

RESOLUTION NO. _____

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

COMMUNITY FACILITIES DISTRICT NO. 9

Final Tract Map No. 5717

WHEREAS, on July 20, 2017, the Council of the City of Fresno ("Council") adopted its Resolution No. 2017-184 authorizing the amendment to Final Tract Map No. 5717 of the City of Fresno Community Facilities District No. 9 to change the type of Services, the rate and method of apportionment of the special tax and establish a Changed Maximum Special Tax, pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law") and the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 Part 1 of Division 2 of Title 5, commencing with Section 53311 of the California Government Code ("Mello-Roos"); and

WHEREAS, Resolution 2017-184 proposed changes to the types of Services and the rate and method of apportionment of the special tax, and a Changed Maximum Special Tax to be levied on territory within the boundaries as amended for Final Tract Map No. 5717 of CFD No. 9 and provided an estimate of the cost of providing those Services; and

WHEREAS, Resolution 2017-184 contemplated imposing a Changed Maximum Special Tax upon those properties within the boundaries as amended for Final Tract

Map No. 5717 of CFD No. 9 receiving said Services; and

WHEREAS, an amended written report has been filed with the City Clerk of the City of Fresno ("City Clerk") that describes the proposed changes to the types of Services and rate and method or apportionment of the special tax to be levied among the parcels of real property within the amended boundaries of Final Tract Map No. 5717 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 Changed Maximum Special Tax shall be subject to the approval of the qualified electors within Final Tract Map No. 5717 of CFD No. 9 at a special election; and

WHEREAS, the Public Works Director has filed a Certificate (the "Certificate") in these proceedings providing that fewer than twelve (12) registered voters reside within the boundaries of Final Tract Map No. 5717 of CFD No. 9.

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

1. The changed types of Services and rate and method of apportionment of the special tax and the levy of Changed Maximum Special Tax proposed in Resolution 2017-184 shall be submitted to the voters pursuant to Mello-Roos, Sections 53326, 53338, and 53339.7.
2. The 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 seven (7) ballot forms attached as Exhibit A, each of which is hereby approved.
3. This Council finds that there are fewer than twelve (12) registered voters

based on the Certificate of the Public Works Director filed in these proceedings with the City Clerk's Office. Accordingly, under City Law the voters in this election shall be the landowners owning land within the amended boundaries of Final Tract Map No. 5717 in CFD No. 9.

4. The Council further finds that the landowners of record owning property within the amended boundaries of Final Tract Map No. 5717 of CFD No. 9 are those set forth in the attachment to the Certificate and that the attachment correctly sets forth how much property owned by each landowner and the number of votes to which each is entitled.

5. This Council approves the seven (7) forms, attached as Exhibit B, entitled Waiver and Consent From Sole Property Owner Shortening Time Periods and Waiving Various Requirements for Conducting Mailed-Ballot Election in CFD No. 9, Final Tract Map No. 5717, 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 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 August 24, 2017, 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 to deliver the ballots, in the form of Exhibit A hereto, to the landowner(s) shown on the attachment to the Certificate. The City Clerk or designee shall fill in the names of the landowners and the

number of votes to be cast on each ballot, according to the Certificate, 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 hearing on August 24, 2017. Upon receipt of all eligible ballots, however, the City Clerk shall immediately close the election and declare the results to the Council.

Attachments:

Exhibit A - Special Election Ballot

Exhibit B - Waiver and Consent From Sole 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 _____, 2017.

AYES:
NOES:
ABSENT:
ABSTAIN:

Mayor Approval: _____, 2017
Mayor Approval/No Return: _____, 2017
Mayor Veto: _____, 2017
Council Override Vote: _____, 2017

YVONNE SPENCE, CMC
City Clerk

BY: _____
Deputy

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: _____
Seth Mehrten / Deputy City Attorney

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of East Shields Development Inc., the sole landowner owning territory known as Assessor's Parcel Number 310-740-05 within Community Facilities District No. 9, 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, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-05 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of East Shields Development Inc., the sole landowner owning territory known as Assessor's Parcel Number 310-740-06 within Community Facilities District No. 9, 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, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-06 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of East Shields Development Inc., the sole landowner owning territory known as Assessor's Parcel Number 310-740-02 within Community Facilities District No. 9, 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, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-02 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of Louisa Investors-Patterson PROP LLC, the sole landowner owning territory known as Assessor's Parcel Number 310-740-01 within Community Facilities District No. 9, 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 two (2) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-01 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of Granville at Fowler Inc., the sole landowner owning territory known as Assessor's Parcel Number 310-740-07 within Community Facilities District No. 9, 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 five (5) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-07 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of DJLC,LLC, the sole landowner owning territory known as Assessor's Parcel Number 310-740-21 within Community Facilities District No. 9, 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 one (1) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-21 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____

EXHIBIT A

SPECIAL ELECTION BALLOT (Mailed-Ballot Election)

Community Facilities District No. 9 Final Tract Map No. 5717

This ballot is for the use of East Shields Development Inc., the sole landowner owning territory known as Assessor's Parcel Number 310-740-22 within Community Facilities District No. 9, 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 seven (7) votes on this ballot.

In order to be counted, the ballot must be returned prior to the hearing on August 24, 2017, at 10:00 a.m., to Yvonne Spence, CMC, 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 (City) be authorized to amend Final Tract Map No. 5717 of Community Facilities District No. 9 to change the types of Services and the rate and method of apportionment of the special tax and levy a Changed Maximum Special Tax to finance the costs and expenses for the authorized Services, all as specified in its Council Resolutions No. _____ and No. _____; 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 _____, 2017.

Company Name: _____

By: _____

Print Name: _____

Print Title: _____

(Attach Notary Acknowledgment)

EXHIBIT B

**WAIVER AND CONSENT FROM SOLE PROPERTY OWNER
SHORTENING TIME PERIODS AND WAIVING VARIOUS REQUIREMENTS
FOR CONDUCTING MAILED-BALLOT ELECTION
Final Tract Map No. 5717 of Community Facilities District No. 9**

The undersigned is the person legally entitled and authorized to cast the ballots as the authorized representative of the sole owner of the property known as Assessor's Parcel Number 310-740-22 in this mailed-ballot election to be conducted within the amended boundaries of Final Tract Map No. 5717 of Community Facilities District No. 9, 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 _____, 2017.

Company Name _____

By: _____

Print Name _____

Print Title _____