RESOLUTION NO. 2016-104

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

COMMUNITY FACILITIES DISTRICT NO. 11

ANNEXATION NO. 66

WHEREAS, on June 9, 2016, the Council of the City of Fresno ("Council") adopted Resolution No. 2016 - 103 calling a special mailed-ballot election on levying special taxes on land within, and on approving an annual appropriations limit for Annexation No. 66 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 June 9th, 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. 66, has been submitted to the qualified electors within the area of Annexation No. 66, pursuant to Resolution No. 2016 - 103, 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. 66 to be fully formed and the property within Annexation No. 66, to be subject to the levy of the special taxes and the special tax lien described in Resolution No. 2016 - 102 , annexing Final Tract Map No. 5341 as Annexation No. 66, 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 May 16, 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 9th day of June, 2016.

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

YVONNE SPENCE, CMC
City Clerk

BY: Yvonne Spence
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: 6·23·16
Raj Singh Badhesha, Deputy

EXHIBIT A

CANVAS AND STATEMENT OF ELECTION RESULTS

Community Facilities District No. 11

Annexation No. 66

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 - 103 on propositions to levy a special tax within and approve an appropriations limit for Community Facilities District No. 11, Annexation No. 66, and held on June 9, 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	28
Total Votes Cast "Yes	28
Total Votes Cast "No"	0
Total Votes Cast	28

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

I make this certification on June 9th, 2016.

ATTEST:
Yvonne Spence, CMC
City Clerk

By Yvonne Spence
Deputy

EXHIBIT A

RECEIVED

2016 MAY 27 PM 1 52

CITY CLERK, FRESNO CA

SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)

Community Facilities District No. 11
Annexation No. 66

This ballot is for the use of the UCP Meadowood III, LLC, the sole landowner owning land (Final Tract Map No. 5341) within Community Facilities District No. 11, Annexation No. 66, 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 eight (28) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on June 9, 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 <u>received</u> 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. 66, all as specified in its Council Resolutions No. _____ and No. _____; and shall the appropriations limit for Community Facilities District No. 11 Annexation No. 66 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 May 26, 2016.

UCP Meadowood III, LLC
a Delaware limited liability company

By: UCP, LLC
a Delaware limited liability company, its sole member

By:_____
James E. Jimison, Division President
Central Valley Division

(Attach Notary Acknowledgment)

CALIFORNIA ALL-PURPOSE ACKNOWLEDGMENT

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 May 26, 2016 before me, Patricia L. Gavello, Notary Public, personally appeared James E. Jimison, 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.

PATRICIA L. GAVELLO
NOTARY PUBLIC - CALIFORNIA
COMMISSION # 2042394
FRESNO COUNTY
My Comm. Exp. October 9, 2017

WITNESS my hand and official seal.

Patricia L. Gavello

Signature of Notary Public

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. 66

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. 5341) in this mailed-ballot election to be conducted within Community Facilities District No. 11 Annexation No. 66, 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 May 26, 2016.

UCP Meadowood III, LLC
a Delaware limited liability company

By: UCP, LLC
a Delaware limited liability company, its sole member

By: _____
James E. Jimison, Division President
Central Valley Division