

RESOLUTION NO. _____

A RESOLUTION OF INTENTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, TO ESTABLISH THE FRESNO ENHANCED INFRASTRUCTURE FINANCING DISTRICT TO FINANCE THE CONSTRUCTION, AND/OR ACQUISITION, AND MAINTENANCE OF CAPITAL IMPROVEMENTS; ESTABLISH A PUBLIC FINANCING AUTHORITY; AND AUTHORIZE CERTAIN OTHER ACTIONS RELATED THERETO

WHEREAS, pursuant to Chapter 2.99 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with Section 53398.50) (the EIFD Law), the City Council (the Council) of the City of Fresno (the City) is authorized to initiate the process to establish an Enhanced Infrastructure Financing District (the EIFD); and

WHEREAS, in accordance with Section 53398.54, the City has complied with the prerequisites prior to initiating the creation of or participating in the governance of the EIFD and will provide the required certification to the Department of Finance within 10 days of this action in accordance with EIFD Law; and

WHEREAS, the Council proposes the establishment of an EIFD to finance certain public facilities allowed pursuant to the EIFD law, including but not limited to the activities listed in Section 53398.52; and

WHEREAS, pursuant to the EIFD Law, the Council is required to establish the "Public Finance Authority of the Fresno EIFD" (the PFA) to act as the governing board of the proposed Fresno EIFD at the same time that the Council adopts its intention to form the proposed Fresno EIFD for the implementation of an Infrastructure Financing Plan (IFP); and

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: RSB

Resolution No.

WHEREAS, pursuant to Section 53398.59, the Council now desires to commence the proceedings to establish the Fresno EIFD by adopting this Resolution.

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

1. **Recitals.** The City Council finds and determines that all the foregoing recitals are true and correct and incorporated herein.

2. **Intention and Proposal to Establish Enhanced Infrastructure Financing District.** The Council proposes and intends to cause the establishment of a Fresno EIFD under the provisions of EIFD Law.

3. **Name of Enhanced Infrastructure Financing District.** The name proposed for the enhanced infrastructure financing district is the “City of Fresno Enhanced Infrastructure Financing District”.

4. **Description of Boundaries.** The proposed boundaries of the Fresno EIFD are as shown on the map on Exhibit A, which boundaries are hereby preliminarily approved and to which map reference is hereby made for further particulars.

5. **Description of Facilities.** The types of public facilities proposed to be financed by the Fresno EIFD and pursuant to the EIFD Law are those listed as facilities on Exhibit B, attached hereto and incorporated herein (the Facilities).

6. **Necessity of EIFD and Goal.** The Council hereby finds that the Fresno EIFD is necessary to support the provisions of needed public infrastructure and promote economic development within the Fresno EIFD and the City. The Council's goal for the Fresno EIFD is to create the means by which to assist in the provision of public facilities of communitywide significance that provide significant benefits and promotes economic

development within the boundaries of the Fresno EIFD or the surrounding community and, for those facilities located outside the Fresno EIFD boundaries which also have a tangible connection to the Fresno EIFD.

7. **Use of Incremental Tax Revenues.** The Council hereby declares that, pursuant to the EIFD Law, and if approved by resolution pursuant to Government Code Section 53398.68, incremental property tax revenue from the City of Fresno and other interested taxing entities may finance the Facilities. The incremental property tax financing will be described in an IFP to be prepared for the PFA and the Council under the EIFD Law.

8. **Establishment of Public Financing Authority.** The Council hereby establishes the “Public Financing Authority for the Fresno EIFD” to serve as the governing board of the Fresno EIFD. The PFA membership shall be comprised initially by three members of the Council, and two member of the public to be appointed by the Council. Members of the Council and members of the public composing the PFA shall be determined and approved at a later Council meeting by a majority vote of the Council. Members shall serve at the pleasure of the Council and shall serve until their successor assumes office.

The Council further declares that, pursuant to Section 53398.51.1, should another taxing entity agree to participate in the Fresno EIFD, then the PFA membership shall comprised of two members of the City Council, one member of the other taxing entity, a public member selected by the Council, and a member of the public selected by the participating taxing entity. Members shall serve at the pleasure of their respective appointing legislative bodies and shall serve until their successor assumes office.

The members are subject to compliance with the EIFD Law and Government Code Section 54974.

The PFA is authorized and directed to adopt such bylaws, rules, regulations, and procedures as the PFA deems necessary or desirable for performance of its functions, all in accordance with EIFD Law. The PFA shall provide all required notices and information, and conduct the public hearing (as set and identified below in Section 11 of this Resolution) regarding the IFP, all in accordance with the EIFD Law, and perform all other duties of the PFA under the EIFD Law, as necessary or desirable from time to time.

9. **Preparation of Infrastructure Financing Plan.** The Council hereby requests the PFA to designate and direct City staff to prepare the IFP in accordance with Sections 53398.62 and 53398.63 of the EIFD Law.

10. **Distribution of Infrastructure Financing Plan.** The Council hereby directs City staff to distribute the IFP to each owner of land within the boundaries of the Fresno EIFD and each affected taxing entity, together with any reports required by the California Environmental Quality Act. The Council hereby authorizes City staff to also distribute the IFP to the PFA and the City's Planning Commission.

11. **Public Hearing.** The Council hereby establishes June 25, 2020, at the hour of 10:00 a.m. or as soon as possible thereafter as the matter may be heard, at the Council Chambers, 2600 Fresno Street, Fresno, California, as the time and place, when and where the PFA will conduct a public hearing on the proposed establishment of the Fresno EIFD and the IFP.

