



RESOLUTION NO. 2016-182

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

COMMUNITY FACILITIES DISTRICT NO. 11

ANNEXATION NO. 72

WHEREAS, on HEARING DATE, the Council of the City of Fresno ("Council") adopted Resolution No. 2016 - 181 calling a special mailed-ballot election on levying special taxes on land within, and on approving an annual appropriations limit for Annexation No. 72 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 September 22, 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. 72, has been submitted to the qualified electors within the area of Annexation No. 72, pursuant to Resolution No. 2016 - 181, 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").

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



2. The Council declares Annexation No. 72 to be fully formed and the property within Annexation No. 72, to be subject to the levy of the special taxes and the special tax lien described in Resolution No. 2016 - 180 , annexing Final Tract Map No. 6124 as Annexation No. 72, 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 August 26, 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.

* * * * *



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 22nd day of September, 2016

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

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: Raj Singh Badhesha 10.7.16
Raj Singh Badhesha Date
Deputy

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

Attachment:
Exhibit A - Canvas and Statement of Election Results



EXHIBIT A

CANVAS AND STATEMENT OF ELECTION RESULTS

Community Facilities District No. 11

Annexation No. 72

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 - 181 on propositions to levy a special tax within and approve an appropriations limit for Community Facilities District No. 11, Annexation No. 72, and held on September 22, 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	25
Total Votes Cast "Yes"	25
Total Votes Cast "No"	0
Total Votes Cast	25

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

I make this certification on September 22, 2016.

ATTEST:
Yvonne Spence, CMC
City Clerk



By Yvonne Spence
Deputy

September 23, 2016

RECEIVED

Council Adoption: 9/22/2016

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

FROM: YVONNE SPENCE, CMC
City Clerk

2016 OCT 4 AM 8 11

CITY CLERK, FRESNO, CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 9/22/16, Council adopted the attached Resolution No. 2016-182, entitled, **RESOLUTION – Declaring Election Results**. Item No. 10:00 A.M #3, ID#16-1058, by the following vote:

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



EXHIBIT A

RECEIVED

**SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)**

2016 SEP 9 AM 9 48

**Community Facilities District No. 11
Annexation No. 72**

CITY CLERK, FRESNO CA

This ballot is for the use of the Centex Homes, the sole landowner owning land (Final Tract Map No. 6124) within Community Facilities District No. 11, Annexation No. 72, 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 Twenty five (25) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on September 22, 2016, at 10:00 a.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. 72, all as specified in its Council Resolutions No. _____ and No. _____; and shall the appropriations limit for Community Facilities District No. 11 Annexation No. 72 be established in accordance therewith?

Number of Votes

YES

 X

Number of Votes

NO

EXHIBIT A



RECEIVED

CERTIFICATION

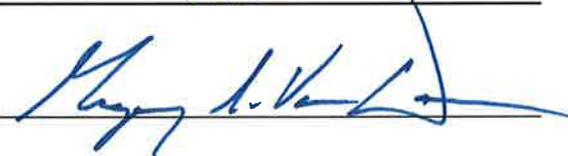
2016 SEP 9 AM 9 48

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.

CITY CLERK, FRESNO CA

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 August 30, 2016.

Company Name: Centex Homes

By: 

Print Name: Gregory S. Van Dam

Print Title: Vice President of Land Planning and Development

(Attach Notary Acknowledgment)



RECEIVED

2016 SEP 9 AM 9 48

September 1, 2016

CITY CLERK, FRESNO CA

Yvonne Spence, CMC, City Clerk
City of Fresno
2600 Fresno Street, Room 2133
Fresno, California 93721-3623

RE: Ballot for Community Facilities District No. 11, Annexation No. 72
Final Tract Map 6124

Dear Ms. Spence:

Pursuant to the instructions in your letter dated, August 26, 2016, please find the enclosed following documents:

Special Election Ballot

The enclosed ballot has been signed by me, an authorized signatory for Centex Homes.

Waiver and Consent

The enclosed Waiver and Consent has been signed by me and acknowledged by a notary public.

Should there be any further questions, please do not hesitate to call me at (916) 797-0327 or (916) 223-3827. Thank you.

Sincerely,

Gregory S. Van Dam,
Division Vice President of Land Planning and Development





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 Alameda

On August 30, 2016, before me, Victoria M. Bullard, Notary Public
(here insert name and title of the officer)

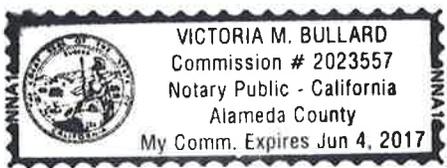
personally appeared Gregory S. Van Dam,

who proved to me on the basis of satisfactory evidence to be the person whose name is subscribed to the within instrument and acknowledged to me that he executed the same in his authorized capacity, and that by his signature on the instrument the person, or the entity upon behalf of which the person 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.

Victoria M. Bullard
Signature



(Seal)