



# Notice of a Public Meeting and Public Protest Hearing on a Proposed Assessment

For Costs of Water Contract Administration and Millerton Lake Pump  
Ready-To-Serve Maintenance for Fresno County Service  
Area No. 34 and its Zones A and C

APN  
«NAME1»  
«ADDRESS1»  
«ADDRESS2»

Dear Property Owner:

This is an important notice regarding your rights under Proposition 218 relating to a proposed assessment on your property. The proposed assessment would be used to pay for the costs of water contract administration and maintaining the Millerton Lake water pumps in ready-to-serve status necessary to deliver water within County Service Area No. 34 and its Zones A and C.

**Read this notice carefully.** If you have any questions, please contact Julie Zimmer-Belle, Staff Analyst, County of Fresno Department of Public Works and Planning, Resources Division, 2220 Tulare Street, 6th Floor, Fresno, California 93721, by telephone at (559) 600-4259 or by email at [zimmer@co.fresno.ca.us](mailto:zimmer@co.fresno.ca.us).

This notice is given under the California Constitution, Article XIII D, section 4, and California Government Code sections 53753, 53954.6, and 54984.4.

The proposed assessment is supported by an Engineer's Report that is available online at: <http://www.co.fresno.ca.us/viewdocument.aspx?id=65512>

## Notice of Public Meeting

You are notified that on **February 29, 2016**, at **6:00 p.m.**, there will be a public meeting at **17200 Burrows Ave. Friant, CA. 93626**. The meeting will be open to all members of the public. During the meeting, members of the public may give testimony regarding the proposed assessment. Staff from the County of Fresno (County) will also be present to answer questions. There will be no official action to impose the proposed assessment at this meeting. The County staff person who conducts the meeting may continue it to a later date without further notice by the Board of Supervisors, but in any case the meeting must be completed not later than March 2, 2016.

## Notice of Public Protest Hearing

You are notified that on **March 15, 2016**, at **11:00 a.m.** (or as soon after as practicable), the Board of Supervisors (Board) will conduct a public protest hearing on the proposed assessment. The public protest hearing will happen in the Board's regular meeting chambers in the **Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721**. The public protest hearing will be open to all members of the public. During the hearing, any person may present relevant oral or written testimony to the Board, and the Board will consider all objections or protests to the proposed assessment.

During the hearing, the Board may decide to continue the hearing to a later date without further notice.

## **Summary of Procedures for the Completion, Return, and Tabulation of the Assessment Ballots**

An assessment ballot and assessment ballot instructions are enclosed with this notice. If you wish to support or oppose the assessment, and have your support or opposition counted for purposes of the majority protest determination, you must properly complete an assessment ballot and timely submit to the Clerk to the Board by following the assessment ballot instructions. The instructions apply equally to all ballots, including substitute, change of ownership, and co-owner assessment ballots,

In summary, the assessment ballot instructions require that each ballot must be:

1. Marked "YES" or "NO" by the owner of the affected property, or that person's legally authorized representative, and dated and signed, all in ink;
2. Sealed inside the return envelope provided; and
3. Delivered personally or by mail so that the Clerk to the Board of Supervisors, at 2281 Tulare Street, Room 301, Fresno, California 93721-2198, receives the sealed ballot no later than the conclusion of public testimony at the public protest hearing at the date, time, and place stated above.

The assessment ballot instructions describe the procedures to withdraw an assessment ballot before the conclusion of public testimony at the public protest hearing. The instructions also describe the circumstances in which you may obtain a substitute assessment ballot, a change of ownership assessment ballot, or a co-owner assessment ballot, and the procedures to do so.

Please note that alterations to assessment ballots are prohibited. Alterations to, or comments written on, your ballot will be disregarded. If you wish to explain your support or opposition, or make detailed objections to the proposed assessment, you may do so orally or in writing at the public protest hearing.

At the conclusion of the public hearing, County staff designated by the Board will tabulate the assessment ballots that have been properly completed and timely submitted to the Clerk to the Board, and not withdrawn, in support of or opposition to the proposed assessment. County staff will then report the tabulation totals to the Board.

***The assessment will not be imposed if the Board determines, based on the tabulation totals, that there is a majority protest to the proposed assessment. A majority protest occurs if the ballots submitted in opposition to the assessment exceed the ballots submitted in favor of the assessment, with ballots weighted according to the proportional financial obligation of the affected property.***

If there is not a majority protest, the Board will impose the assessment.

## **Duration and Amount of Proposed Assessment**

The **maximum total annual amount of the proposed assessment for all assessed properties is \$170,130.21** in the first year, **\$155,179.90** in the second year, **\$156,629.34** in the third year,

**\$158,132.56** in the fourth year, and **\$159,648.63** in the fifth year and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

The **maximum amount of the proposed assessment on your property** is **\$82.76** in the first year, **\$74.95** in the second year, **\$75.71** in the third year, **\$76.50** in the fourth year, and **\$77.29** in the fifth year and each year after that unless the Board reduces or terminates the assessment, or there is new proceeding to increase the assessment.