12. **Mailing and Publication of Notice.** Pursuant to Section 53398.60, the City Clerk is hereby directed to mail a copy of this Resolution to the PFA and each owner of land (as defined in the EIFD Law), or alternatively with respect to the owners of land may mail a single-page notice of intention identified in Section 53398.60(b), within the Fresno EIFD and to each affected taxing entity (as defined in the EIFD Law). In addition, the City Clerk is hereby directed to cause notice of the public hearing to be published not less than once a week for four successive weeks in a newspaper of general circulation published in the City. The notice shall state that the Fresno EIFD will be used to finance public works, briefly describe the Facilities, briefly describe the proposed financial arrangements, including the proposed commitment of incremental tax revenue, describe the boundaries of the proposed Fresno EIFD and state the day, hour, and place, when and where any persons having any objections to the proposed IFP, or the regularity of any of the prior proceedings, may appear before the PFA and object to the adoption of the proposed IFP.

13. **Successor Agency Findings of Completion.** The City solely in its capacity as the designated successor agency to the former Redevelopment Agency of the City of Fresno, has received a finding of completion, dated as of June 2, 2014, as specified in California Health and Safety Code Section 34179.7.

14. **DOF Certification.** In accordance with Section 53398.54, the City certifies to the California Department of Finance (DOF) and to the PFA that no former Redevelopment Agency of the City of Fresno (Former RDA) assets that are the subject of litigation involving the State of California, where the City or the Successor Agency are a named plaintiff, have been or will be used to benefit any efforts of the Fresno EIFD.

The City Clerk is authorized and directed on behalf of the City to provide or make this certification to the DOF within 10 days after the date of adoption of this Resolution, by delivery of a copy of this Resolution or signing a separate certification, if and as required by the DOF.

15. **State Controller Review.** The State Controller has completed its review as specified in California Health and Safety Code section 34167.5 of asset transfers between the Former RDA, the City or any other public agency. The Successor Agency and the City have complied with all of the State Controller's findings and orders stemming from such review.

16. **Current EIFD Law.** It is the intent of the Council that the formation of the Fresno EIFD shall proceed under the now existing and current EIFD Law as effective on the date of this Resolution.

17. **Formation of Fresno EIFD.** This Resolution in no way obligates the PFA to form the Fresno EIFD. The formation of the Fresno EIFD is subject to the approval of the PFA by resolution and an ordinance following the holding of the public hearing referred to above.

18. **Severability.** If any section, subsection, phrase or clause of this Resolution is for any reason found to be invalid, such section, subsection, phrase or clause shall be severed from, and shall not affect the validity of, all remaining portions of this Resolution that can be given effect without the severed portion.

19. **General Authorization.** The City Clerk and all other officers and agents of the City are hereby authorized and directed to take all actions necessary or advisable to give effect to the transactions contemplated by this Resolution.

20. **Effective Date.** This resolution shall be effective immediately upon its adoption.

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 _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

YVONNE SPENCE, MMC CRM
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

By: _____
Raj Singh Badhesha Date
Senior Deputy City Attorney

Attachments:

- 1. Exhibit A - Enhanced Infrastructure Financing District Proposed Boundaries of Fresno EIFD
- 2. Exhibit B - Enhanced Infrastructure Financing District List of Authorized Public Facilities

EXHIBIT B

CITY OF FRESNO Enhanced Infrastructure Financing District List of Authorized Public Facilities

The Fresno EIFD will finance the purchase, construction, expansion, improvement, seismic retrofit, or rehabilitation of any real or other tangible property with an estimated useful life of 15 years or longer and are projects of communitywide significance that provide significant benefits to the district or the surrounding community. The Fresno EIFD may also finance the ongoing or capitalized costs to maintain public capital facilities financed in whole or in part by the Fresno EIFD. Any facilities located outside the boundaries of the Fresno EIFD shall also have a tangible connection to the work of the Fresno EIFD as detailed in the infrastructure financing plan. The Fresno EIFD will also finance planning and design activities that are directly related to the purchase, construction, expansion, or rehabilitation of these projects. The Fresno EIFD may finance costs described in Government code sections 53398.52, 53398.56 and 53398.57. Projects financed by the Fresno EIFD may include, but not be limited to, all of the following:

- Highways, interchanges, and ramps;
- Bridges;
- Arterial streets;
- Parking facilities;
- Transit facilities;
- Parks, recreational facilities, and open space;
- Sewage treatment and water reclamation plants and interceptor pipes;
- Facilities for the collection and treatment of water for urban uses;
- Facilities for the transfer and disposal of solid waste, including transfer stations and vehicles;
- Storm water conveyance and collection facilities;
- Flood control levees and dams, retention basins, and drainage channels;
- Child care facilities;
- Libraries;
- Broadband and telecommunications infrastructure;
- Sidewalks and streetscape improvements;
- Bicycle lanes and paths;
- Public art
- Corporation yards;
- Police facilities
- Brownfield remediation
- Affordable housing as authorized under the EIFD Law
- Projects that implement a sustainable communities strategy and transit priority projects; and
- Acquisition, construction, or repair of industrial structures for private use.

Other Expenses

In addition to the direct costs of the above facilities, other incidental expenses as authorized by the EIFD Law, including, but not limited to, the cost of environmental evaluation and environmental remediation; engineering and surveying; construction staking; utility relocation and demolition costs incidental to the construction of the facilities; costs of project/construction management; costs (including the costs of legal services) associated with the creation of the EIFD; issuance of bonds or other debt; costs incurred by the County or the EIFD in connection with the division of taxes pursuant to Government Code section 53398.75; or costs otherwise incurred in order to carry out the authorized purposes of the EIFD; reimbursements to other areas for facilities serving the EIFD; and any other expenses incidental to the formation and implementation of the EIFD and to the construction, completion, inspection and acquisition of the authorized facilities.