

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, CALLING SPECIAL MAILED-
BALLOT ELECTION

Community Facilities District No. 17

WHEREAS, on April 23, 2020, the Council of the City of Fresno (Council) adopted Council Resolution No. 2020-083 with the intention to establish the Community Facilities District No. 17 Sewer Lift-Station Maintenance District (CFD No. 17) and to authorize the levy of special taxes; and

WHEREAS, Council Resolution No. 2020-083 identified the Services to be provided by CFD No. 17 and provided an estimate of the cost of providing those Services; and

WHEREAS; Council Resolution No. 2020-083 contemplated imposing a special tax upon those properties within CFD No. 17 receiving said Services; and

WHEREAS, a written report has been filed with the City Clerk of the City of Fresno (City Clerk) that describes the proposed Rate and Method of Apportionment of the Special Tax among the parcels of real property proposed to be included in the CFD No. 17 in sufficient detail to allow all interested parties to estimate the maximum amount each property owner must pay; and

WHEREAS, the levy of said proposed special tax shall be subject to the approval of the qualified electors of the territory proposed to be included in CFD No. 17 at a special election; and

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Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:



Resolution No.

WHEREAS, the Public Works Director has filed a Certificate (Certificate) in these proceedings providing that fewer than twelve registered voters reside within the boundaries of the territory proposed to be included in CFD No. 17.

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

1. The levy of a special tax proposed in Council Resolution No. 2020-083 shall be submitted to the voters pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code, (City Law).
2. The setting of the appropriations limit shall be submitted to the voters pursuant to City Law.
3. The two ballot items described above shall be combined into a single ballot measure pursuant to City Law. The ballot language shall be as shown on the three ballot forms attached as Exhibit A, each of which is hereby approved. This Council accepts the Certificate of the Public Works Director filed in these proceedings and, based on the Certificate, finds that fewer than twelve registered voters reside within the boundaries of the territory proposed to be included in CFD No. 17. Accordingly, under City Law the voters in this election shall be landowners owning land within the territory proposed to be included in CFD No. 17.
4. The Council further finds that the landowners of record owning property within the proposed boundaries of CFD No. 17 are those set forth in the attachment to the Certificate of the Public Works Director and that the attachment correctly sets forth how much property is owned by each landowner and the number of votes to which each is entitled.

5. This Council approves the three forms, attached hereto as Exhibit B, entitled Waiver and Consent Shortening Time Periods and Waving Various Requirements for Conducting Mailed-Ballot Election in CFD No. 17, City of Fresno, County of Fresno, State of California. This Council finds that the rights, procedures, and time periods therein waived are solely for the protection of the voters; may be waived, by unanimous consent, under City Law; and that the waiver constitutes a full and knowing waiver by any voter who has executed the form of these rights, procedures, and time periods.

6. Accordingly, this Council calls the special election described herein and sets May 21, 2020 as Election Day. Pursuant to City Law, the election shall be conducted by mailed ballot.

7. The City Clerk or designee is directed to mail or deliver the ballots, in the form of Exhibit A attached hereto, to the landowners shown on the attachment to the Certificate of the Public Works Director. The City Clerk or designee shall fill in the names of the landowners and the number of votes to be cast in each ballot, according to the Certificate of the Public Works Director, before delivery or mailing.

8. The City Clerk or designee shall accept personal or mail delivery of the ballots at any time up to the time of the hearing on Thursday, May 21, 2020, at 10:00 a.m. Upon receipt of all eligible ballots, however, the City Clerk shall immediately close the election and declare the results to the City Council.

Attachments (3 Ballots):

Exhibit A – Special Election Ballot – KB Home Sacramento, Inc.

Exhibit B – Waiver and Consent from Property Owner

Exhibit A – Special Election Ballot – Fresno Housing Successor Agency

Exhibit B – Waiver and Consent from Property Owner

Exhibit A – Special Election Ballot – Annadale Commons LP

Exhibit B – Waiver and Consent from Property Owner

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 :

Mayor Approval: _____, 2020
Mayor Approval/No Return: _____, 2020
Mayor Veto: _____, 2020
Council Override Vote: _____, 2020

YVONNE SPENCE, CRM MMC
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN
City Attorney

BY: _____
Jennifer M. Quintanilla Date
Deputy City Attorney

EXHIBIT A
SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)
Community Facilities District No. 17

This ballot is for the use of the KB Home Sacramento, Inc., a landowner owning land (Final Tract Map No. 5434) within Community Facilities District No. 17, 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-two (22) votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before the hearing is scheduled for Thursday, May 21, 2020, at 10:00 a.m., to Yvonne Spence, CRM MMC, 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 levy a special tax, and finance the authorized services, and costs and expenses by and through its Community Facilities District No. 17, all as specified in its Council Resolutions No. _____ and No. _____; and shall the appropriations limit for Community Facilities District No. 17 be established in accordance therewith?

Number of Votes

YES

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 _____, 2020.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

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

Community Facilities District No. 17

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the owner of property (Final Tract Map No. 5434) in this mailed-ballot election to be conducted within Community Facilities District No. 17, 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 _____, 2020

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A
SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)
Community Facilities District No. 17

This ballot is for the use of the Fresno Housing Successor Agency, a landowner owning land (Final Tract Map No. 6187) within Community Facilities District No. 17, 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 three (3) votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before the hearing is scheduled for Thursday, May 21, 2020, at 10:00 a.m., to Yvonne Spence, CRM MMC, 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 levy a special tax, and finance the authorized services, and costs and expenses by and through its Community Facilities District No. 17, all as specified in its Council Resolutions No. _____ and No. _____; and shall the appropriations limit for Community Facilities District No. 17 be established in accordance therewith?

Number of Votes

YES

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 _____, 2020.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

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

Community Facilities District No. 17

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the owner of property (Final Tract Map No. 6187) in this mailed-ballot election to be conducted within Community Facilities District No. 17, 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 _____, 2020

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A
SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)
Community Facilities District No. 17

This ballot is for the use of the Annadale Commons LP, a landowner owning land (Annadale Commons Development – Assessor’s Parcel Number 479-270-33) within Community Facilities District No. 17, 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 three (3) votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before the hearing is scheduled for Thursday, May 21, 2020, at 10:00 a.m., to Yvonne Spence, CRM MMC, 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 levy a special tax, and finance the authorized services, and costs and expenses by and through its Community Facilities District No. 17, all as specified in its Council Resolutions No. _____ and No. _____; and shall the appropriations limit for Community Facilities District No. 17 be established in accordance therewith?

Number of Votes

YES

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 _____, 2020.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____
(Attach Notary Acknowledgment)

EXHIBIT B

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

Community Facilities District No. 17

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the owner of property (Annadale Commons Development – Assessor’s Parcel Number 479-270-33) in this mailed-ballot election to be conducted within Community Facilities District No. 17, 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 _____, 2020

Company Name _____

By: _____

Print Name _____

Print Title _____s