



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

BILL NO. B-44

ORDINANCE NO. 2010-45

AN ORDINANCE OF THE COUNCIL OF THE CITY OF
FRESNO LEVYING A SPECIAL TAX FOR THE PROPERTY
TAX YEAR 2010-2011 AND FUTURE TAX YEARS WITHIN
AND RELATING TO COMMUNITY FACILITIES DISTRICT NO.
2, ANNEXATION NO. 135 CITY OF FRESNO, CALIFORNIA

WHEREAS, on November 4, 2010, the Council adopted Council Resolution No. 2010- 249, a resolution of the Council of the City of Fresno annexing territory to Community Facilities District No. 2 (Annexation No. 135), authorizing the levy of a special tax therein to pay for certain facilities and services to Annexation No. 135, and preliminarily establishing an appropriations limit therefor (Annexation Resolution), pursuant to the Mello-Roos Community Facilities Act of 1982 (Act); and

WHEREAS, by Council Resolution No. 2010- 250, the Council called a special election on the proposition on levying a special tax and establishing an appropriations limit within Annexation No. 135; and

WHEREAS, on November 4, 2010, an election was held within Annexation No. 135 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 Government Code Sections 53328 and 53340, 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. 135 for the 2010-2011 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 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. 135 shall not exceed the maximum tax specified in Exhibit "B" to the Annexation Resolution.

Adopted 11-4-10
Approved 11-15-10
Effective 11-15-10

2010-45



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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 Government Code Section 53340, 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 Government Code Section 53340.2.

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.



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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 4th day of November, 2010.

AYES: Borgeas, Brand, Dages, Sterling, Xiong, Westerlund

NOES: None

ABSTAIN: None

ABSENT: Perea

Mayor Approval: _____ November 15, 2010

Mayor Approval/No Return: _____ N/A, 2010

Mayor Veto: _____ N/A, 2010

Council Override Vote: _____ N/A, 2010

REBECCA E. KLISCH
City Clerk

APPROVED AS TO FORM:
CITY ATTORNEY'S OFFICE

BY: Mark J. Gleason
Mark J. Gleason, Deputy

BY: Rebecca E. Klisch



November 5, 2010

Council Adoption: 11/14/10
Mayor Approval:
Mayor Veto:
Override Request:

TO: MAYOR ASHLEY SWEARENGIN
FROM: REBECCA E. KLISCH, CMC *R&K*
City Clerk

SUBJECT: TRANSMITTAL OF COUNCIL ACTION FOR APPROVAL OR VETO

At the Council meeting of 11/04/10, Council adopted the attached Ordinance No. 2010-45 entitled **Levying special tax re: CFD No. 2, annexation No. 135**, Item No. **10:00 A.M. d**, by the following vote:

Ayes	:	Borgeas, Brand, Dages, Sterling, Xiong, Westerlund
Noes	:	None
Absent	:	Perea
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 November 15, 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.

APPROVED:

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

Ashley Swearengin
Ashley Swearengin, Mayor

Date: 11.15.10

COUNCIL OVERRIDE ACTION:

Date: _____

Ayes	:
Noes	:
Absent	:
Abstain	: