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Agenda Date: 9/30/2020

2020 SEP 30 P 1:47

CITY OF FRESNO
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FRESNO CITY COUNCIL



Information Packet

ITEM(S)

File ID 20-001318 – Take one of the following Actions Related to Formation of Fresno Enhanced Infrastructure Financing District, as applicable, pursuant to California Government Code Sections 53398.50 through 53398.88 (EIFD Law):

- a. Terminate the proceeding; or
- b. Call a protest election; or
- c. Adopt a resolution and ordinance to adopt the Infrastructure Financing Plan and to form the Fresno Enhanced Infrastructure Financing District.

Contents of Supplement: Ordinance and Resolution

Item(s)

Supplemental Information:

Any agenda related public documents received and distributed to a majority of the City Council after the Agenda Packet is printed are included in Supplemental Packets. Supplemental Packets are produced as needed. The Supplemental Packet is available for public inspection in the City Clerk's Office, 2600 Fresno Street, during normal business hours (main location pursuant to the Brown Act, G.C. 54957.5(2)). In addition, Supplemental Packets are available for public review at the City Council meeting in the City Council Chambers, 2600 Fresno Street. Supplemental Packets are also available on-line on the City Clerk's website.

Americans with Disabilities Act (ADA):

The meeting room is accessible to the physically disabled, and the services of a translator can be made available. Requests for additional accommodations for the disabled, sign language interpreters, assistive listening devices, or translators should be made one week prior to the meeting. Please call City Clerk's Office at 621-7650. Please keep the doorways, aisles and wheelchair seating areas open and accessible. If you need assistance with seating because of a disability, please see Security.

ORDINANCE NO. EIFD- 2020-1
RESOLUTION NO. EIFD -2020 _____

AN ORDINANCE AND RESOLUTION OF THE PUBLIC FINANCING AUTHORITY FOR THE FRESNO ENHANCED INFRASTRUCTURE FINANCING DISTRICT APPROVING THE INFRASTRUCTURE FINANCING PLAN FOR THE FRESNO ENHANCED INFRASTRUCTURE FINANCING DISTRICT AND FORMING THE FRESNO ENHANCED INFRASTRUCTURE FINANCING DISTRICT TO FINANCE THE CONSTRUCTION AND/OR ACQUISITION AND/OR MAINTENANCE OF CAPITAL IMPROVEMENTS

WHEREAS, pursuant to Chapter 2.99 of Part 1 of Division 2 of Title 5 of the California Government Code (commencing with Section 53398.50) (the EIFD Law), the City Council of the City of Fresno (Council) formed a Public Financing Authority (Authority); and

WHEREAS, the Authority has prepared the Infrastructure Financing Plan (IFP) which is attached hereto as Exhibit "A"; and

WHEREAS, the IFP was sent to the Council, the City Planning Commission, to all land owners in the proposed district and to all affected taxing entities pursuant to EIFD Law; and

WHEREAS, the Council, on September 17, 2020, by Resolution No. 2020-239, approved the IFP; and

WHEREAS, three public hearings on the IFP were duly noticed and held on May 26, 2020, July 30, 2020, and August 31, 2020, in accordance with Government Code Section 53398.66; and

WHEREAS, the Authority has heard and passed upon written and oral objections, if any, and has considered the recommendations, if any, of affected taxing agencies and testimony for and against the adoption of the plan.

1 of 4

Date Adopted:

Date Approved

Effective Date:

City Attorney Approval: _____

Ordinance No.

NOW, THEREFORE, THE PUBLIC FINANCING AUTHORITY FOR THE FRESNO ENHANCED INFRASTRUCTURE FINANCING DISTRICT DOES HEREBY ORDAIN AS FOLLOWS:

1. **Adoption of Infrastructure Financing Plan.** The Infrastructure Financing Plan for the Fresno Enhanced Infrastructure Financing District attached hereto as Exhibit “A” is hereby adopted.

2. **Formation of Fresno Enhanced Infrastructure Financing District.** The Fresno Enhanced Infrastructure Financing District is hereby formed.

3. **Environmental Determination.** The Infrastructure Financing Plan for the Fresno Enhanced Infrastructure Financing District is exempt from the California Environmental Quality Act (15378(b)(4)) because a “Project” does not include government funding mechanisms and also (15061(b)(3)) because CEQA does not apply where it can be determined with certainty that there is no possibility that there will be a significant effect on the environment and that no additional environmental review is required.

4. **Ordinance to Serve as a Resolution.** In accordance with the authority provided by Government Code Section 53398.69(a)(1) this ordinance shall also be given effect as a resolution approving the Infrastructure Financing Plan for the Fresno Enhanced Infrastructure Financing District.

5. **Severability.** If any provision of this ordinance is found to be unconstitutional or otherwise invalid by any court of competent jurisdiction, that invalidity shall not affect the remaining provisions of this ordinance which can be implemented without the invalid provisions, and to this end, the provisions of this ordinance are declared to be severable. The Public Financing Agency declares that it would have adopted this ordinance and each provision thereof irrespective of whether any one or more provisions are found invalid, unconstitutional or otherwise unenforceable.

6. **Effective Date.** This Ordinance shall become effective 31 days following its enactment and shall be subject to referendum as prescribed by law.

7. **Certification.** The Chairperson shall sign and the Authority Secretary shall certify to the passage and adoption of this Ordinance and shall cause the same to be published and posted pursuant to the provisions of law in that regard.

APPROVED, AND ADOPTED this **day** of October, **2020**.

Chairperson, Fresno Public Financing Authority

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 Fresno Public Financing Authority of the City of Fresno, at a regular meeting held on the _____ day of _____ 2020.

AYES :
NOES :
ABSENT :
ABSTAIN :

ATTEST:
YVONNE SPENCE, MMC CRM
City Clerk

BY: _____
Deputy Date

APPROVED AS TO FORM:
DOUGLAS T. SLOAN,
City Attorney

BY: _____
Raj Singh Badhesha Date
Supervising Deputy City Attorney