



County of Fresno

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Legislation Details (With Text)

File #: 19-0296
Name: Resolution Initiating Assessment Proceedings for County Service Area 34 (Millerton New Town) for Water Contract Administration and Ready-To-Serve Millerton Lake Pump Maintenance
In control: Public Works & Planning
On agenda: 8/20/2019
Final action: 8/20/2019
Enactment date:
Enactment #: Resolution No. 19-325
Title: Adopt and authorize Chairman to execute Resolution initiating proceedings to re-apportion and re-levy part of benefit assessment previously levied under Uniform Standby Charge Procedures Act for water contract administration and Millerton Lake Pump ready-to-serve maintenance for County Service Area No. 34 (Millerton New Town) and setting public hearing on October 8, 2019 at 9:00 a.m., or as soon after as practicable to conduct protest hearing and assessment ballot proceedings

Sponsors:

Indexes:

Code sections:

Attachments: 1. Agenda Item, 2. Exhibit A to A-8, 3. Exhibit B, 4. Exhibit C thru C-3, 5. Resolution No. 19-325, 6. Engineer's Report

Date	Ver.	Action By	Action	Result
8/20/2019	1	Board of Supervisors	Conducted Hearings	Pass

DATE: August 20, 2019

TO: Board of Supervisors

SUBMITTED BY: Steven E. White, Director
Department of Public Works and Planning

SUBJECT: Resolution Initiating Assessment Proceedings for County Service Area 34 (Millerton New Town) for Water Contract Administration and Ready-To-Serve Millerton Lake Pump Maintenance

RECOMMENDED ACTION(S):

Adopt and authorize the Chairman to execute a Resolution initiating proceedings to re-apportion and re-levy part of the benefit assessment previously levied under the Uniform Standby Charge Procedures Act for water contract administration and Millerton Lake Pump ready-to-serve maintenance for County Service Area No. 34 (Millerton New Town) and setting a public hearing on October 8, 2019 at 9:00 a.m., or as soon after as practicable to conduct a protest hearing and assessment ballot proceedings.

Approval of the recommended action initiates proceedings to levy an assessment for the cost of water contract administration and maintenance of the Millerton Lake water pumps in ready-to-serve status. The proposed resolution also sets a public meeting on September 18, 2019, at 3:00 P.M., and a public hearing on October 8, 2019, at 9:00 A.M., to conduct a protest hearing and assessment ballot proceedings wherein affected property owners within County Service Area (CSA) 34, its proposed Zones G, which will be known as "Granville" and F, which will be known as "The Vistas" may indicate their support for or opposition to the proposed assessment.

Because the affected properties include only portions of CSA 34, the area is referred to in this board report as the “CSA 34 Water Contract and Pump Assessment Area.”

A detailed Engineer’s Report supporting the proposed assessment is on file with the Clerk of the Board. Exhibit A to this board report shows CSA 34 and its zones and Exhibit A-1 defines the re-apportioned and re-levied assessment in the CSA 34 Millerton New Town (MNT) portion of the CSA 34 Water Contract and Pump Assessment Area, and the area that is proposed to be removed or reduced from the CSA 34MNT area known as proposed Zones G (CSA 34G) and F (CSA 34F). The yellow shaded area in Exhibit A-1 defines the proposed CSA 34G portion, and the pink shaded area in Exhibit A-1 defines the proposed CSA 34F portion of the CSA 34 Water Contract and Pump Assessment Area. Exhibit A-7 defines the proposed CSA 34G division of 133 parcels proposed to be assessed beginning in FY 2019-20, in the CSA 34G portion of the CSA 34 Water Contract and Pump Assessment Area, and Exhibit A-8 defines the proposed CSA 34F division of 10 parcels proposed to be assessed beginning in FY 2019-20, in the CSA 34F portion of the CSA 34 Water Contract and Pump Assessment Area.

