



RESOLUTION NO. 2016-143

A RESOLUTION OF THE COUNCIL OF THE CITY OF  
FRESNO, CALIFORNIA, DECLARING ELECTION RESULTS

COMMUNITY FACILITIES DISTRICT NO. 11

ANNEXATION NO. 71

WHEREAS, on July 28, 2016, the Council of the City of Fresno ("Council") adopted Resolution No. 2016 - 142 calling a special mailed-ballot election on levying special taxes on land within, and on approving an annual appropriations limit for Annexation No. 71 to Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, the Council has received, reviewed and hereby accepts the City of Fresno City Clerk's ("City Clerk") Canvass and Statement of Election Results, dated July 28<sup>th</sup>, 2016, a copy of which is attached as Exhibit A;

NOW, THEREFORE, BE IT RESOLVED by the Council of the City of Fresno as follows:

1. The Council finds and declares that: (a) the ballot measure on the levy of taxes and approval of an annual appropriations limit for Annexation No. 71, has been submitted to the qualified electors within the area of Annexation No. 71, pursuant to Resolution No. 2016 - 142, and (b) the ballot measure has been passed and approved by more than two-thirds of the votes cast, in accordance with City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno municipal Code ("City Law").



2. The Council declares Annexation No. 71 to be fully formed and the property within Annexation No. 71, to be subject to the levy of the special taxes and the special tax lien described in Resolution No. 2016 - 141, annexing both Final Tract Map No. 6079 and 6108 as Annexation No. 71, and authorizing the levy of a special tax therein, and Council Resolution No. 97-126, approving local goals and policies for Community Facilities Districts, as described in the Community Facilities District Report dated as of July 5, 2016, on file with the City Clerk.

3. The Council directs the City Clerk or designee to record a notice of special tax lien in the Office of the County Recorder, pursuant to City Law, no later than 15 days after this resolution is adopted.

Attachment:

Exhibit A - Canvas and Statement of Election Results

\* \* \* \* \*



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

I, YVONNE SPENCE, City Clerk of the City of Fresno, certify that the foregoing resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the 28<sup>th</sup> day of July, 2016.

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

YVONNE SPENCE, CMC  
City Clerk

BY: *Yvonne Spence*  
Deputy

APPROVED AS TO FORM:  
CITY ATTORNEY'S OFFICE

BY: *RSB* 8.9.16  
Raj Singh Badhesha, Deputy Date



## EXHIBIT A

### CANVAS AND STATEMENT OF ELECTION RESULTS

#### Community Facilities District No. 11

#### Annexation No. 71

I, YVONNE SPENCE, City Clerk of the City of Fresno, hereby certify:

I have personally received and assembled all ballots eligible to be cast in the special mailed-ballot, landowner election called by the Council of the City of Fresno in its Resolution No. 2016 - 142 on propositions to levy a special tax within and approve an appropriations limit for Community Facilities District No. 11, Annexation No. 71, and held on July 28, 2016. In accordance with my instructions contained in that Resolution, I hereby declare the election closed.

I personally, in the presence of members of City of Fresno staff representing the Public Works Department, as well as the City Clerk's Office, have counted the ballots and canvassed the returns of such election, and hereby certify that the result of that count is as follows and that the following total votes cast for and against such propositions, the total votes and the percentage of "yes" votes cast are true and correct.

Total Votes that could be cast	8
Total Votes Cast "Yes"	8
Total Votes Cast "No"	0
Total Votes Cast	8

The Votes cast "Yes" equal **100%** of the total votes cast.

I make this certification on July 28<sup>th</sup>, 2016.

ATTEST:

Yvonne Spence, CMC  
City Clerk



By Yvonne Spence  
Deputy



RECEIVED

EXHIBIT A

SPECIAL ELECTION BALLOT  
(Mailed-Ballot Election)

JUL 7 PM 2 49

Community Facilities District No. 11  
Annexation No. 71

CITY CLERK, FRESNO CA

This ballot is for the use of the Fowler Development Company, Inc., the sole landowner owning land (Final Tract Map No. 6079 and 6108) within Community Facilities District No. 11, Annexation No. 71, City of Fresno, County of Fresno, State of California.

