ORDINANCE NO. 2010-24

AN ORDINANCE OF THE CITY OF FRESNO, CALIFORNIA, AUTHORIZING THE LEVY AND COLLECTION OF A PROPERTY TAX ON TAXABLE PROPERTY IN THE CITY OF FRESNO FOR PARTIAL FUNDING OF THE FRESNO FIRE AND POLICE RETIREMENT SYSTEM AND THE FRESNO CITY EMPLOYEES' RETIREMENT SYSTEM FOR THE FISCAL YEAR BEGINNING JULY 1, 2010

THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

WHEREAS, Section 96.31 of the Revenue and Taxation Code, a statute enacted prior to August 1, 1985, authorized a local agency to impose a property tax rate to make payments in support of pension programs approved by the voters before July 1, 1978, provided the local agency imposed the property tax rate in the 1982-83 or 1983-84 fiscal year; and

WHEREAS, the Fire and Police Retirement System and the Employees' Retirement System are pension programs approved by the voters before July 1, 1978; and

WHEREAS, the Council duly adopted Ordinance 83-116 on August 16, 1983, authorizing the levy and collection of a property tax fixed, designated and levied as retirement funds at the rate of .032438 per $100.00 of gross assessed valuation for the 1983-84 fiscal year; and

WHEREAS, the Superior Court of the State of California validated said tax in Action No. 300260-7 (City of Fresno versus Superior Court (1984) 156 Cal.App.3d 1137); and

WHEREAS, pursuant to Section 7-201 of the Fresno Municipal Code the County of Fresno is authorized to assess, equalize, levy and collect ad valorem taxes on taxable property within the City of Fresno.

NOW, THEREFORE, THE COUNCIL OF THE CITY OF FRESNO DOES ORDAIN AS FOLLOWS:

SECTION 1. The County of Fresno is hereby instructed to levy upon the taxable property of the City of Fresno for the fiscal year beginning July 1, 2010, a property tax which is fixed, designated, and levied as follows:

FIRE AND POLICE RETIREMENT FUNDS AND EMPLOYEES' RETIREMENT FUNDS

SECTION 2. The tax shall be levied at a rate of .032438 per $100.00 of gross assessed valuation.

SECTION 3. The tax shall be levied and collected pursuant to Section 7-201 of the Fresno Municipal Code.

Adopted 06-25-10
Approved 07-01-10
Effective See Section 5

2010-24

SECTION 4. The City Controller is authorized and directed to apply the tax proceeds produced by this ordinance only toward indebtedness incurred by the City in maintaining the level of retirement benefits that existed under the Fire and Police Retirement System and the Employees' Retirement System at the time of adoption of the Charter by the electorate of this City in 1957, for all current and future employees, consistent with the decision, holding, findings and final determination of the courts in this action referenced above.

SECTION 5. This ordinance constitutes an ordinance providing for a tax levy on property and may be adopted on the day of its introduction, and shall be effective upon adoption pursuant to Sections 600(b) and 610(b) of the Charter of the City of Fresno.

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CLERK'S CERTIFICATION

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

I, REBECCA E. KLISCH, City Clerk of the City of Fresno, certify that the foregoing Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting held on the 25th day of June 2010.

AYES: Borgeas, Brand, Dages, Sterling, Westerlund
NOES: Perea, Xiong
ABSENT: None
ABSTAIN: None

Mayor Approval: July 1, 2010
Mayor Approval/No Return: N/A, 2010
Mayor Veto: N/A, 2010
Council Override Veto: N/A, 2010

REBECCA E. KLISCH
City Clerk

By Rebecca E Klisch

APPROVED AS TO FORM
CITY ATTORNEY'S OFFICE

BY: _____
David P. Hale, Chief Assistant City Attorney

June 25, 2010

Council Adoption: 06/25/10
Mayor Approval:
Mayor Veto:
Override Request:

RECEIVED
2010 JUN 31 PM 2:35
CITY CLERK, FRESNO CA

TO: MAYOR ASHLEY SWEARENGIN

FROM: REBECCA E. KLISCH, CMC
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 6/25/10, Council adopted the attached Ordinance No. 2010-24 entitled **Property Tax Override ordinance beginning July 1, 2010** , Item No. **4**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Sterling, Westerlund
Noes	:	Perea, Xiong
Absent	:	None
Abstain	:	None

Please indicate either your formal approval or veto by completing the following sections and executing and dating your action. Please file the completed memo with the Clerk's office on or before July 6, 2010. In computing the ten day period required by Charter, the first day has been excluded and the tenth day has been included unless the 10th day is a Saturday, Sunday, or holiday, in which case it has also been excluded. Failure to file this memo with the Clerk's office within the required time limit shall constitute approval of the ordinance, resolution or action, and it shall take effect without the Mayor's signed approval.

Thank you.

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APPROVED:

VETOED for the following reasons: (Written objections are required by Charter; attach additional sheets if necessary.)

_____

_____

Ashley Swearengin, Mayor

Date: 7/1/10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:	
Noes	:	
Absent	:	
Abstain	:	