



BILL NO. B-5

ORDINANCE NO. 2016-5

**AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, LEVYING A SPECIAL TAX FOR THE
PROPERTY TAX YEAR 2015-2016 AND FUTURE TAX
YEARS WITHIN AND RELATING TO COMMUNITY
FACILITIES DISTRICT NO. 15**

WHEREAS, on December 3, 2015, the Council adopted Council Resolution No. 2015 - 215, a resolution of the Council of the City of Fresno of formation of Community Facilities District No, 15 ("CFD No. 15"), authorizing the levy of a special tax therein, pursuant to the Fresno Special Tax Financing Law, Chapter 8, Article 1, Division 3 of the Fresno Municipal Code ("City Law"); and

WHEREAS, on December 17, 2015, by Council Resolution No. 2015 – 243, the Council called a special election on the proposition on levying a special tax and set February 19, 2016, as Election Day; and

WHEREAS, on February 19, 2016, an election was held within CFD No. 15 and, as required by City Law to pass, more than two-thirds of the votes cast, approved the propositions.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

1. Pursuant to City Law, and in accordance with the Rate and Method of the Apportionment of Special Tax as shown in Exhibit C to the Formation Resolution, a special tax is hereby authorized and levied on all taxable parcels within CFD No. 15 for the 2015 – 2016 fiscal year and for each future fiscal year at the same rate or at a lower rate than the maximum rate of tax provided in Exhibit C to the Formation Resolution. By a resolution of this Council, the tax rate may be adjusted annually, subject to such maximum rate

Page 1 of 4

Date Adopted: 02/25/2016

Date Approved: 03/07/2016

Effective Date: 03/07/2016

Ordinance No. 2016-5



of tax. The special taxes levied in any fiscal year on any parcel with CFD No. 15 shall not exceed the maximum tax specified in Exhibit C to the Formation Resolution.

2. The Public Works Director or his designee is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, the Special Tax Requirement (as that term is defined in Exhibit "C" of the Formation Resolution), to prepare the annual special tax roll in the amount of Special Tax Requirement in accordance with said Exhibit "C" and, without further action of this Council, to provide all necessary and appropriate information to the Fresno County Auditor in the form, and within the time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County. The special tax shall be levied and collected in the same manner, shall be subject to the same penalties and the same lien priority, and the same procedure and sale for delinquency, as for ad valorem taxes. Notwithstanding the foregoing, as set forth in the Formation Resolution and City Law, this Council reserves the right to use any method of collecting the special tax, which the Council, from time to time, may determine to be in the best interests of the City including, without limitation, direct billing by the City to the property owners and supplemental billing. The Public Works Director or his designee is further authorized and directed to furnish the notices of special tax required by City Law.
3. The appropriate officers and agents of the City are further authorized and directed to adjust the special tax roll before the final posting of the special taxes to the Fresno County tax roll each fiscal year, as necessary to achieve a correct match of the special tax levy with the County Assessor's parcel numbers finally used by the County in sending out property tax bills.
4. If a court of competent jurisdiction finds any part of this Ordinance to be invalid or the special tax to be inapplicable to or unreasonable for any particular parcel, the balance of this Ordinance and the application of the



special tax to the remaining parcels shall not be affected and shall remain in full force and effect.

5. This Ordinance shall take effect and be in force immediately upon the date of final passage, as a tax measure, pursuant to City Charter Section 610.



STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing ordinance was adopted by the Council of the City of Fresno, at a regular meeting held on the 25th day of February, 2016.

AYES: Brand, Brandau, Olivier, Quintero, Soria, Caprioglio
NOES: None
ABSENT: Baines
ABSTAIN: None

Mayor Approval: N/A, 2016
Mayor Approval/No Return: March 7th, 2016
Mayor Veto: N/A, 2016
Council Override Vote: N/A, 2016

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Raj Singh Badhesha 3.15.16
Raj Singh Badhesha, Deputy



February 25, 2016

RECEIVED

Council Adoption: 2/26/2016
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2016 MAR 8 AM 11 16
City Clerk, Fresno CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 2/25/16, Council adopted the attached Bill No. B-5 and Ordinance No. 2016-5, entitled, Levying a Special Tax for the Property Tax Year 2015-2016 and future Tax Years Within and Relating to CFD No, 15, Item No. 1B, ID#16-168, by the following vote:

Ayes : Brandau, Brand, Caprioglio, Olivier, Quintero, Soria
Noes : None
Absent : Baines
Abstain : None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before March 7, 2016. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

APPROVED/NO RETURN: _____

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

Ashley Swearengin, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Ayes :
Noes :
Absent :
Abstain :

Date: _____