

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA SUBMITTING TO CITY ELECTORS A CHARTER AMENDMENT PROHIBITING DEBT AND GENERAL FUND FINANCING OF THE SOUTHEAST DEVELOPMENT AREA AND PROVIDING FOR THE PLACEMENT OF THE MEASURE ON THE NOVEMBER 3, 2026, SPECIAL MUNICIPAL ELECTION BALLOT

WHEREAS, the City of Fresno faces significant infrastructure demands and \$1.5 billion in deferred street and sidewalk maintenance; and

WHEREAS, the City of Fresno is currently considering the Southeast Development Area Specific Plan, which encompasses approximately 9,000 acres within the City of Fresno's Sphere of Influence; and

WHEREAS, it is the desire of the City Council to institute financial safeguards over general fund revenues and indebtedness as it considers expanding the City's footprint; and

WHEREAS, the Fresno City Charter is the City's primary governing legal document, with key provisions governing Fiscal Administration.

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

1. The City Council submits to the electors of the City of Fresno at its special municipal election to be consolidated with the statewide general election to be held on Nov. 3, 2026, a ballot measure (Measure) proposing to amend the Charter of the City of Fresno as set forth in Exhibit A attached hereto and incorporated herein by reference.

1 of 11

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval:

721976v1

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Resolution No.

Charter of the City of Fresno as set forth in Exhibit A attached hereto, and incorporated herein by reference.

2. The City requests that the Fresno County Clerk/Registrar of Voters conduct the election and canvass the returns, and the City agrees to pay the proportionate share of reasonable expenses of said election, said share to consist of all direct costs as determined by the Fresno County Clerk/ Registrar of Voters to be directly related to the conduct of the City of Fresno' special municipal election together with the City's proportionate share of the expenses for election services rendered by Fresno County that are being shared equally with other jurisdictions, if any, by virtue of the consolidation of the City's special municipal election with the elections being held by other jurisdictions, if any, in the City of Fresno on November 3, 2026.
3. At the statewide general election to be held on November 3, 2026, the following question shall be submitted to registered voters of the City of Fresno and shall be printed on the election ballot in the form set forth as follows:

<i>CITY OF FRESNO NO DEBT ON DEVELOPMENT CHARTER AMENDMENT: Shall City of Fresno adopt Charter § 1226, prohibiting the City from expending general fund tax revenues or incurring bond debt to pay for infrastructure capital improvements, operating, and maintenance expenses for development within the Southeast Development Area (SEDA), except for the area designated as the "South SEDA Plan Area."</i>	YES
	NO

4. The following constitutes the synopsis of the Measure to be voted on for purposes of meeting the publication requirements of Elections Code Section 12111:

MEASURE TO BE VOTED UPON

Notice is hereby given that the following measure is to be voted on at the special municipal election to be held in the City of Fresno, on Tuesday, the 3rd of November, 2026.

APPROVAL OF FRESNO NO DEBT ON DEVELOPMENT CHARTER AMENDMENT

The measure proposes amending the City of Fresno Charter to adopt §1226 of the Charter to prohibit the City from expending general fund tax revenues or incur debt financing to pay for operating expenses, maintenance expenses, and infrastructure capital expenditures, including – but not limited to – water, sewer, electrical, gas, road, sidewalk, and park infrastructure within the Southeast Development Area. The area known as the “South SEDA Plan Area” as identified by the boundaries of Temperance Avenue (west) , Jensen Avenue (south), the Briggs Canal (east), and with the northern terminus of the Fresno City limits is exempt from this Charter Amendment. The boundaries of Temperance Avenue (east), Jensen Avenue (north), and Minnewawa Avenue (west), and North Avenue (south) are also exempted as part of the “South SEDA Plan Area”..

