

RESOLUTION NO. 2007 - 253



A RESOLUTION OF THE COUNCIL OF THE CITY OF
FRESNO CALLING SPECIAL MAILED-BALLOT ELECTION
FOR ANNEXATION NO. 81 (TRACT 5258) AND
ANNEXATION NO. 82 (TRACT 5295) OF
COMMUNITY FACILITIES DISTRICT NO. 2

WHEREAS, on June 12, 2007, the Council of the City of Fresno adopted its Resolution of Consideration to change the special tax for Annexations No. 81 (Tract 5258) and No. 82 (Tract 5295) of City of Fresno Community Facilities District No. 2 ("CFD No. 2") and to authorize the levy of the changed special tax. (Resolution of Consideration); and

WHEREAS, the Resolution of Consideration identified changes to the rate and method of apportioning the special tax and established a new maximum special tax and appropriations limit for Annexations No. 81 and No. 82 of CFD No. 2 and provided an estimate reflective of the changed costs of providing those services; and

WHEREAS, the Resolution of Consideration contemplates the changed special tax being imposed upon those properties for said services within Annexations No. 81 and No. 82 of CFD No. 2; and

WHEREAS, a report has been filed with the City Clerk of the City of Fresno that describes the proposed rate and method or apportionment of the changed special tax among the parcels of real property within Annexations No. 81 and No. 82 of CFD No. 2 in sufficient detail to allow all interested parties to estimate the maximum amount each property owner must pay; and

WHEREAS, the levy of said changed special tax shall be subject to the approval of the qualified electors of the territory within Annexations No. 81 (Tr 5258) and No. 82 (Tr 5295) of

Adopted _____
Approved _____
Effective 7-24-07



CFD No. 2 at a special election.

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

1. The levy of the changed special tax proposed in the Resolution of Consideration shall be submitted to the voters pursuant to the Mello-Roos Community Facilities Act of 1982, Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (Act).

2. The setting of the amended appropriations limit shall be submitted to the voters pursuant to the Act.

3. The two ballot items described above shall be combined into a single ballot measure pursuant to Government Code Section 53353.5. The ballot language shall be as shown on the ballot form attached as Exhibit "A," which ballot form is hereby approved.

4. This Council hereby accepts the Certificate of the Public Works Director heretofore filed in these proceedings and finds, in accordance therewith, that there presently are more than 12 registered voters residing within the boundaries of Annexations No. 81 and No. 82 of CFD No. 2 . Accordingly, under the Act, the voters in this election shall be the registered voters residing within Annexations No. 81 and No. 82 of CFD No. 2.

5. The Council further finds that the registered voters within Annexations No. 81 and No. 82 of CFD No. 2 are those set forth in the attachment to the Certificate of the Public Works Director and that the attachment correctly sets forth that each registered voter is entitled to one (1) vote.

6. This Council approves the form, attached as Exhibit "B," entitled Waiver and Consent Shortening Time Periods for Conducting Mailed-Ballot Election in the CFD No. 2,



Annexations No. 81 and No. 82, City of Fresno, County of Fresno, State of California. This Council finds that the time periods therein waived are solely for the protection of the voters, may be waived under the Act and that the waiver constitutes a full and knowing waiver by any voter who has executed the form of these time periods.

7. Accordingly, this Council calls the special election described herein and sets October 23, 2007 as election day. Pursuant to the Act the election shall be conducted by mailed ballot.

8. The City Clerk is directed to mail or to deliver the ballots, in the form of Exhibit "A" hereto, along with required materials, supplies and instructions to the registered voters shown on the attachment to the Certificate of the Public Works Director. The City Clerk shall fill in the names of the registered voters and the number of votes to be cast on each ballot, according to the Certificate of the Public Works Director, before delivery or mailing.

9. The City Clerk shall accept personal or mail delivery of the ballots at any time up to 10:00 a.m. on October 23, 2007. Upon receipt of all eligible ballots, however, the City Clerk shall immediately close the election and declare the results to the City Council.

Attachments:

- Exhibit A - Special Election Ballot
- Exhibit B - Waiver and Consent From Registered Voter



CLERK'S CERTIFICATION

STATE OF CALIFORNIA)
COUNTY OF FRESNO)
CITY OF FRESNO)

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Resolution was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 24th day of July, 2007.

AYES: Calhoun, Dages, Duncan, Westerlund, Xiong, Perea
NOES: None
ABSTAIN: None
ABSENT: Sterling

REBECCA E. KLISCH
City Clerk

BY: Rebecca E Klisch

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: R
Deputy Robert Coyle
Date: July 09, 2007

EXHIBIT "A"

**SPECIAL ELECTION BALLOT
(Mailed-Ballot Election)
Community Facilities District No. 2
Annexation No. 81 and Annexation No. 82
Tracts 5258 and 5295**



This ballot is for the use of the registered voter (listed below) within Community Facilities District No. 2, Annexations No. 81 and 82, City of Fresno, County of Fresno, State of California.

{Name}
{Address}
Fresno, CA 93727

As the named registered voter, you are entitled to cast one vote on this ballot, as provided in the Mello-Roos Community Facilities Act of 1982, and adopted resolutions of the City Council of the City of Fresno.

For your vote to count, you must certify the ballot and waiver below and return it, either by mail or in person, before 10:00 a.m. on October 23, 2007, to Rebecca E. Klisch, City Clerk, City of Fresno, 2600 Fresno Street, Room 2133, Fresno, CA 93721. ***Mailing by October 23, 2007, will not be sufficient. To count your vote, the City Clerk must physically receive the ballot before the deadline stated.***

AN "X" OR OTHER MARK WILL CAST THE VOTE ASSIGNED TO THIS BALLOT.

BALLOT MEASURE

Shall the City Council of Fresno (the "City") be authorized to reduce the Maximum Special Tax from the current level of \$1,422.97 per lot per year to \$1,061.17 per lot per year to finance authorized services costs and expenses by and through its Community Facilities District No. 2 all as specified in its Resolution No. 2007-203; and shall the Appropriations Limit for Annexation No. 81 and Annexation No. 82 of Community Facilities District No. 2 be amended in accordance therewith?

Vote YES _____

Vote NO _____

I declare under penalty of perjury under the laws of the State of California that I am the registered voter named above and on the identification envelope, that I reside within Annexation No. 81 or Annexation No. 82 of Community Facilities District No. 2, am rightfully entitled to cast this ballot, and have executed this declaration at Fresno, CA on _____, 2007.

Sign name

Print Name



EXHIBIT "B"

**WAIVER AND CONSENT FROM REGISTERED VOTER
SHORTENING TIME PERIODS
FOR CONDUCTING MAILED-BALLOT ELECTION**

**Community Facilities District No. 2
Annexation No. 81 and Annexation No. 82**

The undersigned is the person legally entitled and authorized to cast the ballot as a registered voter residing within the territory of Tract 5258 or 5295 in this mailed-ballot election to be conducted within Community Facilities District No. 2, Annexation No. 81 and Annexation No. 82, to determine whether to approve amending the special tax, authorize its levy, and amend the appropriations limit.

{Name}
{Address}
Fresno, CA 93727

The undersigned hereby waives any and all minimum time periods relative to the election pursuant to Government Code Section 53326(a).

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 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 in Fresno, CA on _____, 2007.

Sign Name

Print Name