

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF FRESNO, CALIFORNIA, DIRECTING PREPARATION OF A MODIFIED DISTRICT REPORT ANALYZING IMPACT OF PROPOSED DECREASE IN SPECIAL TAX AND MODIFYING COUNCIL RESOLUTION NO. 2017-200

COMMUNITY FACILITIES DISTRICT NO. 9

ANNEXATION NO. 17

WHEREAS, on August 3, 2017, the Council of the City of Fresno ("Council") adopted Council Resolution No. 2017-200 to annex the territory associated with the development of Assessor's Parcel Number 313-280-73 and 313-280-75, Conditional Use Permit No. 2014-057, as Annexation No. 17 to the City of Fresno, Community Facilities District No. 9 ("CFD No. 9") and to authorize the levy of special taxes ("Resolution of Intention"), pursuant to the City of Fresno Special Tax Financing Law, Chapter 8, Division 1, Article 3, of the Fresno Municipal Code ("City Law"); and

WHEREAS, Council Resolution No. 2017-200 is on file with the City Clerk, and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, Council Resolution No. 2017-200 states the Services to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within Annexation No. 17 of CFD No. 9 to finance the Services with respect to Annexation No. 17 of CFD No. 9; and

WHEREAS, the landscaped area to be maintained has decreased and results in a decreased probable special tax to be paid by the property owners; and

WHEREAS, the types of services have not been altered; and

WHEREAS, Government Code section 53325 permits a legislative body to modify a resolution of intention if it first directs that a report be prepared that describes and analyzes the impact of the proposed modification upon the probable special tax to be paid by the property owners within Annexation No. 17, and then considers the report in determining to modify the resolution of intention.

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

1. **Recitals.** The foregoing recitals are true and correct.
2. **Proposal to Modify Council Resolution 2017-200.** The Council proposes to modify Council Resolution No. 2017-200 to decrease the probable special tax to reflect the decreased landscaped area to be maintained and resulting decreased costs for services, subject to receipt and consideration of a Modified District Report.
3. **Direction to Prepare a Modified District Report.** The Director of Public Works Department, as the officer having charge and control of the services in and for CFD No. 9, or his designee, is directed to prepare and file with the City Clerk, and present to Council for consideration and approval, a modified written report (Modified District Report for Annexation No. 17) that will be made a part of the record of the public hearing on Annexation No. 17, and that:
 - a. Includes the following elements that were directed in Council Resolution No. 2017-200 to be in the report: (i) a description of the services by type required to adequately meet the needs of CFD No. 9, Annexation No. 17; (ii) an estimate of the fair and reasonable cost of the Services including the cost of acquiring land, rights-of-way and easements, costs of any physical services required in

conjunction therewith, and incidental expenses in connection therewith; (iii) a description of any plan for Services that will be provided in common with the existing district and any territory that may be annexed; and (iv) if the Special Tax levied within the territory proposed to be annexed is higher or lower than the existing CFD No. 9, identify the extent and reasons why the costs to provide Services in that territory are higher or lower than those provided in the existing CFD No. 9, and specify any alteration in the Special Tax rate levied within the existing community facilities district because of the proposed annexation; and

b. Includes a brief analysis of the impact of the proposed modifications on the probable special tax to be paid by the owners of lots or parcels in the territory to be annexed to CFD No. 9.

4. **Effective Date.** This Resolution shall take effect upon its adoption.

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