## **Reason for Proposed Assessment**

County Service Area No. 34 (CSA 34) was formed in 1988 to provide community services for the development of “Millerton New Town,” which consists of 1,420 acres lying on the north and south sides of Millerton Road. Through CSA 34, the County currently provides a variety of services. Those services include:

- (1) annual administrative services associated with maintaining the active status of three surface water supply contracts that permit the County to pump raw water from Millerton Lake for treatment and delivery as finished water to zone A (Brighton Crest), zone C (Bella Vista), and other properties within CSA 34; and
- (2) annual administrative services associated with ensuring that the Millerton Lake raw water pumping facilities retain their standby, ready-to-serve status for the benefit of all CSA 34 properties for which the Board has allocated water from the water supply contracts.

The proposed assessment is intended to recover all operating costs for those services, and to accumulate the following reserves:

- (1) a special reserve for the purpose of repairing the pumps in Millerton Lake if there is a failure like the one that occurred in 2012, accumulating to a minimum total amount of \$362,000 over a period of 10 years; and
- (2) a capital facilities replacement reserve for the purpose of replacing various components of the Millerton Lake pumping facilities as they reach the ends of their expected useful lives, accumulating to a minimum total amount of \$805,400 over a period of 20 years.

The proposed assessment would also recover the cost of this Proposition 218 proceeding. Current assessments and fees in CSA 34 are not sufficient to recover all of the costs described above.

For more detailed information about the reason for the proposed assessment, see Section 3 of the Engineer’s Report.

## **Basis of Calculation for the Proposed Assessment**

The calculation of the proposed assessment begins with the total annual cost of the services and reserves described above. That total cost is then divided into two categories and spread proportionately to three separate areas within the total territory proposed for assessment. Then, within each of those areas, the costs are allocated to individual parcels by methods that account for the unique circumstances in that area.

### ***Two Cost Categories***

The first cost category (called “Fixed Costs” in section 3.4 of the Engineer’s Report) includes the costs of maintaining the permits and licenses to operate the lake pumps, the cost of oversight to ensure the pumps remain in ready-to-serve status, the costs of the reserves, an operations expenditures contingency that is calculated at the rate of 10% of the total annual operating expenditures, and the cost of this Proposition 218 proceeding.

The second cost category (called “Variable Costs” in section 3.4 of the Engineer’s Report) includes the costs of administering two of the 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”), an annual fee under one of those contracts, the cost of 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, the cost of contracts with certain 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.

### ***Three Assessment Areas***

Next, the two cost categories are allocated to three different parts of CSA 34: Brighton Crest, the residential parcels in Bella Vista, and a portion of CSA 34 outside of those areas (called “CSA 34A,” “CSA 34C,” and “CSA 34-MNT,” respectively, in the Engineer’s Report). The “Fixed Costs” are allocated in proportion to the total amount of water that the Board of Supervisors has allocated to each of those areas from all three of the water supply contracts. The “Variable Costs” are allocated in proportion to Board of Supervisors allocations from only two of the water supply contracts. (The allocations are different for the two cost categories because “Variable Costs” does not include administrative costs from the third water supply contract, with Deer Creek and Tule River Authority, referred to below as “Deer Creek.”)

### ***Allocation to Individual Parcels***

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

For “CSA 34-MNT,” costs are allocated to parcels by acreage because the land in that area is undeveloped. The “Fixed Costs” are allocated to parcels in proportion to the total amount of water available under Board of Supervisors allocations from all three of the water supply contracts. The “Variable Costs” are allocated to parcels in proportion to Board of Supervisors allocations from the Arvin-Edison and Lower Tule contracts. (The allocations are different for the two cost categories because “Variable Costs” does not include administrative costs for the Deer Creek contract.)

For “CSA 34A” or Brighton Crest, 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 1.0475 acre feet of water supply 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” or the residential parcels in Bella Vista, both “Fixed Costs” and “Variable Costs” are allocated to all parcels in equal proportion. That method is used because they are all residential

parcels. (The other assessed parcels in CSA 34, zone C, are included in “CSA 34-MNT,” discussed above.)

For more detailed information about the basis upon which the proposed assessment was calculated, see Section 3 of the Engineer’s Report.

### **Additional Information**

The area proposed where the proposed assessment would be imposed includes most of Brighton Crest, most of Bella Vista, and other portions of CSA 34 that are specially benefitted by the services described above. For purposes of this proceeding, the area to be assessed is designated as the “CSA 34 Water Contract and Pump Assessment Area.”

If proposed assessment is not imposed due to a “majority protest,” as defined above, County staff will schedule a public community meeting. The purpose of that meeting will be to discuss strategies to reduce water contract administration services and Millerton Lake pump maintenance services to avoid exceeding available revenues.

A copy of the agenda materials for the Board’s January 26, 2016 meeting, including the resolution setting the public meeting and the public protest hearing described above, and all of the documents referred to in this notice, are on file and available for public inspection at the Office of the Clerk to the Board of Supervisors, at the County of Fresno’s Hall of Records, 2281 Tulare Street, Third Floor, Fresno, California 93721. All of those materials are also available on the County’s website at: <https://fresnocounty.legistar.com/>.

A copy of the agenda materials for the Board’s March 15, 2016 meeting, including the public protest hearing described above, will be made available for public inspection at the Office of the Clerk to the Board of Supervisors, at the address stated above, on or around the Wednesday before that date.

Dated: \_\_\_\_\_

Bernice E. Seidel  
Clerk to the Board of Supervisors  
County of Fresno

By: \_\_\_\_\_  
Deputy

### **Enclosures:**

1. Assessment Ballot Instructions
2. Assessment Ballot
3. Return Envelope
4. Self-Addressed Stamped Mailing Envelope