

**RESOLUTION NO. 19-240****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 No. 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 FY 2014–15; and

WHEREAS, the Board, by Resolution No. 14-230, also provided that beginning with FY 2014–15, and for each fiscal year after until FY 2023–24, 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 No. 19-200, on May 14, 2019, initiated the annual proceeding under Chapter 3 of the 1972 Act, and appointed Steven E. White, P.E., Director, Department of Public Works and Planning, County of Fresno, as the assessment engineer to prepare and file an engineer’s report regarding an assessment of the total cost of maintenance for Tenaya Park for FY 2019-20; and

1 WHEREAS, the Board, on May 14, 2019, received and approved an engineer's report prepared  
2 by the assessment engineer, which report, under Article XIID, Section 4, of the California Constitution,  
3 and the 1972 Act, supports an annual benefit assessment on property within the District of the total cost  
4 of maintenance of Tenaya Park for FY 2019-20; and

5 WHEREAS, the Board, by Resolution No. 19-201 on May 14, 2019, declared its intention to levy  
6 and collect an assessment in the Tenaya Park Assessment District, under Chapter 3 of the  
7 Landscaping and Lighting Act of 1972, for operation and maintenance of Tenaya Park for FY 2019-20;  
8 and

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

10 WHEREAS, the Engineer's Report contains all of the following under Article XIID, Section 4, of  
11 the California Constitution, and the Landscaping and Lighting Act of 1972.

- 12 A. A diagram identifying all parcels that have a special benefit conferred on them and on which the  
13 proposed annual Assessment will be imposed (Exhibit A to the Engineer's Report).
- 14 B. An estimation of the entirety of the cost of maintenance for Tenaya Park to be assessed on  
15 properties within the District (Exhibit B to the Engineer's Report).
- 16 C. A specification of the improvements, which are, generally, the operation and maintenance of  
17 Tenaya Park.
- 18 D. A determination that the proportionate special benefit derived by each identified parcel in  
19 relationship to the entirety of the cost of park maintenance service to be provided is as set forth  
20 in Exhibit B to the Engineer's Report.
- 21 E. An assessment on each of the properties in the District of the estimated entire cost of the  
22 improvements, proportional to the special benefit conferred on each property.
- 23 F. A determination that no assessment on any parcel exceeds the reasonable cost of the  
24 proportional special benefit conferred on that parcel.
- 25 G. A determination that the only benefits assessed are special benefits, that general benefits have  
26 been separated from the special benefits conferred on each parcel, and that there is no general  
27 benefit derived from the park maintenance service to be provided.
- 28 H. A determination that no parcel owned by any public agency, the State of California or the United

1 States but not identified and described in the Engineer's Report receives any special benefit  
2 from the maintenance of Tenaya Park.

3 WHEREAS, the proposed assessment for FY 2019-20 is not an "increased" assessment under  
4 Government Code, section 53750, subdivision (h), Government Code, section 54954.6, subdivision  
5 (a)(1), or Streets and Highways Code, section 22630.5, because it does not increase any applicable  
6 rate used to calculate the assessment, revise the methodology by which the assessment is calculated,  
7 or result in an assessment being levied on any person or parcel that exceeds what was approved in the  
8 Proposition 218 proceeding in 2014, but applies the inflation increases approved by the Board in  
9 Resolution No. 14-230, and for those reasons is not subject to the special notice, protest, hearing, and  
10 assessment balloting procedures under Government Code, section 53753; and

11 WHEREAS, the Board gave notice of a public hearing by causing the May 14, 2019 Resolution  
12 of Intention to be published one time, no later than 10 days prior to the public hearing, as required by  
13 Government Code, section 6061, and California Streets and Highways Code, Sections 22552 and  
14 22553; and

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

20 NOW, THEREFORE, BE IT RESOLVED by the Fresno County Board of Supervisors that each  
21 of the foregoing recitals is true and correct.

22 BE IT FURTHER RESOLVED that the Board, under Streets and Highways Code, section  
23 22631, confirms the diagram and assessment in the Engineer's Report, and levies an annual  
24 assessment on the benefitted parcels within the District as shown and described in Attachment A to this  
25 resolution. The annual assessment is levied for FY 2019-20. The total annual assessment chargeable  
26 to each of the 142 lots in the District for FY 2019-20 is \$392.

27 The lien date shall be that prescribed by law and the assessment shall be collected with FY  
28 2019-20 property tax billing for each property having a special benefit conferred on it and upon which

1 the assessment is levied.

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

4 THE FOREGOING, was passed and adopted by the following vote of the Board of Supervisors  
5 of the County of Fresno this 4th day of June, 2019, to-wit:

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

7 NOES: None

8 ABSENT: None

9 ABSTAINED: None



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

12 **ATTEST:**  
13 Bernice E. Seidel  
14 Clerk of the Board of Supervisors  
County of Fresno, State of California

15 By Rose Cuyah  
16 Deputy