According to the provisions of the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the City of Fresno Municipal Code, and the resolutions of the City Council of the City of Fresno, the above-named landowner is entitled to cast eight (8) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on July 28, 2016, at 10:30 p.m., to Yvonne Spence, CMC, City Clerk, City of Fresno, 2600 Fresno Street, Room 2133, Fresno, CA 93721.

Mailing by that date will not be sufficient. **The ballot must be physically received by the City Clerk prior to the deadline in order to be counted.**

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED

**BALLOT MEASURE**

Shall the City of Fresno be authorized to levy a special tax, and finance the authorized services, and costs and expenses by and through its Community Facilities District No. 11, Annexation No. 71, all as specified in its Council Resolutions No. \_\_\_\_\_ and No. \_\_\_\_\_; and shall the appropriations limit for Community Facilities District No. 11 Annexation No. 71 be established in accordance therewith?

Number of Votes  
YES

    X    

Number of Votes  
NO

\_\_\_\_\_



**EXHIBIT A**

**CERTIFICATION**

The undersigned is the authorized representative of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on 7-5-16, 2016.

Company Name: FOWLER DEVELOPMENT COMPANY, INC.

By: 

Print Name: DARIUS ASSEMI

Print Title: SENIOR VICE PRESIDENT

(Attach Notary Acknowledgment)



**EXHIBIT B**

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER  
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS  
FOR CONDUCTING MAILED-BALLOT ELECTION**

**Community Facilities District No. 11, Annexation No. 71**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property (Final Tract Map No. 6079 and 6108) in this mailed-ballot election to be conducted within Community Facilities District No. 11 Annexation No. 71, to determine, among other things, whether the rate and method of apportionment of the annual special taxes shall be approved.

The undersigned hereby waives any and all minimum time periods relative to the election pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law").

The undersigned hereby waives the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of City Law.

The undersigned hereby waives the requirement to publish notice of the election under City Law.

The undersigned hereby waives the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101, and agrees to accept either mailed service or personal service of the ballot.

The undersigned hereby waives the requirements regarding identification envelopes for the return of mailed ballots contained in City Law.

The undersigned hereby waives any and all defects in notice or procedure in the conduct of the election, whether known or unknown (other than the right to have ballots accurately counted), and states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the undersigned.

I declare, under penalty of perjury, under the laws of the State of California, that I am the person legally entitled and authorized to cast the ballot as the authorized representative of the landowner set forth in the first paragraph hereof, and to waive and consent to the above, that the foregoing waivers and consents are voluntarily given and that this declaration is executed on

07/05/, 2016

Company Name FOWLER DEVELOPMENT COMPANY, INC.

By: [Signature]

Print Name DARIUS ASSEMI

Print Title SENIOR VICE PRESIDENT

**CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT**

**CIVIL CODE § 1189**

A notary public or other officer completing this certificate verifies only the identity of the individual who signed the document to which this certificate is attached, and not the truthfulness, accuracy, or validity of that document.

State of California )

County of Fresno )

On 7-5-16 before me, Stacy-ann Terry-ann Benton, Notary public,  
Date Here Insert Name and Title of the Officer

personally appeared Darius Assemi  
Name(s) of Signer(s)

who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.



Signature [Signature]  
Signature of Notary Public

Place Notary Seal Above

**OPTIONAL**

Though this section is optional, completing this information can deter alteration of the document or fraudulent reattachment of this form to an unintended document.

**Description of Attached Document**

Title or Type of Document: \_\_\_\_\_ Document Date: \_\_\_\_\_

Number of Pages: \_\_\_\_\_ Signer(s) Other Than Named Above: \_\_\_\_\_

**Capacity(ies) Claimed by Signer(s)**

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_

Signer's Name: \_\_\_\_\_

- Corporate Officer — Title(s): \_\_\_\_\_
- Partner —  Limited  General
- Individual  Attorney in Fact
- Trustee  Guardian or Conservator
- Other: \_\_\_\_\_

Signer Is Representing: \_\_\_\_\_