

BILL NO.

ORDINANCE NO.

AN ORDINANCE OF THE CITY OF FRESNO,
CALIFORNIA, AMENDING AND MODIFYING ORINANCE
2008-76, AND LEVYING A CHANGED MAXIMUM SPECIAL
TAX FOR THE PROPERTY TAX YEAR 2017-2018 AND
FUTURE TAX YEARS WITHIN AND RELATING TO THE
BOUNDARIES AS AMENDED FOR FINAL TRACT MAP
NO. 5717 OF COMMUNITY FACILITIES DISTRICT NO. 9

WHEREAS, on December 16, 2008, the Council of the City of Fresno ("Council") adopted Ordinance No. 2008 - 76, authorizing the levy of a Maximum Special Tax for property tax year 2008-2009 and future tax years within and relating to the boundaries for Final Tract Map No. 5717 of Community Facilities District No. ("CFD No. 9"); and

WHEREAS, the levy of the Maximum special Tax is to provide funding for the maintenance of certain public facilities and operations ("Services") for Final Tract Map No. 5717 provided by CFD No. 9; and

WHEREAS, on July 20, 2017, the Council adopted Resolution No. 2017-183 approving the proposed amended boundary map, removing Lots 8 and 9 from Final Tract Map No. 5717 of CFD No. 9, as recorded on July 21, 2017 at Book 44, Page 96 of Maps of Assessment and Community Facilities districts in the Office of the Recorder, County of Fresno, California; and

WHEREAS, on July 20, 2017, the Council adopted Resolution No. 2017 - 184, a resolution of the Council authorizing the amendment to Final Tract Map No. 5717 of CFD No. 9 to change the type of Services, the rate and method of apportionment of the special tax and the Maximum Special Tax to be levied, and preliminarily establishing an appropriations limit therefore ("Authorization Resolution"), 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, by Council Resolution No. 2017 - _____, the Council called a special election on the proposition changing the types of Services, the rate and method

of apportionment of the special tax, and the levy of the Maximum Special Tax for Final Tract Map No. 5717 of CFD No. 9; and

WHEREAS, on August 24, 2017, an election was held within the amended boundaries of Final Tract Map No. 5717 of CFD No. 9 and, as required by City Law, the ballot measure was passed and approved by more than two-thirds of the votes cast; and

WHEREAS, all necessary procedures required by law have been taken for the amended boundaries of Final Tract Map No. 5717 of CFD No. 9 to change the type of Services, the rate and method of apportionment of the special tax and the Maximum Special Tax to be levied, without limitation, the procedures set forth herein.

THEREFORE, THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

1. Pursuant to City Law, and in accordance with the Revised Rate and Method of Apportionment of Special Tax as shown in Exhibit B to the Authorization Resolution, a special tax is hereby authorized and levied on all taxable parcels within the amended boundaries of Final Tract Map No. 5717 for the 2017-2018 fiscal year and for each future fiscal year at the same or at a rate lower than the maximum rate of tax provided in Exhibit B to the Authorization Resolution. By a resolution of this Council, the tax rate may be adjusted annually, subject to such maximum rate of tax. The special taxes levied in any fiscal year on any parcel within the amended boundaries of Final Tract Map No. 5717 shall not exceed the maximum special tax specified in Exhibit B to the Authorization Resolution.

2. The Public Works Director or his designee is authorized and directed, with the aid of the appropriate officers and agents of the City, to determine each year, the Special Tax Requirement (as that term is defined in Exhibit B of the Authorization Resolution), to prepare the annual special tax roll in the amount of Special Tax Requirement in accordance with said Exhibit B and, without further action of this Council, to provide all necessary and appropriate information to the County of Fresno ("County") Auditor in the form, and within the time, necessary to effect the correct and timely billing and collection of the special tax on the secured property tax roll of the County. The Special Tax shall be levied and collected in the same manner, shall be subject to the same penalties and the same lien priority, and the same procedure and

sale for delinquency, as for ad valorem taxes. Notwithstanding the foregoing, as set forth in the Authorization Resolution and City Law, this Council reserves the right to use any method of collecting the special tax, which the Council, from time to time, may determine to be in the best interests of the City including, without limitation, direct billing by the City to the property owners and supplemental billing. The Public Works Director or his designee is further authorized and directed to furnish the notices of special tax required by Section 53340.2 of the California Government Code.

3. The appropriate officers and agents of the City are further authorized and directed to adjust the special tax roll before the final posting of the special taxes to the County tax roll each fiscal year, as necessary to achieve a correct match of the special tax levy with the county assessor's parcel numbers finally used by the County in sending out property tax bills.

4. If a court of competent jurisdiction finds any part of this Ordinance to be invalid or the special tax to be inapplicable to or unreasonable for any particular parcel, the balance of this Ordinance and the application of the special tax to the remaining parcels, shall not be affected and shall remain in full force and effect.

5. This Ordinance shall take effect and be in force immediately upon the date of final passage, as a tax measure, pursuant to City Charter, Article VI, Section 610.

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

I, YVONNE SPENCE, 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 _____, 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