ALTERNATIVE ACTION(S):

There is no viable alternative action. The County is obligated under the December 14, 2017 Subdivider Reimbursement Agreement No. S340005 for Tentative Tract Map (TTM) 6189 and the April 9, 2019 Subdivider Reimbursement Agreement No. S340010 for TTM 4934, to undertake the proceeding, but makes no guarantee regarding the result of those proceedings. Establishing CSA 34 joint use facility service rates for CSA 34G is a condition of approval for TTM 6189, and establishing CSA 34 joint use facility service rates for proposed CSA 34F is a condition of approval for TTM 4934.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended action. On December 14, 2017, the County entered into a Subdivider Agreement No. S340005 with Granville Homes Inc. (Granville), and on April 9, 2019, the County entered into a Subdivider Agreement No. S340010 with Wathen Castanos Homes (WCH), to pay for all costs of establishing the joint use utility assessments and include the preparation of an Engineer’s Report for the local utility assessments, to supplement the Master Consolidated Engineer’s Report (CER) approved and adopted by the Board on January 26, 2016. Costs to conduct the protest proceedings under Proposition 218, California Constitution, Article XIII D, sections 4 and 6, to establish the assessments required to provide the services for CSA 34 and its zones will also be recovered through the Subdivider Agreements. All operation, maintenance and Department of Public Works and Planning staff costs to administer CSA 34 are paid by the benefitted property owners through assessments and user fees. The proposed assessment will reapportion and re-levy the cost to operate CSA 34, specifically the cost of water contract administration and maintenance of the Millerton Lake water pumps in ready-to-serve status.

DISCUSSION:

Background

The Board formed CSA 34 in 1986 to provide various community services for the development of “Millerton New Town,” which consists of 1,420 acres north and south of Millerton Road, south of Millerton Lake. Exhibit A through A-8 are maps showing the boundary of CSA 34 and its zones. CSA 34G is proposed to provide community water and wastewater, road maintenance, street lighting, common area landscaping, and storm drainage services for the development of “Granville,” which consists of approximately 40 acres south of Millerton Road. CSA 34F is proposed to provide community water and wastewater, road maintenance, street lighting, common area landscaping, and storm drainage services for the development of “The Vistas,” which consists of approximately 5 acres south of Millerton Road

CSA 34 Water Contract and Pump Assessment Area provides the following services:

- 1) administer three surface water supply contracts that permit the County to pump raw water from Millerton Lake for treatment and delivery as finished water to CSA 34 and its zones; and
- 2) administrative services to ensure that the Millerton Lake raw water pumping facilities retain their standby, ready-to-serve status for the benefit of all CSA 34 properties.

Due to the variety of services the County provides in different parts of CSA 34, fees and benefit assessments are necessary to fund all of the services. Some facilities for providing water and sewer services are local to CSA 34A, CSA 34C, CSA 34D, and proposed CSA 34G and 34F, while other facilities and administrative work necessary to provide those services are shared in both areas and more broadly within CSA 34.

When CSA 34D was formed on December 5, 2017, six surrounding parcels were slightly altered, all changes are shown in red on Exhibit D of the Engineer's Report, and a few APNs have changed. Additionally, one parcel now has a contract water supply allocation. All of the parcel changes are summarized as follows:

1. APN 300-340-13S reduced from 24.39 to 24.06 acres;
2. APN 300-340-14S renumbered to 300-340-60S and increased from 24.40 to 30.13 acres;
3. APN 300-340-24S reduced from 4.70 to 3.77 acres;
4. APN 300-340-27ST renumbered to 300-340-51ST;
5. APN 300-340-28S renumbered to 300-340-52S and reduced from 12.21 to 10.93 acres;
6. APN 300-542-03S reduced from 19.97 to 0 acres;
7. APN 300-542-10S and 300-542-11S were removed from the MNT assessment role to form CSA 34G;
8. APN 300-542-12S (Tract No. 6226, 39.56 acres) has a Contract 3, as defined in Section 4.3.B. of the Engineer's Report water supply allocation, see the Restated Water Supply Assessment (RWSA), approved by the Board of Supervisors on March 20, 2018, as shown on Exhibit M of the Engineer's Report;
9. APN 300-542-13S reduced from 80 to 75 acres to remove 5 acres to form CSA 34F, acreage will remain on the MNT assessment roll; and,
10. APN 300-542-51S reduced from 87.92 to 68.33 acres to account for the 19.59 acres required for the swap in water allocation.

The water supply allocation for APN 300-542-12S resulted from moving a water supply allocation from other parcels within CSA 34 owned by the same developer, as shown in the Water Supply Assessment Adopted by the Board on March 20, 2018. That move prompted adding the parcel to the Water Contract and Lake Pump Repair Assessment Roll. As well, for purposes of the Engineer's Report, the water allocation was removed entirely from APN 300-542-03S, which is 19.97 acres, and the water allocation is removed from 19.59 acres of APN 300-542-51S to equal the water allocation swap of the 39.56 acre APN 300-542-12S that now has water supply allocation. One of the mitigation requirements for Millerton Specific Plan Area is a minimum 31.8-acre open space conservation easement on the westerly portion of APNs 300-542-03 and 300-542-51. The open space conservation easement precludes any development, therefore transferring the water allocations, which are to be utilized for development, from those parcels is appropriate.

