk’s completion of the

28 ///

1 mailing of the Notice, the Clerk is hereby directed to file with the Board an affidavit setting forth the time
2 and manner of the compliance with the requirements of this resolution for mailing the Notice.

3 **Section 8.** If the Board imposes the standby charge assessment, the resolution imposing the
4 standby charge assessment shall provide that the amount of the standby charge assessment will change
5 in successive years through Fiscal Year 2024-25 as stated in Exhibit B to this resolution, and Exhibit A
6 to the Engineer's Report, after which the standby charge assessment can only be increased by the
7 inflation factor set in Section 2.5 of the Engineer's Report. If new, increased, or extended assessments
8 are proposed, the Board will comply with the notice, protest, and hearing procedures in Government
9 Code section 53753.

10 **Section 9.** If the Board imposes the standby charge assessment, the resolution imposing the
11 standby charge assessment shall provide that the standby charge assessment will be collected annually
12 at the same time, and in the same manner, and subject to the same penalties, as the general taxes of
13 the County.

14 **Section 10.** If the Board imposes the standby charge assessment, the resolution imposing the
15 standby charge assessment shall provide that the Director is authorized and directed to timely deliver, or
16 cause their designee to timely deliver, to the Auditor-Controller/Treasurer-Tax Collector, for each fiscal
17 year for which the standby charge assessment is levied by this resolution, a true and complete roll of the
18 standby charge assessment in the amounts provided by Exhibit B to the levying resolution, and Exhibit
19 A to the Engineer's Report.

20 **Section 11.** If the Board imposes the standby charge assessment, the resolution imposing the
21 standby charge assessment shall provide that the Director is authorized and directed to perform, or cause
22 their designee to perform, beginning for Fiscal Year 2025-26 and each fiscal year after for which the
23 standby charge assessment is levied by the levying resolution, the inflation calculation required by Exhibit
24 B to the levying resolution, and Exhibit A to the Engineer's Report, for purposes of the annual roll of the
25 standby charge assessment delivered to the Auditor-Controller/Treasurer-Tax Collector as described
26 section 10 of this resolution.

27 **Section 12.** The Board hereby finds and determines that it took all of the foregoing actions and
28 made all of the foregoing findings in full compliance with the law, including, without limitation, the Uniform

1 Standby Charge Procedures Act, and Article XIII D of the California Constitution, and any other law
2 referred to in this resolution.

3 **Section 13.** The Director and his designees, who may be any employees of the County
4 Department of Public Works and Planning that he appoints, are hereby designated and authorized to
5 tabulate the standby charge assessment ballots (including substitute standby charge assessment ballots
6 and co-owner standby charge assessment ballots) submitted, and not withdrawn, in support of or
7 opposition to the standby charge assessment referred to in this resolution. Each of those persons may,
8 in their discretion appoint assistants, including, but not limited to, any employees of the County
9 Administrative Office, including further any employees of the Office of the Clerk of the Board, to help
10 tabulate the standby charge assessment ballots (including substitute standby charge assessment ballots
11 and co-owner standby charge assessment ballots). The Board hereby finds and determines that each of
12 the persons described in this Section 11 is an impartial person who does not have a vested interest in
13 the outcome of this standby charge assessment proceeding.

14 **Section 14.** This resolution shall take effect immediately upon its adoption.

15 ///

16 ///

17 ///

18 ///

19 ///

20 ///

21 ///

22 ///

23 ///

24 ///

25 ///

26 ///

27 ///

28 ///

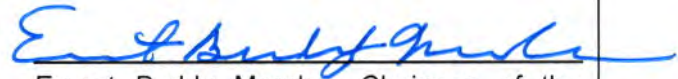
1 THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors
2 of the County of Fresno this 9th day of June, 2020, to-wit:

