

RESOLUTION NO. 2015 – _____

**A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO OF ITS INTENTION TO ESTABLISH A
COMMUNITY FACILITIES DISTRICT AND TO AUTHORIZE
LEVY OF A SPECIAL TAX**

**Community Facilities District No. 15
East Copper River Ranch Maintenance District**

WHEREAS, in response to the Petition submitted to this Council of the City of Fresno ("Council"), on August 21, 2014, by the owner(s) of at least ten percent (10%) of the area of privately-owned real properties listed under the Boundaries section of the Petition, this Council proposes to establish a community facilities district ("District") within the City of Fresno ("City") under the terms of the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3 of the Fresno Municipal Code ("City Law"); the initial boundaries of the proposed District are shown on the Proposed Boundaries Map attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, the Petition requests that a special tax be authorized to be computed and levied annually upon the taxable parcels within the proposed District in accordance with a rate and method of apportionment of special tax to be approved as part of the proceedings for formation of the District; and

WHEREAS, the proposed name of the District is "Community Facilities District No. 15 East Copper River Ranch Maintenance District, City of Fresno, County of Fresno, State of California ("CFD No. 15"); and

1 of 8

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval: 

Resolution No.

WHEREAS, Section 8-1-308 of the City Law provides that, except as otherwise provided by City Law, the mode and manner for financing facilities and for levying and collecting special taxes shall be as prescribed in the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, commencing with Section 53311, of Part 1, Division 2, Title 5 of the California Government Code) (the "Mello-Roos Act"); and

WHEREAS, pursuant to Section 53321 of the Mello-Roos Act and City Law, legal proceedings for the establishment of a community facilities district shall be instituted by the adoption of a resolution of this Council declaring its intention as provided hereafter in this resolution.

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 District Name.** The name of the proposed District is "Community Facilities District No. 15 East Copper River Ranch Maintenance District, City of Fresno, County of Fresno, State of California" and is referred to in this resolution as "CFD No. 15."
3. **Proposed District Boundaries.** The Council preliminarily approves the initial boundary of the territory proposed for inclusion in CFD No. 15, as shown on the Proposed Boundaries Map attached hereto as Exhibit A, incorporated herein by this reference, and on file with the City Clerk of the City of Fresno ("City Clerk"). The City Clerk is directed to record the CFD

No. 15 Proposed Boundaries Map, or cause it to be recorded, in the Office of the Recorder, Fresno County, California, in accordance to Section 3111 of the Streets and Highways Code.

4. **Proposed Services.** The types of Services proposed to be provided by CFD No. 15 and authorized to be paid from the proceeds of the special tax ("Services") are set forth on Exhibit B, attached hereto and incorporated herein by this reference.
5. **Incidental Expenses.** The types of incidental expenses proposed to be incurred and authorized to be paid for from the proceeds of the special tax are set forth in Exhibit C attached hereto and incorporated herein by this reference.
6. **Special Taxes.** Except where funds are otherwise available, a special tax will be annually levied within CFD No. 15. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property within CFD No. 15, and this lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until levy and collection of the tax by the City ceases. The rate and method of apportionment of the special tax ("RMA") for CFD No. 15 is set forth in Exhibit D, which is attached hereto and incorporated herein by this reference. The Council determines that Exhibit D provides sufficient detail

to allow each landowner or resident within proposed CFD No. 15 to estimate the maximum amount that such person will have to pay. Subject to the limitation that the total amount of the annual special tax on any parcel may not exceed the then-applicable Maximum Special Tax (as defined and specified in the RMA), the amount of the special tax to be levied annually upon the taxable parcels within CFD No. 15 shall be equal, in the aggregate, to the "Special Tax Requirement" as defined in the RMA. The Council intends that the special tax will be levied so long as needed to pay the costs and incidental expenses of providing the Services.

7. **Reimbursements of Funds of Contributions.** Advances of funds or contributions of work in kind from any lawful source, specifically including but not limited to the City and owners of property within CFD No. 15, may be reimbursed from special tax revenue to the extent of the lesser of the value or cost of the contribution, but any agreement to do so shall not constitute a debt or liability of the City.

8. **Public Hearing.** The Council sets Thursday, December 3, 2015, at 10:00 a.m., or as soon thereafter as the matter may be heard, in the Council Chambers located in City Hall, 2600 Fresno Street, Second Floor, Fresno, California, as the time and place for the public hearing on the establishment of CFD No. 15. At the hearing, testimony of all interested persons and taxpayers for or against establishment of CFD No. 15, the extent of CFD No. 15, the proposed list of Services to be authorized, the RMA, or any other aspect of the proposed CFD No. 15 will be heard and

protests will be considered from both registered voters, if any, residing within CFD No. 15 and persons owning real property within CFD No. 15. Written protests by a majority of the registered voters, if any, but including a minimum of six registered voters, residing within the territory proposed to be included in CFD No. 15, or by the owners of a majority in area of the land within proposed CFD No. 15 not exempt from the special tax, will constitute a "majority protest" and will require the suspension of proceedings for at least one year. Written protests must be filed with the City Clerk at or before the time fixed for the hearing. If such majority protests are directed only against certain elements of the proposed Services or proposed special tax, only those elements will be eliminated from the proceedings.

9. **Levy of Special Tax.** It is anticipated that the special tax will be billed and collected in the same manner and be subject to the same penalties and procedures in case of delinquency as is provided for ordinary ad valorem property taxes within the City. However, the Council reserves the right, under Section 53340 of the Mello-Roos Act and the City Law, to utilize any method of collecting the special tax which it, from time to time, shall determine to be in the best interests of the City including, but not limited to, direct billing by the City to the property owners and supplemental billing. Under no circumstances will the special tax levied against any lot or parcel in CFD No. 15 used for private residential purposes, as defined in the City Law, be increased as a consequence of

delinquency or default by the owner of any other lot(s) or parcel(s) within CFD No. 15 by more than 10 percent.

10. **District Formation Report.** The Director of the Public Works Department, as the officer having charge and control of the Services in and for CFD No. 15, or his designee, is directed to study the formation of CFD No. 15 and to cause the preparation and filing of a written report to the City Clerk as required by City Law and as described in Section 53321 .5 of the Mello-Roos Act (the "District Report") prior to the time of the public hearing.
11. **Public Notice.** The City Clerk is hereby authorized and directed to cause the publication of a notice of hearing, containing the matters specified by Section 53322 of the Mello-Roos Act, one time in a newspaper in general circulation in the area of CFD No. 15. The publication shall occur no later than seven days prior to the date of the public hearing.
12. **Effective Date.** This resolution shall take effect immediately upon adoption.

Attachments:

1. Exhibit A: CFD No. 15 Proposed Boundaries Map
2. Exhibit B: Description of Authorized District Services
3. Exhibit C: Incidental Expenses
4. Exhibit D: Rate and Method of Apportionment

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 _____, 2015.

AYES:

NOES:

ABSENT:

ABSTAIN:

YVONNE SPENCE, CMC
City Clerk

By: _____
Deputy

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

By: _____
Raj Singh Badhesha, Deputy