5. The full text of the ordinance submitted to the voters is attached as Exhibit A and by this reference incorporated herein. The full text of the Measure is not required to be printed in the Sample Ballot and Voters Pamphlet. However, the full text of the Measure shall be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the Fresno City Clerk.
6. The measure shall be designated on the ballot by a letter, as provided in Elections Code Section 13116. This measure shall be designated by letter by the Fresno County Clerk/Registrar of Voters.

7. Passage of the Measure requires a simple majority of votes from qualified voters of the City voting in the election.
8. In all particulars not recited in this resolution, the election shall be held and conducted as provided by law for holding municipal elections.
9. The full text of the Measure submitted to the voters will appear in the sample ballot and voter's pamphlet. The Ordinance to be enacted to implement the Measure, if the Measure is approved by the voters, will not be printed in the sample ballot and voter's pamphlet. However, the full text of the Measure and the full text of the Ordinance will be made available at the Office of the Fresno County Clerk/Registrar of Voters and the Office of the City Clerk.
10. Arguments in favor or against the proposed measure are permissible and shall be filed with the Fresno County Clerk/Registrar in accordance with Elections Code Section 9281 or as provided for the consolidated election. Councilmembers voting in the majority for this resolution and the Mayor are authorized, but not required, to file arguments in favor of the proposed measure. They are also authorized to provide input to the Fresno County Clerk/Registrar in determining a letter designation for this Measure. Rebuttal arguments shall be permitted pursuant to applicable law.

11. Pursuant to Elections Code section 9280, the City Council hereby directs the City Clerk to transmit a copy of the Measure to the City Attorney, and the City Attorney shall prepare an impartial analysis of the Measure in accordance with Elections Code section 9280 and file it with the Fresno County Clerk/Registrar of Voters.
12. The City Clerk shall file a certified copy of this resolution with the Fresno County Clerk/Registrar of Voters as required by applicable law. The City Clerk is hereby authorized and directed to work with the Fresno County Clerk/Registrar of Voters and take all steps necessary to cause placement of the Measure and any associated arguments, analysis, synopsis, summary, or ballot question on the ballot.
13. The City Clerk and City Attorney are authorized to make any typographical, clerical, non-substantive corrections to this resolution and the Measure to be placed on the ballot as may be deemed necessary by the Fresno County Clerk/Registrar of Voters.
14. The adoption of this Resolution is exempt from the California Environmental Quality Act, Public Resources Code §§ 21000 et seq. ("CEQA") and 14 Cal. Code Reg. §§ 15000 et seq. ("CEQA Guidelines"). The calling and noticing of a Special Municipal Election for the submission of a ballot measure to voters is not a project within the meaning of CEQA Guidelines Section 15378. The ballot measure submitted to the voters is for a general tax that can be used for any governmental

purpose; it is not a commitment to any particular action or actions. As such, under CEQA Guidelines Section 15378(b)(4), the potential tax increase is not a project within the meaning of CEQA because, if approved, the tax increase simply creates a government funding mechanism that does not involve any commitment to any specific project that may result in a potentially significant physical impact on the environment.

15. Severability. If any section, subsection, sentence, clause, phrase or portion of this Resolution or its application to any person or circumstance is for any reason held to be invalid or unconstitutional by the decision of any court of competent jurisdiction, such decision shall not affect the validity of the remaining portions of this Resolution or its application to other persons and circumstances. The City Council of the City of Fresno hereby declares that it would have adopted this Resolution and each section, subsection, sentence, clause, phrase, or portion thereof irrespective of the fact that any one or more sections, subsections, sentences, clauses, phrases, or portions be declared invalid or unconstitutional and, to that end, the provisions hereof are hereby declared to be severable.

16. This Resolution shall be effective immediately upon adoption.

* * * * *

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

I, AMY K. ALLER, 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 _____ 2026.

