



RESOLUTION NO. 2016-185

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

COMMUNITY FACILITIES DISTRICT NO. 11

ANNEXATION NO. 70

WHEREAS, on September 22, 2016, the Council of the City of Fresno ("Council") adopted Resolution No. 2016 - 184 calling a special mailed-ballot election on changing the types of Services and the rate and method of apportionment the special tax and authorizing the levy of a new Maximum Special Tax for Annexation No. 70 of 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 changing the types of Services and the rate and method of apportionment the special tax and authorizing the levy of a new Maximum Special Tax for Annexation No. 70, has been submitted to the qualified electors within the area of Annexation No. 70, pursuant to Resolution No. 2016 - 184, and (b) the ballot measure has been passed and

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



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. 70 to be fully formed and the property within Annexation No. 70, to be subject to the levy of the new Maximum Special Taxes and the special tax lien described in Resolution No. 2016 - 183, and authorizing the levy of a new Maximum Special Tax therein, and Council Resolution No. 97-126, approving local goals and policies for Community Facilities Districts, as described in the amended 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, 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

Attachment:
Exhibit A - Canvas and Statement of Election Results



EXHIBIT A

CANVAS AND STATEMENT OF ELECTION RESULTS

Community Facilities District No. 11

Annexation No. 70

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- 184 on propositions changing the types of Services and the rate and method of apportionment of the Special Tax and to levy a changed Maximum Special Tax within Community Facilities District No. 11, Annexation No. 70, 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	17
Total Votes Cast "Yes"	17
Total Votes Cast "No"	0
Total Votes Cast	17

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



RECEIVED

2016 AUG 31 PM 1 41

CITY CLERK, FRESNO CA

EXHIBIT A
SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)
Community Facilities District No. 11
Annexation No. 70

This ballot is for the use of the BN Copp LP., the sole landowner owning land (Final Tract Map No. 6067) within Community Facilities District No. 11, Annexation No. 70, 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 seventeen (17) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on September 22, 2016, at 10:05 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 amend Annexation No. 70 to change the types of Service and the rate and method of apportionment of the Special Tax and levy a new Maximum Special Tax to finance the authorized services, and costs and expenses by and through its Community Facilities District No. 11, all as specified in its Council Resolutions No. _____ and No. _____; in accordance therewith?

Number of Votes
YES

1

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 AUGUST 30, 2016.

Company Name BN COPP LP

By: [Signature]

Print Name JOHN A. BONADELLI

Print Title PRESIDENT
(Attach Notary Acknowledgment)



RECEIVED

2016 AUG 31 PM 1 41

EXHIBIT B

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

CITY CLERK, FRESNO CA

Community Facilities District No. 11, Annexation No. 70

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. 6067) in this mailed-ballot election to be conducted within Community Facilities District No. 11 Annexation No. 70, to determine, among other things, whether the revisions of 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 AUGUST 30, 2016.

Company Name DAI COPP LP

By: [Signature]

Print Name JOHN A. BONARELLA

Print Title PRESIDENT



PUBLIC WORKS DEPARTMENT
Traffic and Engineering Services Division

City Hall, 2600 Fresno Street, Room 4064
Fresno, CA 93721-3615
Ph. 559-621-8800 • FAX 559-498-1439
www.fresno.gov

August 30, 2016

Art Lancaster
BN Copp LP
7030 North Fruit Avenue #101
Fresno, CA 93711

Dear Mr. Lancaster,

SUBJECT: Ballot for Community Facilities District No. 11, Annexation No. 70,
Final Tract Map No. 6067.

This letter is to summarize actions which need to be taken by an authorized representative of BN Copp LP with respect to Community Facilities District No. 11, Annexation No. 70, Final Tract Map No. 6067 prior to the public hearing and special election to amend Annexation No. 70 scheduled for Thursday, September 22, 2016, at 10:05 a.m.

