

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO, CALIFORNIA DECLARING ELECTION
RESULTS

COMMUNITY FACILITIES DISTRICT No. 9

ANNEXATION NO. 45

WHEREAS, on August 20, 2020, the Council of the City of Fresno (Council) adopted Council Resolution No. 2020 - _____ calling a special mailed-ballot election on levying special taxes on land within, and on approving an annual appropriations limit for Annexation No. 45 to Community Facilities District No. 9 (CFD No. 9); and

WHEREAS, the Council has received, reviewed and hereby accepts the City of Fresno City Clerk's (City Clerk) Canvass and Statement of Election Results, dated _____, 2020, a copy of which is attached as Exhibit A;

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

1. The Council finds and declares that: (a) the ballot measure on the levy of taxes and approval of an annual appropriations limit for Annexation No. 45, has been submitted to the qualified electors within the area of Annexation No. 45, pursuant to Council Resolution No. 2020 - _____, and (b) the ballot measure has been passed and approved by more than two-thirds of the votes cast, in accordance with City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno municipal Code (City Law).

1 of 4

Date Adopted:

Date Approved:

Effective Date:

City Attorney Approval:



Resolution No.

2. The Council declares Annexation No. 45 to be fully formed and the property within Annexation No. 45, to be subject to the levy of the special taxes and the special tax lien described in Council Resolution No. 2020 - _____, annexing Final Tract Map No. 6290 as Annexation No. 45, and authorizing the levy of a special tax therein, and Council Resolution No. 2008-351, approving the local goals and policies for Community Facilities District No. 9, as described in the Community Facilities District Report dated as of July 20, 2020, on file with the City Clerk.

3. The Council directs the City Clerk or designee to record a notice of special tax lien in the Office of the County Recorder, pursuant to City Law, no later than 15 days after this resolution is adopted.

Attachment:

Exhibit A - Canvass and Statement of Election Results

* * * * *

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

CANVASS AND STATEMENT OF ELECTION RESULTS

Community Facilities District No. 9

Annexation No. 45

I, YVONNE SPENCE, City Clerk of the City of Fresno, hereby certify:

I have personally received and assembled all ballots eligible to be cast in the special mailed-ballot, landowner election called by the Council of the City of Fresno (Council) in its Council Resolution No. 2020-_____ on propositions to levy a special tax within and approve an appropriations limit for Community Facilities District No. 9, Annexation No. 45, and held on August 20, 2020. In accordance with my instructions contained in that Resolution, I hereby declare the election closed.

I personally, in the presence of members of City of Fresno staff representing the Public Works Department, as well as the City Clerk's Office, have counted the ballots and canvassed the returns of such election, and hereby certify that the result of that count is as follows and that the following total votes cast for and against such propositions, the total votes and the percentage of "yes" votes cast are true and correct.

Total Votes that could be cast	3
Total Votes Cast "Yes"	3
Total Votes Cast "No"	0
Total Votes Cast	3

The Votes cast "Yes" equal **100%** of the total votes cast.

I make this certification on _____, 2020.

ATTEST:
Yvonne Spence, CRM MMC
City Clerk



By _____

Deputy

EXHIBIT A

CITY OF FRESNO

Community Facilities District No. 9 Formation

Description of Services currently financed by Community Facilities District No. 9

The services and operations (Services) that are to be financed by Community Facilities District No. 9 (CFD No. 9) are described below and are permitted by City of Fresno Special Tax Financing Law (Chapter 8, Division 1, Article 3 of the Fresno Municipal Code) and 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.)

- I. Services may include all costs attributable to maintaining, servicing, cleaning, repairing and/or replacing all landscaping facilities (including reserves), including stamped concrete paving in medians and landscaped areas in public street rights-of-way, public trails, and, in instances where a required sound wall abuts a local City street and public landscape easements are officially dedicated for public use.

General maintenance will include, without limitation, mowing, edging, fertilizing, seeding, aerating, and watering grass areas; repairing and replacing irrigation systems as necessary; staking, pruning, replacing and spraying of trees and shrubs; repairing and replacing paths, walkways and trails; repairing and replacing stamped concrete paving and removing litter, debris, and garbage.

- II. Services may include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all local ground level street infrastructures (including reserves) within local street rights-of-way. Such facilities may include, without limitation, street paving, curbs and gutters, sidewalks, street lighting, hydrants, inlets, street trees, street signage and street furniture.

Maintenance costs will also include a proportionate share of all other expenses that the City may incur in administering the CFD No. 9.

All Services shall be provided by the City of Fresno, with its own forces or by contract with third parties, or any combination thereof, to be determined entirely by the City of Fresno.

Nothing in this exhibit or any other exhibit or provision of this Resolution shall be construed as committing the City or CFD No. 9 to provide all of the authorized Services or to provide for the payment of or reimbursement for all of the authorized incidental expenses. The provision of Services and/or payment or reimbursement of incidental expenses shall be subject to the continued existence of CFD No. 9 and the availability of sufficient proceeds of special taxes within the District.

EXHIBIT A

CITY OF FRESNO

Community Facilities District No. 9 Annexation No. 45

Description of Services to be Financed by Community Facilities District No. 9 For (Final Tract Map No. 6290)

The services and operations described below (Services) to be financed by Community Facilities District No. 9 (CFD No. 9) for Final Tract Map No. 6290, Annexation No. 45 are generally as described below and herewith Exhibit A, page A-3.

General maintenance will include, without limitation, removing litter, debris, and garbage.

Services shall include all costs attributable to cleaning, maintaining, servicing, repairing and/or replacing all ground level infrastructure (including reserves for replacement) within the public street rights-of-way associated with Final Tract Map No. 6290. Such facilities include, without limitation, concrete curbs and gutters, curb ramps and sidewalks, and local street paving.

Maintenance costs will also include a proportionate share of all other expenses that the City may incur in administering the CFD No. 9.

All Services shall be provided by the City of Fresno, with its own forces or by contract with third parties, or any combination thereof, to be determined entirely by the City of Fresno.

Nothing in this exhibit or any other exhibit or provision of this Resolution shall be construed as committing the City or CFD No. 9 to provide all of the authorized Services or to provide for the payment of or reimbursement for all of the authorized incidental expenses. The provision of Services and/or payment or reimbursement of incidental expenses shall be subject to the successful annexation of Annexation No. 45 to CFD No. 9 and the availability of sufficient proceeds of Special Taxes within CFD No. 9.