

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO OF CONSIDERATION TO CHANGE THE TYPES OF SERVICES, THE RATE AND METHOD OF APPORTIONING THE SPECIAL TAX, AND ESTABLISHING A NEW MAXIMUM SPECIAL TAX FOR FINAL TRACT MAP NO. 6067, ANNEXATION NO. 70 OF THE CITY OF FRESNO COMMUNITY FACILITIES DISTRICT NO. 11

WHEREAS, the City of Fresno ("City") is a charter city and municipal corporation duly created and existing under the Constitution and laws of the State of California; and

WHEREAS, under the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law"), the Council of the City of Fresno ("Council") is the legislative body for the community facilities district with the authority to establish a community facilities district, to annex property to the community facilities district, require any change in the types of authorized public facilities or services, change the rate and method of apportioning the Special Tax, and establish a new Maximum Special Tax within the community facilities district; and

WHEREAS, on November 15, 2005, the Council adopted Council Resolution 2005.490 establishing the City of Fresno Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, on May 19, 2016, the Council adopted Council Resolution No. 2016-86 annexing Final Tract Map No. 6067 ("T6067") as Annexation No. 70 to CFD No. 11, and authorizing the levy of a Special Tax; and

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

WHEREAS, Council Resolution No. 2016-86 established certain public Services to be provided for Annexation No. 70 pursuant City Law as shown on Page A-1 of Exhibit A (Existing), attached and incorporated herein by reference; and

WHEREAS, Council Resolution No. 2016-86 established a rate and method for determining the Maximum Special Tax, and annual increases thereto, and established the initial Maximum Special Tax for certain public Services to be provided for Annexation No. 70, pursuant to Exhibit B (Existing), attached and incorporated herein by reference; and

WHEREAS, the original boundaries of T6067, Annexation No. 70, CFD No. 11 were recorded April 22, 2016, at Book 44, Page 59 of Assessment and Community Facilities Districts in the Office of the Recorder, County of Fresno, California, as shown on Exhibit C, attached and incorporated herein by reference, remain unchanged; and

WHEREAS, the owner of 25 percent or more of the land within Annexation No. 70 not exempt from the Special Tax, has requested the Council commence with proceedings to change the types of public Services to be financed by CFD No. 11, the rate and method of apportioning the Special Tax and the levy of a new Special Tax, pursuant Section 53332 of the California Government Code; and

WHEREAS, the Council may make a determination that the public convenience and necessity require any change in the types of public Services which should be financed by CFD No. 11, that the rate and method of apportionment of the Special Tax be changed, and that a new Special Tax should be proposed, pursuant Section 53331 of the California Government Code; and

WHEREAS, the proposed change to the types of public Services to be provided for T6067, Annexation No. 70, are as shown on Page D-1 of Exhibit D (Revised), attached and incorporated herein by reference; and

WHEREAS, the proposed changes to the rate and method of apportioning the Special Tax, and annual increases thereto, and establishing the revised Maximum Special Tax for T6067, Annexation No. 70 in CFD No. 11, are listed in Exhibit E, attached and incorporated herein by reference; and

WHEREAS, CFD No. 11 and Annexation No. 70 will share costs proportionately for the public Services provided by the City; and

WHEREAS, T6067, Annexation No. , is located entirely within the limits of the City of Fresno; and

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

1. **Recitals.** The forgoing recitals are true and correct.
2. **Proposed Change of Services.** The revised Services proposed to be financed in Annexation No. 70 are listed on Page D-1of Exhibit D, which is attached hereto and incorporated herein by this reference.
3. **Proposed Change of Special Taxes.** Except to the extent that funds are otherwise available to CFD No. 11 to pay for the Services in Annexation No. 70, a new Special Tax (“Special Tax”) sufficient to pay the costs thereof, secured by recording a continuing lien against all nonexempt real property in Annexation No. 70, will be levied annually within Annexation No. 70, and collected in the same manner as ordinary ad valorem property taxes, or in any other manner as this Council or its designee shall

determine, including direct billing of the effected property owners. The proposed revised rate and method of apportionment of the Special Tax among the real property parcels within Annexation No. 70 are described in sufficient detail for each landowner within Annexation No. 70 to estimate the maximum amount each owner will have to pay, in Exhibit E, attached and incorporated herein by this reference.

4. **Amended District Report.** The Director of Public Works Department, as the officer having charge and control of the Services in and for CFD No. 11, or his designee, is directed to study the proposed changes to the Services and to make, or cause to be made, and filed with the City Clerk a report superseding the previous report filed on April 22, 2016, for Annexation No. 70 of CFD No. 11 (“Amended District Report”), in writing presenting the following:

a. A description of the revised Services by type required to adequately meet the needs of CFD No. 11, Annexation No. 70.

b. An estimate of the fair and reasonable cost of the revised Services including the cost of acquiring land, rights-of-way and easements, costs of any physical services required in conjunction therewith, and incidental expenses in connection therewith.

c. Describe any plan for the revised Services that will be provided in common with the existing district and/or any territory that may be annexed.

d. If the Special Tax levied within the territory proposed to be annexed is higher or lower than the existing CFD No. 11, identify the extent and reasons why the costs to provide the revised Services in that territory are higher or lower than those provided in the existing CFD No. 11. Specify any alteration in the special

tax rate levied within the existing CFD No. 11 because of the proposed annexation.

e. The CFD No. 11, Annexation No. 70 Amended District Report shall be made a part of the record of the public hearing specified below.

5. **Single Ballot.** The propositions to set the appropriations limit and to approve the levy of the revised Special Tax shall be combined into a single ballot and submitted to the voters pursuant to City Law.

6. **Public Hearing.** Thursday, September 22, 2016, at 10:05 a.m., is fixed as the date and time, in the City Council Chambers, 2600 Fresno Street, Fresno, California, this Council, that this legislative body for CFD No. 11, will conduct a public hearing on the amended annexation of T6067 and will consider and finally determine whether the public interest, convenience and necessity require the amended annexation and the levy of the revised Special Tax.

7. **Public Notice.** The City Clerk is directed to cause notice of the public hearing to be given by publication once in a newspaper of general circulation published in the area of CFD No. 11. The publication shall be complete at least seven days before the hearing date set herein. The notice shall be in the form specified by Sections 53339.4 and 53335 of Chapter 2.5 of the California Government Code.

Attachments:

- Exhibit A: Existing Description of Services
- Exhibit B: Existing Rate and Method of Apportionment of Special Tax
- Exhibit C: Existing Annexation Map No. 70
- Exhibit D: Revised Description of Services
- Exhibit E: Revised Rate and Method of Apportionment of Special Tax

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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 resolution was adopted by the Council of the City of Fresno, at a regular meeting held on the _____ day of _____, 2016.

AYES:
NOES:
ABSENT:
ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Raj Singh Badhesha, Deputy