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

4 NOES: None

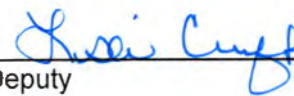
5 ABSENT: None

6 ABSTAINED: None

7
8 

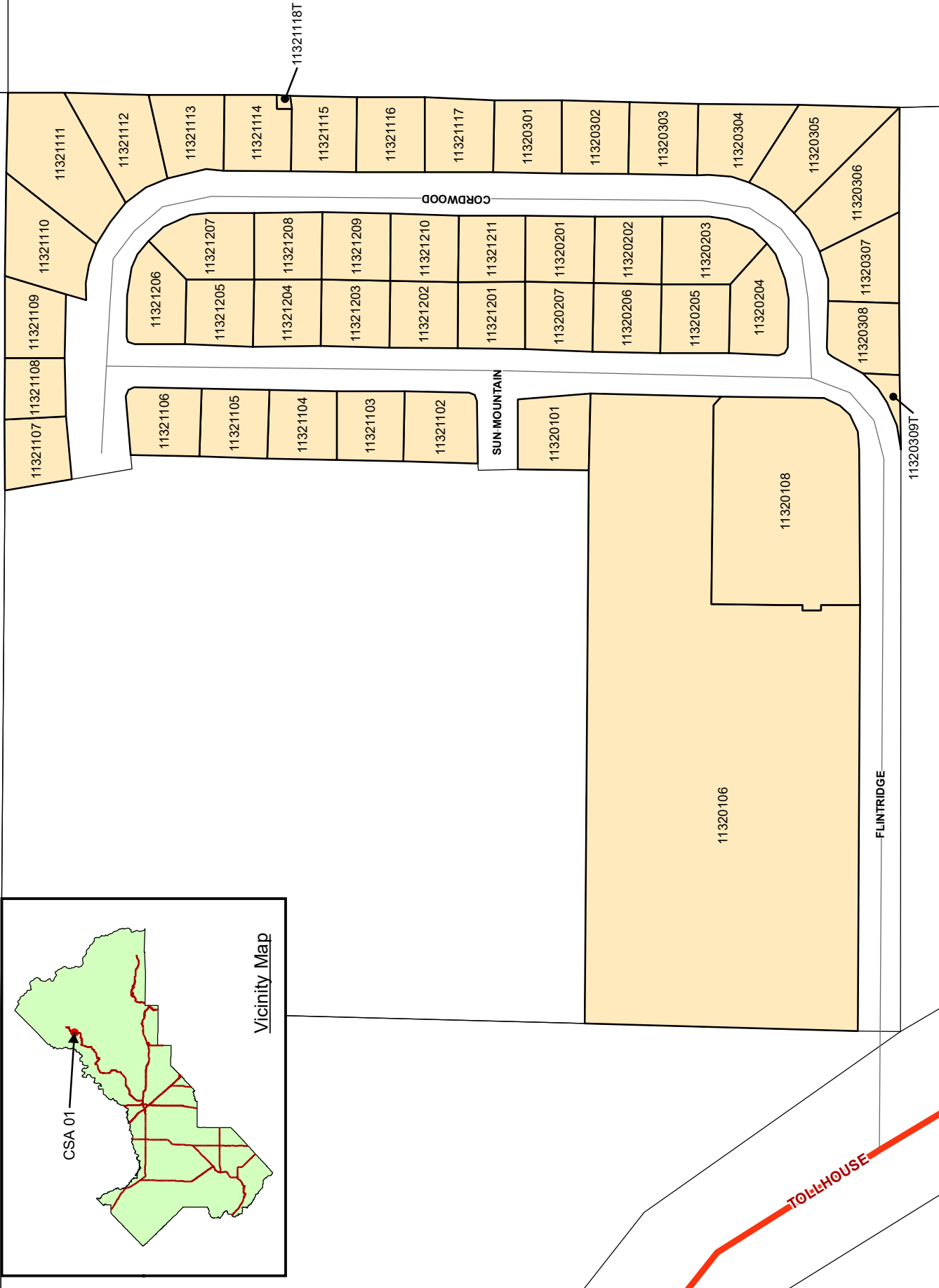
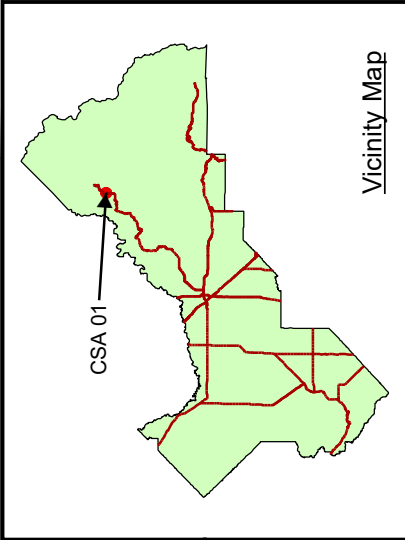
Ernest Buddy Mendes, Chairman of the
Board of Supervisors of the County of Fresno

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

13 By 
14 Deputy

15
16 G:\360Resources\SPECIAL DISTRICTS\CSA - County Service Area\CSA 1\Prop 218\2019-20 Water & Sewer Rate Increase\2020-06-09 Board Cal\Reso\CSA 1\Initiating Resolution.docx

Exhibit A



Legend

- General Roads
- Highways
- Parcel
- CSA 01 with APN Number Display

COUNTY OF FRESNO
 Public Works and Planning
 County Service Area No. 1



Exhibit A

(Page 12 of 75)

760-0001

EXHIBIT "A"

Being that portion of the N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 35, Twp. 8S., Rgn. 25E., N.D.B.M., described as follows:

Commencing at the N.E. corner of said Section 35; thence S. 89°20'30" W., along the north line of said Section 35, 576.95 feet; thence S. 10°16'43" E. 195.03 feet; thence along a curve to the right whose radian bears S. 10°16'43" E., having a radius of 910.33 feet; through a central angle of 1°22' an arc distance of 21.71 feet; thence S. 0°08'20" W. 505.89 feet; thence S. 89°15'25" W. 9.95 feet; thence S. 0°08'20" W. 165.00 feet; thence N. 89°15'25" E., 110.00 feet; thence S. 0°08'20" W. 324.53 feet; thence on a curve to the right with a radius of 76.63 feet through a central angle of 89°07'105" an arc length of 134.74 feet; thence S. 89°15'25" W. 045.35 feet to a point on the west line of the N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of said Section 35; thence S. 0°30'32" W. along said west line 60 feet to the S.W. corner of the N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of said Section 35; thence N. 89°15'25" E., along the south line of said N.E. $\frac{1}{4}$ of the N.E. $\frac{1}{4}$ of Section 35, 1341.10 feet to the S.E. corner thereof; thence N. 0°08'20" E., along the east line of said Section 35, 1319.82 feet to the point of commencement.