The Engineer's Report details the water allocation in Section 4.3 of the and on Exhibit N - Land Use Map, under Legend titled "Development Progress Since 2015" No. 7, presenting the water allocation that moved from Area G to Area E, and Exhibit O - MNT Specific Plan Figure SP1-5, Residential Development Allocation Areas, showing the locations of Area E and Area G. To illustrate the movement of the water allocation, Exhibit O of the Engineer's Report is the CSA 34 "Residential Development Allocation Areas Map," which shows in yellow where the two areas are located that are affected by the movement of the water allocation.

On January 26, 2016, the Board approved the CER to determine all of the fees and assessments that would be necessary to ensure that CSA 34 is fully funded, and to provide the documentation necessary under Proposition 218 to support the imposition of those fees and assessments. A new Engineer's Report, based on the CER has been prepared to determine all of the fees and assessments that would be necessary to ensure that CSA 34G is fully funded, and to provide the documentation necessary under Proposition 218 to support the imposition of those fees and assessments. Because the engineer has determined that reapportionment of the previously levied assessment for water contract administration and Millerton Lake Pump ready-to-serve maintenance will cause a slight increase to the assessments in County Service Area 34 Millerton New Town (CSA 34MNT) Water Contract and Pump Assessment Area. The reapportionment does not affect the assessments in CSA 34A and CSA 34C. Department staff received the completed Engineer's Report on July 24, 2019.

The Engineer's Report supports the proposed assessment in the CSA 34 Water Contract and Pump Assessment Area, as well as assessments for services and facilities local to CSA 34G, and water and sewer fees for CSA 34G. Those other fees and assessments are before the Board today in separate board reports.

The Proposed Assessment

The proposed reapportionment of the benefit assessment in the CSA 34 Water Contract and Pump Assessment Area is designed to ensure that the entire area covered by the previously levied assessment is sufficient to recover the costs of items (1) and (2) in Background Section above, which include the accumulation of two reserve funds. One of those is a capital facilities replacement reserve fund for the purpose of replacing various components of the Millerton Lake pumping facilities as they reach the end of their expected useful lives. Those components include:

- Pumps (4) - 100 horsepower, lifespan 20 years, total current replacement cost \$400,400, annual funding \$20,020;
- Pump Platform, lifespan 20 years, total current replacement cost \$200,000, annual funding \$10,000;
- Motor Control Center, Lifespan 10 years, total current replacement cost \$185,000, annual funding \$18,500; and,
- Distribution Valves and Controls, lifespan 10 years, total current replacement cost \$20,000, annual funding \$2,000;
- For a total annual funding amount in each fiscal year's enterprise budget of \$50,520.

An additional reserve was created for repair of the pumps in Millerton Lake if there is a failure like the ones that occurred in May of 2012 and December of 2015. The reserve will satisfy Board Resolution No. 12-449 executed on December 4, 2012, to establish a new reserve fund dedicated to funding repairs of the Millerton Lake pumps if a similar failure occurs in the future. The lake pumps repair reserve is designed to accumulate a total amount of \$362,000 over a period of ten years at the rate of \$36,200 per year.

The calculation of the proposed assessment begins with the total annual cost of the services and reserves described above. Then, within each of the areas, the costs are allocated to individual parcels by methods that account for the unique circumstances in that area. Only a portion of the total number of affected areas is included in the CSA 34 Water Contract and Pump Assessment Area that is affected by this reapportionment and re-levy proceeding (CSA 34MNT, CSA 34G and CSA 34F). Other areas where the assessment was previously levied are not affected by this proceeding (CSA 34A, CSA 34C and CSA 34D). Exhibits C through C-3 define the areas affected by the re-apportioned and re-levied assessment, and Exhibit B describes the cost breakdown per affected parcel.

Two Cost Categories

The first cost category, called "Fixed Costs" in Section 4 of the Engineer's Report, includes the following costs:

maintenance of the permits and licenses to operate the lake pumps, oversight to ensure the pumps remain in ready-to-serve status, reserves, an operations expenditures contingency that is calculated at the rate of 10% of the total annual operating expenditures, and the Proposition 218 proceeding.

