



BILL NO. B-37

ORDINANCE NO. 2016-35

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING AND MODIFYING ORDINANCE 2016-18, AND LEVYING A CHANGED MAXIMUM SPECIAL TAX FOR THE PROPERTY TAX YEAR 2016-2017 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 70

WHEREAS, on May 19, 2016 the Council of the City of Fresno ("Council") adopted Ordinance No. 2016-18, authorizing the levy of a Maximum Special Tax for the property tax year 2016-2017 and future tax years within and relating to Annexation No. 70 of Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, the levy of the Maximum Special Tax is to provide funding for the maintenance of certain public facilities and operations ("Services") for Annexation No. 70 by CFD No. 11; and

WHEREAS, on August 25, 2016, the Council adopted Resolution No. 2016 - 183, a resolution of the Council authorizing the amendment of Annexation No. 70, Final Tract Map No. 6067, of CFD No. 11 to change the types of Services, the rate and method of apportionment of the special tax and the Maximum Special Tax to be levied for Services for Annexation No. 70, therefore ("Authorization Resolution"), pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law") and the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code ("Mello-Roos"); and

WHEREAS, by Resolution No. 2016 - 184, the Council called a special election on the proposition changing the types of Services, the rate and method of apportionment of the special tax, and the levy of a Maximum Special Tax for Annexation No. 70; and

Date Adopted: 09/22/2016
Date Approved: 10/03/2016
Effective Date: 10/03/2016



WHEREAS, on September 22, 2016, an election was held within Annexation No. 70 and, as required by City Law, the ballot measure was passed and approved by more than two-thirds of the votes cast; and

WHEREAS, all necessary procedures required by law have been taken to amend Annexation No. 70 to change the types of Services, the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied, without limitation, the procedures set forth herein.

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

1. Pursuant to City Law, and in accordance with the Revised Rate and Method of Apportionment of Special Tax as shown in Exhibit B to the Authorization Resolution, a changed Maximum Special Tax is hereby authorized and levied on all taxable parcels within Annexation No. 70 for the 2016-2017 fiscal year and for each future fiscal year at the same or at a rate lower than the maximum rate of tax provided in Exhibit B to the Authorization Resolution. By a resolution of this Council, the tax rate may be adjusted annually, subject to such maximum rate of tax. The special taxes levied in any fiscal year on any parcel within Annexation No. 70 shall not exceed the Maximum Special Tax specified in Exhibit B to the Authorization 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 of Fresno ("City of Fresno"), to determine each year, the Special Tax Requirement (as that term is defined in Exhibit B of the Authorization Resolution), to prepare the annual special tax roll in the amount of Special Tax Requirement in accordance with said Exhibit B and, without further action of this Council, to provide all necessary and appropriate information to the County of 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 Authorization 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 pursuant to Mello-Roos, Section 53340.2.

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 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, Article VI, Section 610.

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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 22nd day of September, 2016.

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

Mayor Approval: N/A, 2016
Mayor Approval/No Return: October 3rd, 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 10-7-16
Raj Singh Badhesha Date
Deputy



September 23, 2016

Council Adoption: 9/22/2016
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: YVONNE SPENCE, CMC
City Clerk

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2016 OCT 4 AM 8 12

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO
CITY CLERK, FRESNO CA

At the Council meeting of 9/22/16, Council adopted the attached Bill No. B-37 and Ordinance No. 2016-35, entitled, **Amending Ordinance No. 2016-18 and Levying a Changed Maximum Special Tax for the Property Tax Year 2016-2017 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 70, Final Tract Map No. 6067.** Item No. 10:05 A.M. #4, ID#16-1059, by the following vote:

Ayes : Brand, Brandau, Caprioglio, Olivier, Quintero
Noes : None
Absent : Baines, Soria
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 October 3, 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:

Date: _____

Ayes :
Noes :
Absent :
Abstain :