Execution of Ballot

Enclosed is a copy of the official ballot, showing that BN Copp LP is the owner of the subject property. The ballot must be executed by an authorized signatory of BN Copp LP.

Waiver and Consent

Enclosed is a Waiver and Consent to be signed by an authorized signatory of BN Copp LP. **The signature of this person must be notarized.**

Deadline

The signed and notarized documents must be returned **prior** to the hearing scheduled for Thursday, September 22, 2016, at 10:05 a.m., in order for this matter to proceed. The Traffic and Engineering Services Division requires confirmation that the documents have been submitted **prior** to the hearing.

All forms may be delivered or mailed to the City Clerk's office: Yvonne Spence, CMC, City Clerk
City of Fresno
2600 Fresno Street, Room 2133
Fresno, CA 93721-3623

Sincerely,
Yvonne Spence, CMC
City Clerk



Cindy Bruer

8/30/16

Deputy
Enclosures: Ballot, Waiver and Consent

Date



CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT

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)SS
COUNTY OF Fresno)

APN No:

On August 30, 2016 before me, Anna M. Renna, Notary Public, personally appeared John A. Bonadelle

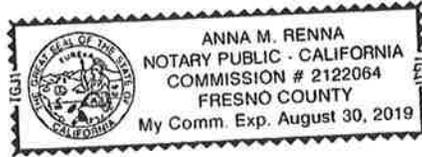
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) ~~is/are~~ subscribed to the within instrument and acknowledged to me that he/~~she/they~~ executed the same in his/~~her/their~~ authorized capacity(ies), and that by his/~~her/their~~ signature(s) on the instrument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

Anna M. Renna



This area for official notarial seal.

**OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT
CAPACITY CLAIMED BY SIGNER**

Though statute does not require the Notary to fill in the data below, doing so may prove invaluable to persons relying on the documents.

- INDIVIDUAL
- CORPORATE OFFICER(S) TITLE(S)
- PARTNER(S) LIMITED GENERAL
- ATTORNEY-IN-FACT
- TRUSTEE(S)
- GUARDIAN/CONSERVATOR
- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT

Though the data requested here is not required by law, it could prevent fraudulent reattachment of this form.

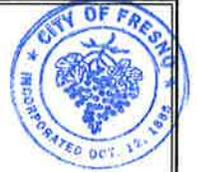
THIS CERTIFICATE MUST BE ATTACHED TO THE DOCUMENT DESCRIBED BELOW

TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

CALIFORNIA ALL-PURPOSE ACKNOWLEDGEMENT



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)SS
COUNTY OF Fresno)

APN No: _____

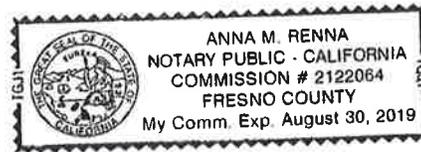
On August 30, 2016 before me, Anna M. Renna, Notary Public, personally appeared John A. Bonadelle

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 _____



This area for official notarial seal.

OPTIONAL SECTION - NOT PART OF NOTARY ACKNOWLEDGEMENT CAPACITY CLAIMED BY SIGNER

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- OTHER

SIGNER IS REPRESENTING:

Name of Person or Entity

Name of Person or Entity

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TITLE OR TYPE OF DOCUMENT: _____

NUMBER OF PAGES _____ DATE OF DOCUMENT _____

SIGNER(S) OTHER THAN NAMED ABOVE _____

September 23, 2016

Council Adoption: 9/22/2016

Mayor Approval:

Mayor Veto:

Override Request:



TO: MAYOR ASHLEY SWEARENGIN

RECEIVED

FROM: YVONNE SPENCE, CMC
City Clerk

Ys
2016 OCT 4 AM 8 12
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. 2016-185, entitled, **RESOLUTION – Declaring Election Results**. Item No. 10:05 A.M #3, ID#16-1059, by the following vote:

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