

BILL NO.

ORDINANCE NO. _____

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AMENDING AND MODIFYING ORDINANCE 2008-29, AND LEVYING A CHANGED MAXIMUM SPECIAL TAX FOR THE PROPERTY TAX YEAR 2014-2015 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 29

WHEREAS, on May 13, 2008 the Council of the City of Fresno ("Council") adopted Ordinance No. 2008-29, authorizing the levy of a Maximum Special Tax for the property tax year 2008-2009 and future tax years within and relating to Annexation No. 29 of Community Facilities District No. 11 ("CFD No. 11"); and

WHEREAS, the levy of the Maximum Special Tax is to provide funding for the maintenance of certain public facilities and operations ("Services") for Annexation No. 29 by CFD No. 11; and

WHEREAS, on January 29, 2015, the Council adopted Resolution No. 2015 - _____, a resolution of the Council authorizing the amendment of Annexation No. 29, Final Tract Map No. 5626, of CFD No. 11 to change the types of Services, the rate and method of apportionment of the special tax and the Maximum Special Tax to be levied for Services for Annexation No. 29, therefore ("Authorization 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 the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code ("Mello-Roos"); and

WHEREAS, by Resolution No. 2015 - _____, the Council called a special election on the proposition changing the types of Services, the rate and method of apportionment of the special tax, and the levy of a Maximum Special Tax for Annexation No. 29; and

WHEREAS, on January 29, 2015, an election was held within Annexation No. 29 and, as required by City Law, the ballot measure was passed and approved by more than two-thirds of the votes cast; and

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: 

Ordinance No.

WHEREAS, all necessary procedures required by law have been taken to amend Annexation No. 29 to change the types of Services, the rate and method of apportionment of the special tax, and the Maximum Special Tax to be levied, without limitation, the procedures set forth herein.

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

1. Pursuant to City Law, and in accordance with the Revised Rate and Method of Apportionment of Special Tax as shown in Exhibit B to the Authorization Resolution, a changed Maximum Special Tax is hereby authorized and levied on all taxable parcels within Annexation No. 29 for the 2014-2015 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 Authorization 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. 29 shall not exceed the Maximum Special Tax specified in Exhibit B to the Authorization 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 Authorization 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 Authorization 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

pursuant to Mello-Roos, Section 53340.2.

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.

* * * * *

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 _____ day of _____, 2015.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2015
Mayor Approval/No Return: _____, 2015
Mayor Veto: _____, 2015
Council Override Vote: _____, 2015

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Raj Singh Badhesha, Deputy Date