The second cost category, called “Variable Costs” in section 4 of the Engineer’s Report, includes the following costs: administration of two water supply contracts with Arvin-Edison Water Storage District, referred to below as “Arvin-Edison,” and with Lower Tule River Irrigation District, referred to below as “Lower Tule”, annual fees under those contracts, ongoing negotiations with the United States Bureau of Reclamation regarding the long-term renewal of the contract allowing the County to use water from Millerton Lake to serve CSA 34, contracts with certain State of California (State) agencies as needed to maintain continuous availability of a sufficient volume of water, and an operations expenditures contingency that is calculated at the rate of 10% of the total annual operating expenditures.

Five Assessment Areas

Next, the two cost categories are allocated to five different areas of CSA 34: 34A, 34C, 34D, proposed zones 34G and 34F, and a portion of CSA 34 outside of those areas, for the purposes of the assessment called “CSA 34-MNT,” a portion of which is the CSA 34 Water Contract and Pump Assessment Area. The Fixed Costs are allocated in proportion to the total amount of water that the Board has allocated to each of those areas from all three of the water supply contracts. The Variable Costs are allocated in proportion to Board allocations from only two of the water supply contracts. The allocations are different for the two cost categories because the Variable Costs do not include administrative costs from the third water supply contract, with Deer Creek and Tule River Authority, referred to below as “Deer Creek.” Assessments in CSA 34A, CSA 34C and CSA 34D are not affected by this reapportionment proceeding.

Allocation to Individual Parcels

Costs attributed to each of the five areas are then allocated to the individual parcels within those areas by methods that account for unique circumstances in each area.

For CSA 34MNT, costs are allocated to parcels based on the number of units designated to be developed per acre. The parcels with no water contract reservation are classified as not receiving benefit and not included the CSA 34 Water Contract and Pump Assessment Area. The Fixed Costs are allocated to parcels in proportion to the total amount of water available under Board allocations from all three of the water supply contracts. The Variable Costs are allocated to parcels in proportion to Board allocations from the Arvin-Edison and Lower Tule contracts. The allocations are different for the two cost categories because Variable Costs do not include administrative costs for the Deer Creek contract.

The two parcels that are removed from CSA 34MNT, 19.39-acre parcel, APN 300-352-10S and 19.39-acre parcel, APN 300-352-11S, now designated as TT 6189, CSA 34 Zone G (Granville).

For CSA 34A, Brighton Crest, the assessments levied on March 15, 2016, remain unchanged by this proceeding, and both Fixed Costs and Variable Costs are allocated to parcels in proportion to an “Equivalent Water Unit,” or “EWU.” That method is used because CSA 34A includes several different kinds of parcels, including developed parcels, undeveloped parcels, parcels owned by a homeowners association, and a golf course. One EWU is equal to one acre foot per year and each residential parcel in CSA 34A is attributed 1.0475-acre feet of water supply annually from the water supply contracts with Arvin-Edison and Lower Tule. Each parcel in CSA 34A is assigned a number of EWUs based on current and planned development, projected usage patterns, and the total availability of surface water from the Arvin-Edison and Lower Tule water supply contracts.

For CSA 34C, Bella Vista, the assessments levied on March 15, 2016 remain unchanged by this proceeding, and both the Fixed Costs and the Variable Costs are allocated to all parcels in equal proportion by EWU. That

method is used because they are all residential parcels. One EWU is equal to half acre foot per year and each residential parcel in CSA 34C is attributed half acre feet of water supply annually from the water supply contracts with Arvin-Edison and Lower Tule.

For CSA 34D, Renaissance at Bella Vista, the assessments levied on December 5, 2017 remain unchanged by this proceeding, both the Fixed Costs and the Variable Costs are allocated to all parcels in equal proportion by EWU. That method is used because they are all residential parcels. One EWU is equal to half acre foot per year and each residential parcel in CSA 34D is attributed half acre feet of water supply annually from the water supply contracts with Arvin-Edison and Lower Tule.

For proposed CSA 34G, Granville, both the Fixed Costs and the Variable Costs are allocated to all parcels in equal proportion by EWU. That method is used because they are all residential parcels. One EWU is equal to half acre foot per year and each residential parcel in CSA 34G is attributed half acre feet of water supply annually from the water supply contracts with Arvin-Edison and Lower Tule.

