



Board Agenda Item 59

DATE: July 9, 2024

TO: Board of Supervisors

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

SUBJECT: Adopt a Resolution of Intention to Consider the Dissolution of Zone "AI" of County Service Area No. 35

RECOMMENDED ACTION(S):

- 1. Accept Property Owner Petition requesting dissolution of Zone "AI" of County Service Area No. 35 located off of Watts Valley Road, northeast of Ashlan Avenue.**
- 2. Adopt a Resolution of Intention to dissolve CSA 35-AI and set the public protest hearing for 9:30 A.M. on August 20, 2024.**

Recommended Action 1 accepts from registered voters and property owners within Zone "AI" of County Service Area (CSA) No. 35 (CSA 35-AI), by your Board, petitions requesting dissolution of CSA 35-AI. Recommended Action 2 will allow your Board to begin the procedures necessary to dissolve CSA 35-AI. This item pertains to a location in District 5.

ALTERNATIVE ACTION(S):

The Board may reject the property owner' and registered voters' request. If rejected, the gates installed by the property owners within CSA 35-AI will be required to be removed.

FISCAL IMPACT:

There is no Net County Cost associated with the recommended actions. All County staff costs, and dissolution fees will be paid by CSA 35-AI. After all fees and maintenance costs for FY 2024-25 are paid, all remaining funds in the CSA 35-AI account will be transferred into the CSA 35 account.

DISCUSSION:

CSA 35-AI was formed by the Board on June 27, 1995, pursuant to Chapter 17.48.460 of the Fresno County Ordinance Code and as a condition of approval for Parcel Map Waiver No. 93-18. Since its formation, CSA 35-AI has provided maintenance for the two public access roads serving the properties within CSA 35-AI, Bull Run Lane and Williamsburg Lane, through assessments collected from the benefiting properties.

The property owners within CSA 35-AI, desiring to restrict public access and provide more privacy to residents within CSA 35-AI, installed gates at the entrances of Bull Run Lane and Williamsburg Lane. Bull Run Lane and Williamsburg Lane under CSA 35-AI are designated private roads for public use and are required to remain open to the public.

Department staff met with the Developer of Parcel Map Waiver No. 93-18 to discuss removal of the gates

and re-open the aforementioned roads to public access. The Developer indicated that the community would prefer that the Round Mountain Estates Homeowners Association (RMEHOA) provide road maintenance for Bull Run Lane and Williamsburg Lane and that CSA 35-AI be dissolved. Petitions requesting the dissolution of CSA 35-AI, signed by more than 10% of the registered voters and 50% of the property owners, were received by the Resources Division of the Department of Public Works and Planning in accordance with Section 25217 of the Government Code.

Title 3, Division 2, Part 2, Chapter 2.5, Article 8 of the California Government Code provides the procedures for dissolving a zone within a CSA. In accordance with Article 8, your Board will hold a public hearing to hear and consider protests to the dissolution of CSA 35-AI, and, at the close of that hearing, determine if a majority protest to the dissolution of CSA 35-AI exists.

Procedures for determining a majority protest, established in Section 25721.1 of the California Government Code, are based on whether the zone is, as defined in Section 25210.2 (e) of the Government Code, inhabited or uninhabited territory. Inhabited territory, as defined in Section 25210.2 (e) of the Government Code, is territory where twelve (12) or more registered voters reside. All other territory is deemed uninhabited.

A certified voter count, dated May 13, 2024, provided by the Fresno County Clerk/Registrar of Voters shows that there are seven (7) registered voters residing in CSA 35-AI which, as defined in Government Code Section 25210.2, (e), is uninhabited territory. Voter certification for the territory of CSA 35-AI is on file with the Clerk to the Board.

Therefore, pursuant to Section 25721.1(b) (2) of the Government Code, a majority protest exists for uninhabited territories if more than 50 percent of the property owners who own more than 50 percent of the assessed value of all taxable property in the proposed zone have filed written objections to the dissolution. If there is a majority protest, then your Board shall terminate the proceedings.

Upon your Boards adoption of the Resolution of Intention, all noticing will be conducted in accordance with Section 25217 of the California Government Code.

Dissolution of a zone within CSA 35 requires that the services provided are assumed by a reliable entity. The RMEHOA made amendments, acceptable to the Director of the Department, to their governing documents to officially assume road maintenance responsibilities upon dissolution of CSA 35-AI. If there is no majority protest, and your Board approves dissolution of CSA 35-AI, the responsibility for maintenance of Bull Run Lane and Williamsburg Lane will be assumed by the RMEHOA. It is estimated that the RMEHOA will assume full responsibility by the end of FY 2024-25.

