

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FRESNO, STATE OF CALIFORNIA, DECLARING ITS INTENTION TO ESTABLISH A COMMUNITY FACILITIES DISTRICT AND FUTURE ANNEXATION AREA AND TO AUTHORIZE THE LEVY OF SPECIAL TAXES THEREIN

CITY OF FRESNO
COMMUNITY FACILITIES DISTRICT NO. 18
(PUBLIC SAFETY SERVICES)

WHEREAS, under the terms of the City of Fresno Special Tax Financing law (Chapter 8, Division 1, Article 3 of the Fresno Municipal Code), (the "Code") and the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the "Act"), the City Council of the City of Fresno (the "City") may commence proceedings for the establishment of a community facilities district; and

WHEREAS, this City Council has received a Petition (including Waivers) from the landowners requesting that it establish a community facilities district under the Code and the Act to provide for the costs of police and fire safety/protection/suppression services, and this City Council now desires to commence proceedings to establish a community facilities district and future annexation area as described herein; and

WHEREAS, this City Council has previously adopted local goals and policies for the formation of community facilities districts within the City; and

WHEREAS, under the Code and the Act, this City Council is the legislative body for the proposed community facilities district and is empowered with the authority to

establish the community facilities district and levy special taxes within the community facilities district; and

WHEREAS, this City Council now desires to proceed with the actions necessary to consider the establishment of the community facilities district.

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

1. The City Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct, and establish the factual basis for the City Council's adoption of this Resolution.

2. This City Council proposes to conduct proceedings to establish the community facilities district pursuant to the Code and the Act, and hereby determines that public convenience and necessity require the formation of the community facilities district and a future annexation area to fund public services.

3. The name of the proposed community facilities district is City of Fresno, Community Facilities District No. 18 (Public Safety Services) (the "District"). The name proposed for the territory proposed to be annexed into the CFD in the future is "City of Fresno Community Facilities District No. 18 ("Public Safety Services") (Future Annexation Area)" (the "Future Annexation Area").

4. The proposed boundaries of the District and Future Annexation Area are as shown on the map of the District on file with the City Clerk, a copy of which is attached hereto as Exhibit A, which Exhibit is by this reference incorporated herein. The proposed boundaries are hereby preliminarily approved. The City Clerk is hereby directed to record, or cause to be recorded, the map of the boundaries of the District

and the Future Annexation Area in the office of the Fresno County Recorder no later than fifteen days after the adoption of this Resolution.

5. The type of services proposed to be funded by the District and Future Annexation Area by proceeds of the special tax shall consist of those services described in Exhibit B hereto, which Exhibit is by this reference incorporated herein (the “Services”).

The City Council hereby determines that the Services are necessary to meet increased demands for such services placed upon local agencies as the result of development occurring within the area of the District and the Future Annexation Area. The Services are in addition to those provided in the territory of the District and the Future Annexation Area as of the date hereof and will not supplant services already available within the territory of the District and the Future Annexation Area as of the date hereof.

6. Except where funds are otherwise available, a special tax sufficient to pay the costs thereof, secured by the recordation of a continuing lien against all non-exempt real property in the District, will be levied annually within the District and collected in the same manner as ordinary ad valorem property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method of apportionment of the special tax among the parcels of real property within the District, in sufficient detail to allow each landowner within the proposed District to estimate the maximum amount such owner will have to pay, is described in Exhibit C attached hereto, which Exhibit is by this

reference incorporated herein. The special tax shall be levied perpetually until the collection of the special tax by the City ceases.

The City Council hereby determines that the Special Tax proposed to pay for Services to be supplied within the Future Annexation Area shall be equal to any special tax levied to pay for the same Services in the existing District, except that a higher or lower tax may be levied within the Future Annexation Area to the extent that the actual cost of providing the Services in the Future Annexation Area is higher or lower than the cost of providing those Services in the existing District. In so finding, City Council does not intend to limit its ability to levy a special tax within the Future Annexation Area to provide new or additional services beyond those supplied within the existing District.

7. This City Council finds that the provisions of Section 53313.6, 53313.7 and 53313.9 of the Act (relating to adjustments to ad valorem property taxes and schools financed by a community facilities district) are inapplicable to the District.

8. The levy of said proposed special tax shall be subject to the approval of the qualified electors of the District at a special election. The proposed voting procedure shall be by mailed or hand-delivered ballots among the landowners in the proposed District, with each landowner having one vote for each acre or portion of an acre of land such landowner owns in the District.

A special tax shall be levied in the Future Annexation Area only with the Unanimous Approval of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings.

9. Except as may otherwise be provided by law or the rate and method of apportionment of the special tax for the District, all lands owned by any public entity, including the United States, the State of California, and/or the City, or any departments or political subdivisions of any thereof, shall be omitted from the levy of the special tax to be made to cover the costs and expenses of the Services and any expenses of the District.

10. The Director of Finance of the City is hereby directed to study the proposed Services and to make, or cause to be made, and file with the City Clerk a report required by Section 53321.5 of the Act presenting the following:

(a) A brief description of the Services.

(b) An estimate of the fair and reasonable initial annual cost of providing the Services, including the incidental expenses in connection therewith, any City administration costs and all other related costs.

Said report shall be made a part of the record of the public hearing provided for below. The Director of Finance may delegate to consultants the duty to perform the study and prepare the report.

11. Thursday, November 3, 2022, at 10:00 a.m. or as soon thereafter as the matter may be heard in the regular meeting place of this City Council at 2600 Fresno St, Fresno, CA 93721, or virtually as noticed by the City, are hereby appointed and fixed as the time and place when and where this City Council, as legislative body for the District, will conduct a public hearing on the establishment of the District and consider and finally determine whether the public interest, convenience, and necessity require the formation of the District and the levy of said special tax.

12. The City Clerk is hereby directed to cause notice of said public hearing to be given by publication one time in a newspaper published in the area of the District. The publication of said notice shall be completed at least seven (7) days before the date herein set for said hearing. The notice shall be substantially in the form of Exhibit D hereto.

13. This Resolution shall take effect immediately upon its adoption.

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

I, TODD STERMER, 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 _____ 2022.

AYES :
NOES :
ABSENT :
ABSTAIN :

TODD STERMER, CMC
City Clerk

By: _____
Deputy Date

APPROVED AS TO FORM:
RINA M. GONZALES
Interim City Attorney

By: _____
Taylor W. Rhoan Date
Deputy City Attorney

Attachments:

- Exhibit A: Proposed Boundaries of the District
- Exhibit B: Description of Services
- Exhibit C: Rate and Method of Apportionment of Special Tax
- Exhibit D: Notice of Public Hearing