For proposed CSA 34F, The Vistas, the Fixed Costs (there are no variable costs with Contract No. 3 as no annual fees associated with this contract) are allocated to all parcels in equal proportion by EWU. That method is used because they are all residential parcels. One EWU is equal to half acre foot per year and each residential parcel in CSA 34F is attributed half acre feet of water supply annually from the water supply Contract No. 3 with Deer Creek and Tule River Authority (DCTRA).

The total amount to be collected in the first year, FY 2019-20, of the proposed new or re-appropriated assessment is \$156,004.80. The total amount to be collected in FY 2020-21 is \$157,502.91, and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase or reapportion the assessment.

Summary of the Proposition 218 Procedures

The process of reapportioning and re-levying an assessment on real property within the CSA 34 Water Contract and Pump Assessment Area must conform to the requirements of Proposition 218, which added Articles XIII C and XIII D to the California Constitution. The particular requirements applicable to assessments are in Article XIII D, section 4 of the California Constitution. The proceeding must also comply with the Uniform Standby Procedures Act, found in the California Government Code beginning at section 54984.

Under Proposition 218, a notice, see Attachment A, including an assessment ballot, will be mailed to all of the benefitted property owners within the CSA 34 Water Contract and Pump Assessment Area no later than 45 days before the public protest hearing scheduled for October 8, 2019.

Engineer's Report

The Engineer's Report is on file with the Clerk of the Board and available for public inspection in its entirety.

Assessment Ballot Measure

Owners of property within the CSA 34 Water Contract and Pump Assessment Area will be given the opportunity, in assessment ballot proceedings, also called a "majority protest proceeding", to indicate their support of or opposition to, in a single assessment ballot measure, the proposed assessment to provide for the cost of water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status.

Assessment Ballot Process

A single assessment ballot per parcel within the CSA 34 Water Contract and Pump Assessment Area, along with a detailed notice and related assessment ballot instructions, will be mailed by the Clerk of the Board to

the record owners of properties identified in the Engineer's Report as receiving a special benefit from water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status. For an assessment ballot to be counted, it must be properly executed and must be delivered before or on the Board public hearing date of 9:00 A.M. on October 8, 2019 as follows:

- (a) By U.S. Mail so that it is received by the Clerk of the Board no later than 9:00 A.M. on October 8, 2019;
or
- (b) otherwise delivered to the Clerk of the Board no later than 9:00 A.M. on October 8, 2019; or
- (c) delivered at the Board's public hearing itself on October 8, 2019 before the close of public testimony during the hearing.

Assessment ballots will remain unopened and in the charge of the Clerk of the Board until they are opened and tabulated by the Board's designated officials (e.g., Director of the Department of Public Works and Planning, or designees), after the conclusion of public testimony at the recommended October 8, 2019, Board public hearing, assuming that the Board concludes the public hearing on that day.

Substitute assessment ballots will also be made available for owners who previously returned their assessment ballot, or substitute assessment ballot, and then wish to change or withdraw their assessment ballot, or substitute assessment ballot. Substitute assessment ballots will also be made available for owners who state that they did not receive or lost their assessment ballot, or that their assessment ballot, or substitute assessment ballot, is unusable.

If more than one of the record owners of an identified parcel wishes to submit an assessment ballot, they may do so prior to the conclusion of public testimony at the Board's public hearing, but only by using the County-provided co-owner assessment ballot for such purpose. Co-owner assessment ballots will indicate the amount of the proposed increased assessment to be imposed upon the identified parcel, but there shall be allocated to each properly completed and timely submitted co-owner assessment ballot the assessment in proportion to the respective record ownership interests or, if the ownership interests are not shown on the record, as established to the satisfaction of the Board by documentation provided by the record owner(s).

In either case, such co-owner assessment ballots, and substitute assessment ballots, will be provided once the property owner executes an appropriate County request form, also to be made available upon request to the Clerk of the Board, to ensure orderly assessment ballot proceedings. Assessment ballots, substitute assessment ballots and co-owner assessment ballots will have the same assessment ballot measure.

All properly completed and timely returned assessment ballots will be tabulated at the conclusion of the Board's public hearing. The assessment shall not be imposed if the assessment ballots submitted in opposition to the proposed increased assessment exceed 50% of the validated ballots submitted. As well, the assessment shall not be imposed if there is a majority protest to the formation of CSA 34G.

