

RESOLUTION NO. 2023-19
A RESOLUTION OF THE BOARD OF DIRECTORS OF
THE BIOLA COMMUNITY SERVICES DISTRICT CONFIRMING THE
DIAGRAM AND ASSESSMENT FOR THE ANNUAL LEVY FOR
2023-2024 FOR LANDSCAPING AND LIGHTING MAINTENANCE DISTRICT NO. 1

WHEREAS, the Board of Directors of the Biola Community Services District (the “Board”) did previously adopt its Resolution for the formation of the Landscaping and Lighting Maintenance District No. 1 (herein “LLMD No. 1”) of the Biola Community Service District (the “BCSD”); and

WHEREAS, BCSD did thereafter declare its intention to form and did form the said LLMD NO. 1 and did levy and collect the first assessment and subsequent assessments for the maintenance and operation of the landscaping facilities in LLMD No. 1; and

WHEREAS, the Engineer has prepared and filed a report with the General Manager of BCSD entitled “Engineer’s Report of the Biola Community Services District Landscaping and Lighting District No. 1” (the “Engineer’s Report”) in accordance with Streets and Highways Code section 22565 *et seq.* as directed by the Board, and the Board approved the Engineering’s Report by adopting Resolution No. 2023-16; and

WHEREAS, the Board adopted Resolution No. 2023-18 on June 25, 2023, a Resolution of Intention in accordance with Streets and Highways Code section 22624, and set a public hearing on the levy of the proposed assessment for August 17, 2023; and

WHEREAS, the proposed annual assessments for LLMD No. 1 are contained in the Engineer’s Report do not constitute increased assessments as described in Government Code section 54954.6; and

WHEREAS, the Resolution of Intention was published in accordance with applicable law, and the August 17, 2023 public hearing was duly noticed; and

WHEREAS, the public hearing was conducted on August 17, 2023, and all oral statements and written protests were received and considered by the Board, and a majority protest was not filed.

NOW, THEREFORE, THERE BOARD FINDS ORDERS AND RESOLVES, as follows:

1. The Board hereby determines that the territory within the LLMD No. 1, the boundaries of which are set forth in the Engineer’s Report dated June 2023, and on file with the General Manager of BCSD, will be the territory benefited by the maintenance and servicing of the improvements described in said Engineer's Report.

2. The hearing on said annual levy of assessment was held in accordance with applicable law, and a majority protest was not filed.

3. The Engineer's Report, the diagram for the assessment district, and the assessment of the estimated costs of the improvements contained therein and each and every part of said report, is adopted, confirmed, and approved; and the assessment upon the land in LLMD No. 1 being found to be in proportion to the benefits to be received from the improvements, are finally approved and confirmed as the assessment to pay the costs of said improvements and the expenses incidental thereto.

4. The Board hereby orders the levy of the assessments described in said Resolution of Intention and the Engineer's Report.

5. The assessment diagram showing the assessment district referred to in said Resolution of Intention and also the subdivisions of land within the District, as contained in said Engineer's Report, is the diagram of the properties that are to be assessed to pay the District costs.

6. The General Manager shall file the diagram and assessment, as confirmed, or a certified copy thereof, with the Auditor of the County of Fresno no later than August 18, 2023, as agreed to between the BCSD and the County of Fresno. The General Manager shall also provide all assessment information required by the County Auditor to the Auditor's office no later than August 18, 2023.

The foregoing resolution was introduced and adopted at a regular meeting of the Board of Directors of the Biola Community Services District held on the 17th day of August, 2023, by the following vote:

AYES:
NOES:
ABSENT:
ABSTAIN:

The foregoing resolution is hereby approved.

Jennifer M. Duarte, Board President

ATTEST:

Carlos Rodriguez, Board Secretary