

RESOLUTION NO. 19-201

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DECLARING ITS INTENTION TO LEVY AN ANNUAL ASSESSMENT UNDER CHAPTER 3 OF THE LANDSCAPING AND LIGHTING ACT OF 1972 IN THE TENAYA PARK ASSESSMENT DISTRICT FOR COUNTY SERVICE AREA NO. 2 AND SETTING A PUBLIC HEARING ON THE PROPOSED ASSESSMENT.

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) for park maintenance; and

WHEREAS, the Board, by Resolution No. 14-230 on June 17, 2014, formed the Tenaya Park Assessment District, whose boundaries are coextensive with those of CSA 2; 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, there are no substantial changes proposed to be made in existing improvements; and

WHEREAS, the Board has received and approved an engineer’s report, dated May 14, 2019, and prepared by a registered professional engineer certified by the State of California, supporting an assessment in Tenaya Park Assessment District for operation and maintenance of Tenaya Park in CSA 2 in FY 2019-20 (Engineer’s Report); and

WHEREAS, the Engineer’s Report contains a full and detailed description of the improvements, the boundaries of the assessment district, and the proposed assessments upon assessable lots and parcels of land within the Tenaya Park Assessment District; and

WHEREAS, the Engineer’s Report is on file with the Clerk of the Board; and

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

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

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

9 **Section 2.** The Board hereby declares its intention to levy and collect an assessment in the
10 Tenaya Park Assessment District, under Chapter 3 of the Landscaping and Lighting Act of 1972, for
11 operation and maintenance of Tenaya Park for FY 2019-20. The assessment is not proposed to
12 increase from the previous year, under the definition of "increase" provided by Streets and highways
13 Code, section 22630.5, Government Code, section 54954.6, subdivision (a)(1)(D), and Government
14 Code, section 53750, subdivision (h)(1).

15 **Section 3.** A public hearing of the Board is hereby set for June 4, 2019, at 9:00 A.M., or as
16 soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301,
17 Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to
18 the annual assessment, the amount assessed against each parcel, and related matters as set forth in
19 the Engineer's Report (collectively, Public Hearing). The Public Hearing shall be held under Sections
20 22629 through 22631 of the California Streets and Highways Code. The Public Hearing may be
21 continued from time to time by the Board without further notice, except that it may not be continued to a
22 date after August 10 without prior consent of the County Auditor-Controller/Treasurer-Tax Collector.

23 **Section 4** The Board hereby authorizes and directs the Clerk of the Board to cause notice
24 of the filing of the Engineer's report, and of the time, date, and place of the Public Hearing to be
25 published under Government Code section 6061, one time, no more than 10 days before the Public
26 Hearing.

27 **Section 5.** Property owners wishing to preserve the opportunity to file a lawsuit challenging
28 the assessment, if levied, must file a written protest and state therein the specific grounds of protest.

Any grounds of protest not stated in a written protest filed prior to the close of the public hearing of protests are deemed waived in any subsequent lawsuit and may not be raised in such lawsuit.

Section 6. The validity of the assessment announced by the Board of Supervisors shall not be contested in any action or proceeding unless the action or proceeding is commenced within thirty days after the assessment is announced and adopted (Fresno County Ordinance Code, Section 4.28.040).

Section 7. 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, Landscaping and Lighting Act of 1972, Article XIID 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 the Tenaya Park Assessment District for CSA 2.

Section 8. This Resolution shall take effect immediately upon its adoption.

Section 9. 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.

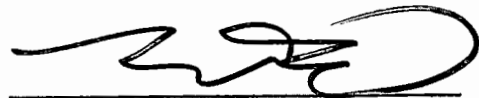
THE FOREGOING was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 14th day of May, 2019, to-wit:

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

NOES: None

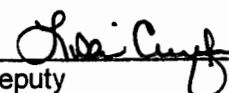
ABSENT: None

ABSTAINED: None



Nathan Magsig, Chairman 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 
Deputy