

SOME OF THE MOST ASKED QUESTIONS CONCERNING COUNTY SERVICE AREA NO. 35 (CSA 35)

1. What happens to the money collected from a zone of benefit in CSA 35?

All moneys received from the zone:

- A. Belong to the zone
- B. Placed in a special account for the zone
- C. Earn interest on balance

2. Who are the County contact persons after the zone is formed?

Only one member of the Advisory Council should make contact with members of the County pertaining to the maintenance of roads or administration of the zone of benefit, The following County staff may be contacted:

Tracy Barnes of the Road Maintenance Division Phone: (559) 262-4344 or 1-800-742-1011, Ext. 3912

Ray Ramirez of the Special Districts Administration section of the Resources Division, Phone (559) 262-4259

3. Who is on the Advisory Council and how are they elected to serve?

The Advisory Council consists of an odd number of benefiting property owners, usually 3 or 5, depending upon the size of the zone. Once the zone is formed, our department will solicit for volunteers or nominees to serve on the Advisory Council. If there are an even number of names submitted, an election will be held. For the first election, one ballot will be sent to each individual landowner within the boundaries of the zone of benefit. All ballots received by the County within a specified time limit will be tallied. The specified number of persons (usually 3 or 5) receiving the greatest amount of votes will serve. If there are only 3 or 5 names submitted, there will be no election and these three or five will serve on the Advisory Council. All elections after the first election will be set up by membership of the zone of benefit (not the County) with the assistance of the Advisory Council. The bylaws will set forth the terms of office.

4. What about Bylaws?

Each zone of benefit will have its own Bylaws.

5. Who makes up the Bylaws?

Our department will send a sample set of Bylaws to a member of the Advisory Council shortly after the creation of an Advisory Council. The Advisory Council will review the sample set, make any changes deemed necessary, and return a copy with the changes to our department. A finalized set of Bylaws will be made up with the recommended changes

and a copy forwarded to the Advisory Council for general membership approval. The finalized set will be brought before the Board of Supervisors for approval. Any property owner may appear before the Board of Supervisors to discuss any aspect of the recommended Bylaws. Upon Board approval, the Bylaws become effective.

6. Who determines the level of service and the costs to each homeowner in a formed zone of benefit?

The Advisory Council will review and determine all future road maintenance activities and budgets. The Fresno County Department of Public Works and Planning will perform safety inspections, give recommendations and correct any hazards that may exist at cost to the zone of benefit. The Advisory Council will notify the department of its decisions. Then the division will recommend the County Board of Supervisors, authorize the expenditure of funds, and the award of Road maintenance contracts.

7. Can the Road Association still levy charges for private road maintenance after a zone of benefit is formed for road maintenance purposes?

Road Associations shall not levy assessments once the zone of benefit has been formed, and the County is still assessing the properties within the zone.

8. What about back assessments owed to a Homeowners Association?

Back assessments collected by the Homeowners Association for road maintenance purposes are to be transferred to the affected formed zone of benefit of CSA 35.

9. Who handles the mailings for the Advisory Council?

All mailings will be made through the Special Districts Administration section of the Resources Division of Fresno County Department of Public Works and Planning. All costs for the mailings will be charged directly to the zone of benefit.

10. Are private roads within CSA 35 for public use?

Yes! Roads that are not in the County road maintenance system are private roads for public use.

11. Can gates be installed across roadways to limit access on the private roads in a zone of benefit?

No! Even though these roads are private, they are also for public use. But, to curtail traffic problems, the vehicle code can be enforced on roads that have been approved for vehicle safety enforcement by the County Board of Supervisors.

12. What services can or cannot be provided to a zone of benefit in CSA 35?

Only road maintenance services and road safety items can be provided including snow removal and the maintenance of bridges and culverts. Services such as community water, sewer, street lighting, refuse or garbage collection are not provided by CSA 35.

13. Besides actual costs of maintenance services, are there other costs that the County would charge to a zone of benefit in CSA 35 on a yearly basis?

Yes! Since there are supportive services provided by the County, an annual fee, which varies upon the size of the zone of benefit, will be collected. Offices of Fresno County providing professional and specialized services include: Auditor-Controller/Treasurers Office, Tax Collector's Office, County Counsel and divisions within Public Works and Planning Department including Resources, Road Maintenance and Operations, Development Services, Environmental Management Information Systems, Financial Services, and Design Division.

14. Why were some private roads built to County standards and others were not?

Road construction inspection by the County became a requirement for new developments when the road standards were amended in November of 1971. All new developments approved prior to November 1971 were required to be designed and inspected by the subdivider's engineer and not the County.

15. We are already paying taxes for roads, why do we need to pay another tax to maintain our road?

The subdivider of your subdivision could have built the roads to a higher standard and offered the maintenance to the County. But, the subdivider chose to build the roads to a lower standard and have the property owners maintain the road(s). The charges to a zone of benefit are an assessment, not a tax. An assessment is based on the services received, not on the value of your property.

16. In the past, when new roads were built to County standards and passed County inspection, the roads could have been placed in the County road maintenance system by approval from the Board of Supervisors. Why can't this be done today?

Gas tax funds allocated for roads, remained the same or decreased while the number of road miles the County was maintaining increased. An ordinance was passed by the Board of Supervisors (Ordinance No. 88-024-8) stating that existing private roads and newly created private roads are to be maintained by benefiting property owners through the formation of zones of benefit in CSA 35. (County Ordinance Code, Section 17.72.358)

17. Will an existing Homeowners Association be eliminated when a zone of benefit for road maintenance is formed?

No, the Association would no longer levy charges for road maintenance or provide road maintenance services, so long as the CSA is providing that service.

18. One of the benefits of being included in a zone of benefit in CSA 35 is being included in the County self insurance program. Can you explain?

Yes! This insurance program is a big benefit to property owners within a zone of benefit. For just \$300/mile (1997) the zone of benefit is covered for liability with respect to the maintenance of the roads within its boundaries. The liability coverage is ten million dollars.

19. If the design of a road is alleged or proven as casual or contributory to an accident (For example, the road is held to be too steep for safety, or has an abrupt curve on a hill that is held to have led to an accident.) Will this type of liability be covered by the County's self-insurance program?

No! There are no plans or intent to widen, straighten, or level the roads unless provided through an improvement district formed for such purposes. The CSA is for road maintenance only, and the self-insurance coverage is limited to claims arising from road maintenance work or the lack thereof.