



ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO
PROPOSED AND INITIATED BY _____
MOVED BY Brand SECONDED BY Olivier

BILL NO. B-18

ORDINANCE NO. 2011-17

AN ORDINANCE OF THE COUNCIL OF THE CITY OF FRESNO LEVYING A SPECIAL TAX FOR THE PROPERTY TAX YEAR 2011-2012 AND FUTURE TAX YEARS WITHIN AND RELATING TO COMMUNITY FACILITIES DISTRICT NO. 11, ANNEXATION NO. 42 CITY OF FRESNO, CALIFORNIA

WHEREAS, on May 26, 2011, the Council adopted Council Resolution No. 2011 - 98, a resolution of the Council of the City of Fresno annexing territory to Community Facilities District No. 11 (Annexation No. 42), authorizing the levy of a special tax therein to pay for certain facilities and services to Annexation No. 42, and preliminarily establishing an appropriations limit therefore (Annexation 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. 2011 - 99, the Council called a special election on the proposition on levying a special tax and establishing an appropriations limit within Annexation No. 42; and

WHEREAS, on May 26, 2011, an election was held within Annexation No. 42 and, as required by the Act to pass, more than two-thirds of the votes cast, approved the propositions.

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

1. Pursuant to City Law, and in accordance with the Rate and Method of Apportionment of Special Tax as shown in Exhibit "B" to the Annexation Resolution, a special tax is hereby authorized and levied on all taxable parcels within Annexation No. 42 for the 2011-2012 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 Annexation Resolution. By a

Adopted 5-26-11
Approved 6-7-11
Effective 6-7-11

2011-17



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 Annexation No. 42 shall not exceed the maximum tax specified in Exhibit "B" to the Annexation 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 Annexation 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 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 Annexation 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 City Law.

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 Fresno 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 Section 610.

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 Ordinance was adopted by the Council of the City of Fresno, California, at a regular meeting thereof, held on the 28th day of May, 2011.

AYES: Baines, Olivier, Quintero, Westerlund, Xiong, Brand

NOES: None

ABSTAIN: None

ABSENT: Borgeas

Mayor Approval: _____ N/A _____, 2011

Mayor Approval/No Return: _____ June 7 _____, 2011

Mayor Veto: _____ N/A _____, 2011

Council Override Vote: _____ N/A _____, 2011

REBECCA E. KLISCH
City Clerk

BY: Rebecca E. Klisch

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Mark Gleason
Mark Gleason, Deputy



NO RETURN

May 27, 2011

Council Adoption: 05/26/11
Mayor Approval:
Mayor Veto:
Override Request:

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 05/26/11, Council adopted the attached Ordinance No. 2011-17 entitled **Levying special tax re: CFD No. 11, Annexation No. 42**, Item No. **10:00 a.m. - d**, by the following vote:

Ayes : Baines, Olivier, Quintero, Westerlund, Xiong, Brand
Noes : None
Absent : Borgeas
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 June 6, 2011. 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.

APPROVED:

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

Ashley Swearingin, Mayor

Date: _____

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes :
Noes :
Absent :
Abstain :