Proposed Resolution of Intention

Approval of the recommended action to adopt the recommended resolution as described initiates the process necessary to reapportion and re-levy the assessment to fund the cost of water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status. In general, by approving the recommended resolution, the Board makes key findings, determinations, and authorizations as follows:

- (a) Describes the reason for the assessment and the area to be assessed.
- (b) States that an Engineer's Report under Article XIID Section 4 of the California Constitution and Government Code Section 54984.3 is on file with the Clerk of the Board.

- (c) Declares the proposal to reapportion and re-levy, and collect assessments in the CSA 34 Water Contract and Pump Assessment Area for the cost of water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status.
- (d) Sets a Public Meeting for September 18, 2019 at 3:00 P.M. or as soon after as practicable, at Fresno County Plaza Building, 2220 Tulare Street 8th Floor Conference Room A, Fresno, California for public testimony concerning the proposed assessment. The Public Meeting shall be held under Section 54954.6 of the California Government Code and may be continued from time to time by the County official conducting the Public Meeting without further notice by the Board, but in any event not later than seven days before the date set by the Board for the public hearing described below.
- (e) Sets a Public Hearing for October 8, 2019 at 9:00 A.M., or as soon after as practicable, but in any case only after completion of the public hearing on the proposed formation of CSA 34G, and only if there is no majority protest in that formation proceeding, in the County of Fresno Hall of Records, Room 301, 2281 Tulare Street, Fresno, California, for hearing all objections and protests to the proposed assessment. The Public Hearing shall be held pursuant to Section 53753 of the California Government Code and may be continued from time to time by the Board without further notice by the Board.
- (f) Authorizes and directs the Director of the Department of Public Works and Planning (Director) or his designees to prepare the assessment ballots and assessment ballot instructions, any materials for the change, withdrawal, or substitution of assessment ballots, including substitute assessment ballots and substitute assessment ballot instructions, any materials for co-owner assessment ballots, including co-owner assessment ballots, and any other forms and materials, as the Director or his designees deem necessary or appropriate, with respect to the submission of assessment ballots by record property owners of the parcels to be assessed, under Section 53753 of the California Government Code.
- (g) Authorizes and directs the Director or his designee to prepare a joint notice of the Public Meeting and the Public Hearing, and specifies that the joint notice shall also contain information required by Proposition 218, as well as an assessment ballot and assessment ballot instructions.
- (h) Authorizes and directs the Clerk of the Board to sign and mail, postage prepaid, in the United States mail, no later than August 23, 2019, the joint notices to the record property owners of the parcels to be assessed. On the face of the envelope in which each Joint Notice is sent, there shall appear, in no smaller than 16-point bold type, the words "OFFICIAL BALLOT ENCLOSED." Upon the Clerk of the Board's completion of the mailing of the Joint Notices, the Clerk is directed to file with the Board an affidavit setting forth the time and manner of the compliance with the requirements of this resolution for mailing the Joint Notices.
- (i) Designates and authorizes the Director and his designees, who may be any employees of Department of Public Works and Planning that he appoints, to tabulate the assessment ballots submitted, and not withdrawn, in support of or in opposition to the increase in the existing assessment. Each of those persons may, in their discretion appoint assistants, including, but not limited to, any employees of the County Administrative Office, including further any employees of the Office of the Clerk of the Board, to perform such tabulation of assessment ballots. The Board also finds and determines that each of such persons is an impartial person who does not have a vested interest in the outcome of an increase of the existing assessment.
- (j) Provides that if the Board imposes the proposed assessments, the resolutions imposing the assessments shall provide that the assessments will continue in successive years through the fifth year in the amounts specified in the Engineer's Report. For years after the fifth year, the assessments remain at the same amounts, without increase until the assessments are reduced or terminated, or there is a new proceeding to increase any or all of the assessments. If new or increased assessments

are proposed, the Board will comply with the notice, protest, and hearing procedures in Government Code section 53753.

(k) Provides that if the Board imposes the proposed benefit assessment, the resolution imposing the assessment shall provide that the assessment will be collected annually at the same time, and in the same manner, and subject to the same penalties, as the general assessments of the County.

(l) Provides that the Resolution shall take effect immediately upon its adoption.

REFERENCE MATERIAL:

BAI #9, December 5, 2017

BAI #19, March 15, 2016

BAI #14, March 4, 2008

BAI #17, September 14, 2004

BAI #12, May 21, 1991

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A to A-8

Exhibit B

Exhibit C-1 to C-3

On file with Clerk - Resolution

On file with Clerk - Engineer's Report

CAO ANALYST:

Sonia M. De La Rosa