AYES :
NOES :
ABSENT :
ABSTAIN :

Mayor Approval: _____, 2026
Mayor Approval/No Return: _____, 2026
Mayor Veto: _____, 2026
Council Override Vote: _____, 2026

AMY K. ALLER
CITY CLERK

By: _____
Deputy Date

APPROVED AS TO FORM:
ANDREW JANZ
City Attorney

By: _____
ANDREW JANZ Date
CITY ATTORNEY

EXHIBIT A TO RESOLUTION NO. _____

PROPOSED AMENDMENT TO THE CHARTER OF CITY OF
FRESNO TO BE SUBMITTED TO THE CITY ELECTORS AS
A BALLOT MEASURE AT THE SPECIAL MUNICIPAL
ELECTION TO BE HELD ON NOV. 3, 2026

Article XII Fiscal Administration, Sec. 1226 - Restriction on Finance of Southeast
Development Area Infrastructure shall be added as follows:

a) DEFINITIONS

- 1) "General Fund tax revenues" means unrestricted tax revenues deposited into the City's General Fund, including but not limited to property tax, sales and use tax, business license tax, utility users tax, transient occupancy tax, and any successor unrestricted tax revenues, but excluding grants, reimbursements, enterprise funds, special revenue funds, development impact fees, bond proceeds, assessment district revenues, community facilities district special tax revenues, or other legally restricted funds.
- 2) "Infrastructure capital improvements" means the acquisition, planning, design, engineering, construction, reconstruction, extension, replacement, operation, maintenance, or major improvement of public streets, highways, bridges, traffic signals, water facilities, sewer facilities, storm drainage facilities, flood control facilities, public utilities, public buildings, parks, and trails.

- 3) "Southeast Development Area" means the geographic area designated by ordinance or adopted planning documents as the Southeast Development Area as those boundaries exist on the effective date of this Article, together with any successor planning area substantially encompassing the same territory.
- 4) "South SEDA Plan Area" means the area identified by the boundaries of Temperance Avenue (west), Jensen Avenue (south), the Briggs Canal (east), and with the northern terminus of the Fresno City limits. The boundaries of Temperance Avenue (east), Jensen Avenue (north), and Minnewawa Avenue (west), and North Avenue (south) are also identified as part of the "South SEDA Plan Area".

b) PROHIBITION

- 1) The City shall not appropriate, expend, loan, transfer, pledge, or otherwise commit General Fund tax revenues for the planning, design, acquisition, construction, expansion, replacement, operation, maintenance, or financing of Infrastructure capital improvements located within, or constructed exclusively to serve, the Southeast Development Area.

- i. The prohibition in subsection (1) shall extend to transfer of General Fund tax revenues to

Community Facilities Districts, serving as matching funds for state and Federal grants, financing Impact Fee Waivers, financing Interfund Loans, or any combination thereof.

- 2) In addition, the City shall not authorize, issue, incur, or guarantee any bonded indebtedness, certificates of participation, lease-revenue obligations, notes, or any other form of long-term debt, whether payable in whole or in part from the General Fund or secured by the full faith and credit of the City, for the purpose of financing infrastructure capital improvements located within, or exclusively to serve, the Southeast Development Area.
- 3) The City shall not pledge its taxing power, General Fund revenues, or full faith and credit to secure any indebtedness issued for infrastructure capital improvements within or exclusively serving the Southeast Development Area.
- 4) Nothing in this Section shall prohibit the issuance of debt payable solely from legally restricted, non-General Fund revenues, including development impact fees, assessment district revenues, Community Facilities District special tax revenues, Infrastructure Financing District revenues, enterprise fund revenues, grants, or other revenue sources that do not obligate the General Fund or the City's taxing

power, provided such indebtedness does not create any contingent liability for the General Fund except as may be required by state or federal law.

- 5) Nothing in this Section shall prohibit expenditure of General Fund revenues for the purpose of forming Community Facilities Districts or Enhanced Infrastructure Financing Districts within the Southeast Development Area.
- 6) The prohibitions in subsection (b)(2) &(3) shall not apply to the South SEDA Plan Area, within the Southeast Development Area.