

RESOLUTION _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA, CALLING A SPECIAL ELECTION
FOR A COMMUNITY FACILITIES DISTRICT

CITY OF FRESNO
COMMUNITY FACILITIES DISTRICT NO. 18
(PUBLIC SAFETY SERVICES)

WHEREAS, this City Council (the City Council) of the City of Fresno (the City) adopted a resolution entitled “A Resolution of the City Council of the City of Fresno, State of California, Establishing the Formation of a Community Facilities District and Future Annexation Area” (the Resolution of Formation), ordering the formation of the City of Fresno, Community Facilities District No. 18 (Public Safety Services) (the District), defining the public services (the Services) to be provided by the District and Future Annexation Area, authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District, all pursuant to Article 3 of Chapter 8 of the Municipal Code of the City of Fresno and the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the Act); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the provisions of the Act.

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

1. The City Council hereby finds that the facts set forth in the recitals to this

Date Adopted:
Date Approved:
Effective Date:

City Attorney Approval: *TWR*

Resolution No. _____

Resolution are true and correct and establish the factual basis for the City Council's adoption of this Resolution.

2. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the District at a special election called therefor as provided below.

3. This City Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this City Council finds that, for these proceedings, the qualified electors are the landowners within the District and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearing.

4. This City Council hereby calls a special election to consider the issues described in Section 2, above, which special election shall be held on December 1, 2022, and the results thereof canvassed at the meeting of this City Council on December 1, 2022. The City Clerk is hereby designated as the official to conduct the special election and to receive all ballots until the close of business on the special election date. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the boundaries of the District, and a sufficient description to allow the City Clerk to determine the electors of the District. The special election shall be conducted by messenger or mail-delivered ballot in accordance with the Act.

5. As authorized by Section 53353.5 of the Act, the issues described in

Section 2 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit A, to be delivered to each of the qualified electors of the District. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot.

6. This City Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the District. There is on file with the City Clerk a written waiver executed by all of the qualified electors of the District allowing for a shortening of the time for the special election to expedite the process of formation of the District and waiving any requirement for notice, analysis, and arguments in connection with the special election. Accordingly, this City Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the special election and

waiver of analysis and arguments and have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the special election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

7. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing the appropriations limit are cast in favor of the proposition after the canvass of the returns of such special election, the City Council may levy such special tax within the District under the Act in accordance with the approved rate and method of apportionment of special tax. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in the Resolution of Formation, subject to the Act, except that the special tax may be levied at a rate lower than that specified herein, and the maximum annual tax rate may be lowered.

8. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the construction and/or acquisition of the Services and the incidental costs thereof including any debt, all as defined in the Resolution of Formation, shall constitute the specific purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report as required by Section 50075.3 of the Government Code.

9. This Resolution shall take effect immediately upon its adoption.

STATE OF CALIFORNIA)
COUNTY OF FRESNO) ss.
CITY OF FRESNO)

I, TODD STERMER, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2022
Mayor Approval/No Return: _____, 2022
Mayor Veto: _____, 2022
Council Override Vote: _____, 2022

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Taylor W. Rhoan Date
Deputy City Attorney

Attachment:

1. Exhibit A – Official Ballot

EXHIBIT A

CITY OF FRESNO
COMMUNITY FACILITIES DISTRICT NO. 18
(PUBLIC SAFETY SERVICES)

**OFFICIAL BALLOT
FORMATION ELECTION
(December 1, 2022)**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Fresno no later than the hour of 10:10 a.m. on Thursday, December 1, 2022, either by mail or in person. The City Clerk's office is located at 2600 Fresno Street, Room 2133, City of Fresno, California.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void. If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Fresno and obtain another.

The estimated initial maximum amount of money raised annually by this measure is expected to be \$51,660 per year upon full build out of the CFD, based on the rate and duration of the special tax as set forth in the rate and method of apportionment of special taxes for the CFD.

BALLOT MEASURE: Shall the City of Fresno be authorized to annually levy a special tax solely on lands within the City of Fresno Community Facilities District No. 18 (Public Safety Services) (the "District") in accordance with the rate and method contained in the Resolution of Formation of the District adopted by the City Council on December 1, 2022, commencing with the City's fiscal year 2022-23, to pay for costs of police and fire safety/protection/suppression services, and to pay the costs of the City in administering the District, and shall the annual appropriations limit of the District be established in an amount equal to the proceeds of the special tax collected annually?

YES: _____

NO: _____

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Number of Votes: 59

Property Owner: _____

By: _____

Fresno County Assessor's Parcel Number(s): _____