



County of Fresno

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Legislation Text

File #: 20-0437, **Version:** 1

DATE: July 7, 2020

TO: Board of Supervisors

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

SUBJECT: Hearing on Annual Assessment Levy for County Service Area No. 34, Zone D - Renaissance at Bella Vista

RECOMMENDED ACTION(S):

- 1. Conduct public hearing to consider all oral statements and all written protests made or filed by any interested person, if any, to the annual assessment for street lighting services, open space maintenance and public right-of-way landscape maintenance costs in County Service Area No. 34, Zone D, Renaissance at Bella Vista; and**
- 2. Adopt Resolution approving and levying the annual assessment for street lighting services, open space maintenance and public right-of-way landscape maintenance for 106 parcels within the Renaissance at Bella Vista Lighting, Open Space and Landscape Assessment District for County Service Area No. 34, Zone D.**

Approval of the first recommended action allows your Board to consider all oral statements and written protests pertaining to the levying of an annual assessment in the Renaissance at Bella Vista Lighting, Open Space and Landscape Assessment District for County Service Area No. 34D (CSA 34D). Approval of the second recommended action approves and levies the annual assessment for street lighting services, open space maintenance and public right-of-way landscape maintenance for CSA 34D. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

During the course of or upon the conclusion of the hearing, your Board may order changes to the 2020 annual Engineer's Report, provided none of those changes increase any applicable rate used to calculate the assessment, or revises the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2017.

Your Board may also approve or disapprove the annual assessment based on your Board's independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after August 10, 2020, without the prior consent of the County Auditor-Controller/Treasurer-Tax Collector.

The adoption of the resolution constitutes the levy of an annual assessment for FY 2020-21.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All operation, maintenance, and Department staff costs are paid by the benefitted properties within CSA 34D from property assessments.

DISCUSSION:

CSA 34D was formed on December 5, 2017. The District was created for Tract No. 4968, Renaissance at Bella Vista, as shown on Exhibit A. The zone consists of approximately 59.42 acres and is located in the Millerton Specific Plan area on the south side of Millerton Road, west of the intersection of Millerton Road and Winchell Cove Road. Services provided to the 106 parcels in CSA 34D levied under the Landscape and Lighting Act of 1972 include administration of the following: street lighting services, open space maintenance and public right-of-way landscape maintenance.

On December 5, 2017, after a Proposition 218 proceeding in which CSA 34D property owners received an opportunity to protest. The Board approved an assessment (that is, per parcel) as for six years (detailed on Attachment A).

In a Proposition 218 proceeding in 2017, CSA 34D property owners approved a formula providing that the assessment may be adjusted for any or all six budget years after FY 2017-18 to provide for building reserves and addressing inflation to an amount not exceeding the applicable annual CPI of 1.0126. After the end of the seventh year (FY 2023-24), the yearly assessment per parcel, adopted by your Board and approved by CSA 34D property owners, will remain at the same amount unless CSA 34D property owners approve an increased assessment through another Proposition 218 ballot process. The 106 parcels receiving street lighting services, public right-of-way landscape maintenance and open space maintenance, will pay 100% of the costs associated with the service.

Annual Engineer's Report:

As part of its June 9, 2020, resolution initiating this proceeding, the Board appointed and designated Steven E. White, P.E., Director of the Department of Public Works and Planning, as the Assessment Engineer, and directed him to prepare an Engineer's Report, to be filed with the Board under Article XIII D, Section 4, of the California Constitution, and in compliance with the Landscaping and Lighting Act of 1972.

The Engineer's Report was filed with the Clerk of the Board on June 9, 2020, and the Board accepted that report as part of its adopted resolution of intention on the same date.

Annual Assessment

As described in the Engineer's Report, the annual assessments are for:

Street Lighting Services

Street lighting, including the payment of PG&E usage charges and payment of all administrative costs associated therewith, to provide year-round street safety lighting along all of the CSA 34D streets and to maintain the visual presentation of those streets in a ready-to-serve status for the benefit of all CSA 34D parcels, including operating reserves;

Open Space Maintenance

All work and expenses associated with the monitoring of the restored riparian habitat and maintenance of the recreational trails and open space along the White Fox Creek Parkway corridor, which includes Outlots A and B of Tract 4968, as required by the open space impact mitigation requirements set forth in the conditions of development approval for Tract 4968;

Public Right-of-Way Landscape Maintenance

All work and expenses associated with the maintenance of the 0.76 acres of public-right-of-way and common area landscaping, required by the Millerton Specific Plan and the Conditions of Approval for the

development of Tract 4968, to enhance the visual presentation of the community for the benefit of all of the CSA 34D parcels, including twice-monthly service that includes weed and trash removal, plant care and irrigation system maintenance, and weed and trash removal on two outlots designated for the protection of cultural resources, and including operating reserves;

Administration

County administration costs (including labor, legal, and annual audits).

The report includes street lighting services, open space maintenance and public right-of-way landscape maintenance and all the administrative costs to administer these services for CSA 34D.

Attachment A shows the maximum assessment approved by the property owners for each of the 106 single-family residence parcels in CSA 34D over the first six years after the 2017 Proposition 218 proceeding. For FY 2019-20, the assessment for each of the 106 single-family residence parcels in CSA 34D is \$120.41. That amount and equal proportionality for all parcels is based on each parcel receiving an equal special benefit from street lighting services, open space maintenance and public right-of-way landscape maintenance. The projected assessment for each of the 106 developed single-family residence parcels in CSA 34D may be increased by no more than 1.0216% over the previous year to build reserves to comply with the Board's 50% cash reserve requirement.

Annual Assessment Process:

This is not a Proposition 218 proceeding. Assessments governed by the Landscaping and Lighting Act of 1972 must be levied annually. Because the assessment described in this report does not exceed the amount approved by the CSA 34D property owners in a Proposition 218 proceeding in 2017, it is not "increased" for purposes of Proposition 218. That means the special notice, protest, and hearing requirements of Proposition 218, including the provision of printed protest ballots, is not applicable here.

At the public hearing, your Board must consider all oral statements and all written protests made or filed by any interested person. Any interested person may, prior to the conclusion of the hearing, file a written protest with the Clerk, or having previously filed a protest, may file a written withdrawal of that protest. A written protest shall state the name of the property owner or authorized representative, all grounds of objection and the Assessor's Parcel Number of the property in CSA 34D.

During the course of or upon the conclusion of the hearing, your Board may order changes to the report, provided none of those changes increase any applicable rate used to calculate the assessment, or revises the methodology by which the assessment is calculated, or result in an assessment being levied on any person or parcel that exceeds what was approved in the Proposition 218 proceeding in 2017.

Your Board may approve or disapprove the annual assessment based on its independent discretion or continue the hearing from time to time, provided that no continuance shall be made to a date after August 10, 2020, without the prior consent of the County Auditor-Controller/Treasurer-Tax Collector.

Your Board may adopt either the proposed resolution confirming the annual assessment or as amended by the Board. The adoption of the resolution constitutes the levy of an annual assessment for FY 2020-21.

REFERENCE MATERIAL:

BAI #32, June 9, 2020
BAI # 9, December 5, 2017

ATTACHMENTS INCLUDED AND/OR ON FILE:

Exhibit A
Attachment A
On file with Clerk - Resolution

CAO ANALYST:

Debbie Paolinelli