Notice of Hearing

No later than July 30, 2024, the Clerk to the Board will mail and publish a notice that:

1. States that the proposal to dissolve CSA 35-AI is made pursuant to Title 3, Division 2, Part 2, Chapter 2.5, Article 8 of the California Government Code.
2. Sets forth a description of the boundaries of the territory included in CSA 35-AI.
3. States the reasons for dissolution.
4. States the different authorized services, different levels of service, different authorized facilities, or additional revenues that are provided by CSA 35-AI.
5. Sets forth the methods by which those authorized services, levels of service, or authorized facilities will be continued to be performed and financed.
6. States the date, time, and location of a public hearing to hear and consider dissolution of CSA 35-AI.

The notice shall be published one time in a newspaper of general circulation published in the County, mailed to all owners of property within CSA 35-AI, mailed to each city and special district that contains, or whose sphere of influence contains CSA 35-AI, and posted in at least three public places within CSA 35-AI.

Public Protest Hearing

A public protest hearing will be held at 9:30 A.M. (or as soon thereafter as circumstances permit) on August 20, 2024, in the meeting chambers of the County of Fresno Board of Supervisors, Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721, concerning the proposed dissolution of CSA 35-AI.

Any registered voter residing within CSA 35-AI or owner of property within CSA 35-AI may file a written protest against the dissolution of CSA 35-AI with the Clerk to the Board at or before the close of the public protest hearing.

In order for a protest to be considered, it must be properly executed and must be delivered, based on the recommended Board public hearing date of 9:30 A.M. on August 20, 2024, as follows:

- a. By U.S. mail so that it is received by the Clerk to the Board no later than 9:30 A.M. on August 20, 2024; or
- b. Otherwise delivered to the Clerk to the Board no later than 9:30 A.M. on August 20, 2024; or
- c. Delivered at the Board's public hearing itself on August 20, 2024, prior to the close of public testimony during said hearing.

Letters protesting the proposed dissolution should be mailed or hand delivered to:

Clerk to the Board of Supervisors
2281 Tulare Street, Room 301
Fresno, CA 93721-2198

A written protest is a written statement signed by the interested party that they protest or disagree with the proposed dissolution of CSA 35-AI. A reason for the protest is not necessary. Written protests may be on any type of paper, typed or handwritten. To be counted, the protest must be signed and include the Assessor's Parcel Number of the parcel within CSA 35-AI for which the person(s) protesting the dissolution either resides or owns. Only one written protest per parcel will be counted in calculating a majority protest.

At that hearing the Board will consider all protests against the dissolution of CSA 35-AI. A majority protest exists if, at the conclusion of the public hearing, the Board determines that more than 50 percent of the property owners who own more than 50 percent of the assessed value of all taxable property in the zone have filed written objections to the dissolution. The Board will not dissolve CSA 35-AI if a majority of the property owners is opposed to it.

If a majority protest is made, or if a majority of written protests are received, the dissolution of CSA 35-AI shall be abandoned, each of the gates blocking public entrance to Bull Run Lane and Williamsburg Lane shall be removed and CSA 35-AI shall continue to be responsible for the maintenance of the aforementioned roads.

Proposed Resolution of Intention to Dissolve CSA 35-AI

Approval of the recommended action to adopt the Resolution as described begins the process necessary to dissolve CSA 35-AI. In general, approving the Resolution of Intention, the Board makes the following key findings, determinations and authorizations as follows:

- a. Declares the intention of the Board to dissolve CSA 35-AI
- b. Directs the Clerk to the Board to publish and mail a notice concerning the dissolution of CSA 35-AI.
- c. Sets a public hearing of the Board for August 20, 2024, at 9:30 A.M., or as soon after as practicable, in the Board Room of the Fresno County Board of Supervisors, Room 301, Hall of Records, 2281 Tulare Street, Fresno, California, 93721, for hearing all objections and protests to the dissolution of

CSA 35-AI. The Public Hearing may be continued from time to time by the Board without further notice by the Board.

Future Proceedings

The Board will conduct the protest hearing as described in this item and in the proposed Resolution.

REFERENCE MATERIAL:

BAI #43, June 27, 1995 - Resolution #95-445

ATTACHMENTS INCLUDED AND/OR ON FILE:

Location Map

On file with Clerk - Property Owners Petition

On file with Clerk - Resolution of Intention to Dissolve

CAO ANALYST:

Salvador Espino