

ATTACHMENT C

15-1901

RESOLUTION NO. 16-042

A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO
DISSOLVING MAINTENANCE DISTRICT NO. 3

WHEREAS, Maintenance District 3 (MD 3) was formed by Resolution 95-456 of the Board of Supervisors (Board) on June 27, 1995, under the Improvement Act of 1911, as a funding mechanism to cover the costs of capital improvements, maintenance, and long-term replacement of the infrastructure of the existing community water facilities serving County Waterworks District 40 (WWD 40), because the County Waterworks District law at that time did not provide authority for sufficient assessments to fund the costs of providing services in WWD 40; and

WHEREAS, assessments were levied in MD 3 for those purposes; and

WHEREAS, to satisfy a requirement to obtain financial assistance from the State Water Resources Control Board in the form of a Clean Water State Revolving Fund Loan, on May 20, 2014, an assessment in the form of a standby charge as permitted by current law was levied in WWD 40, and that assessment is sufficient to fund the costs of providing services in WWD 40; and

WHEREAS, under California Streets and Highways Code sections 5848 and 5849, the Board has the sole authority to dissolve MD 3; and

WHEREAS, Resolution 95-456 provides that the "Advisory Council" (now known as the CAC) for MD 3 may submit a formal written request to dissolve MD 3, and the CAC did present such a request, which was received by the Board on January 12, 2016; and

WHEREAS, under California Government Code section 56036, subdivision (b)(5), MD 3, as an assessment district, is exempt from Local Area Formation Commission dissolution proceedings under the Cortese-Knox-Hertzberg Local Government Reorganization Act of 2000; and

WHEREAS, on January 12, 2016, the Board adopted a resolution of intention under Streets and Highways Code section 5848 to dissolve MD 3 and set a public

1 hearing on the proposed dissolution for February 2, 2016, at 11:00 a.m., or as soon
2 after; and

3 WHEREAS, the Clerk to the Board gave notice of the public hearing on the
4 proposed dissolution of MD 3 under Streets and Highways Code section 5848 as
5 follows: The Clerk to the Board, at least 15 days before February 2, 2016, caused the
6 notice, a copy of which is attached as Exhibit A to this resolution, to be published in the
7 Business Journal, which is a weekly newspaper printed, published and circulated in the
8 County, and caused copies of the same notice to be posted in three conspicuous places
9 within MD 3; and

10 WHEREAS, on February 2, 2016, the Board held a public hearing on the
11 proposed dissolution to receive all objections and protests; and

12 WHEREAS, the Board has determined that it is in the public interest to dissolve
13 MD 3; and

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

20 NOW, THEREFORE, BE IT RESOLVED, the Board of Supervisors of the County
21 of Fresno does hereby find, determine, and resolve that each of the foregoing recitals is
22 true and correct.

23 BE IT FURTHER RESOLVED, that upon the adoption of this resolution, MD 3 is
24 dissolved.

25 BE IT FURTHER RESOLVED, all County costs for the dissolution of MD 3,
26 including but not limited to staff time and publication costs, being part of the MD 3
27 administrative costs, shall be paid out of MD 3's fund balance for Fund/Org/Subclass
28 0250/9364/12910, and all other funds remaining in that fund balance shall be

transferred to WWD 40 to fund the maintenance and operation of the infrastructure of the existing community water facilities.

BE IT FURTHER RESOLVED, that the Board hereby finds and determines that it took all of the foregoing actions and made all of the foregoing findings in full compliance with the law, including, without limitation Streets and Highways Code sections 5848 and 5849. All proceedings referred to in this resolution have been taken with respect to MD 3.

BE IT FURTHER RESOLVED, that this Resolution shall take effect immediately upon its adoption.

BE IT FURTHER RESOLVED, the Clerk to the Board shall certify to the adoption of this Resolution and shall cause a certified copy of this Resolution to be filed in the office of the Clerk to the Board.

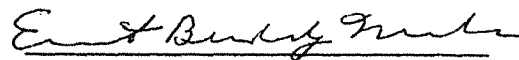
PASSED AND ADOPTED this 2nd day of February, 2016 by the following vote of the Board of Supervisors of the County of Fresno, to wit:

AYES: Supervisors Borgeas, Mendes, Pacheco, Perea, Poochigian

NOES: None

ABSENT: None

COUNTY OF FRESNO


Ernest Buddy Mendes, Chairman
Board of Supervisors

ATTEST:
Bernice E. Seidel
Clerk to the Board of Supervisors

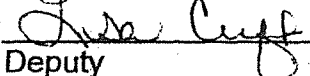
By: 
Deputy

EXHIBIT A

NOTICE OF HEARING BEFORE THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO ON THE PROPOSED DISSOLUTION OF MAINTENANCE DISTRICT NO. 3

YOU ARE NOTIFIED that on Tuesday, February 2, 2016 at 11:00 a.m., or as soon after as possible in the meeting chambers of the Fresno County Board of Supervisors (Board), at the Fresno County Hall of Records at 2281 Tulare Street, Fresno, California 93721 in room 301 on the third floor, the Board will conduct a public hearing on the question of dissolving Maintenance District No. 3., at which the Board will hear all objections and protests to that proposal.