BILL NO. B-26

ORDINANCE NO. 2016-24

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2016-2017 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 71

WHEREAS, on July 28, 2016, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2016 - 141 , a resolution of the Council annexing territory to Community Facilities District No. 11 as Annexation No. 71, authorizing the levy of a special tax therein to pay for certain facilities and services for Annexation No. 71, and preliminarily establishing an appropriations limit therefore ("Annexation 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

WHEREAS, by Council Resolution No. 2016 - 142 , the Council called a special election on the proposition on levying a special tax and establishing an appropriations limit within Annexation No. 71; and

WHEREAS, on July 28, 2016, an election was held within Annexation No. 71 and, as required by City Law, the ballot measure was passed and approved by more than two-thirds of the votes cast.

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 Apportionment of Special Tax as shown in Exhibit B to the Annexation Resolution, a special tax is hereby authorized and levied on all taxable parcels within Annexation No. 71 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 Annexation 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. 71 shall not exceed the maximum special tax specified in Exhibit B of

Date Adopted: 07/28/2016
Date Approved 08/05/2016
Effective Date: 08/05/2016

the Annexation 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 Annexation 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 Annexation 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 Section 53340.2 of the California Government Code.

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 28th day of July, 2016.

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

Mayor Approval: N/A, 2016
Mayor Approval/No Return: August 5th, 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: 8.9.16
Raj Singh Badhesha, Deputy Date

August 1, 2016

RECEIVED

Council Adoption: 7/28/2016
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN

2016 AUG 5 PM 4 17

FROM: YVONNE SPENCE, CMC
City Clerk

CITY CLERK, FRESNO CA

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 7/28/16, Council adopted the attached Bill No. B-26 and Ordinance No. 2016-24, entitled, **Levying a Special Tax for the Property Tax Year 2016-17 and Future Tax Years Within and Relating to Community Facilities District No. 11, Annexation No. 71, Final Tract Map No. 6079 and 6108.** Item No. 10:30 A.M. ID#16-829, 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 August 8, 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.

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APPROVED/NO RETURN: _____

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

_____

_____

Ashley Swearengin, Mayor

Date: 8/5/16

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	