

# THE BUSINESS JOURNAL

FRESNO | KINGS | MADERA | TULARE

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Fresno, CA 93707  
Telephone (559) 490-3400

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CLERK. BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

### SUMMARY OF PROPOSED ORDINANCE

The ordinance levies a special tax within CFD No. 2006-1 of the County of Fresno, Annexation Territory No. 10A

Date and Time of Consideration:

June 18, 2019 at 9:00 am

### DECLARATION OF PUBLICATION (2015.5 C.C.P.)

MISC. NOTICE

PUBLICATION OF SUMMARY OF PROPOSED ORDINANCE  
BOARD OF SUPERVISORS  
COUNTY OF FRESNO

The Fresno County Board of Supervisors is giving notice that at their regularly scheduled meeting on June 18, 2019 at 9:00 a.m., or as soon thereafter as the matter may be heard, at the Fresno County Hall of Records, Board of Supervisors Chambers, 3rd Floor, 2281 Tulare Street, Fresno, California, they will consider adoption of the ordinance summarized below.

SUMMARY OF PROPOSED ORDINANCE

The ordinance levies a special tax within Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, Annexation Territory No. 10A (which includes Tentative Tract Map No. 6189, Tentative Tract Map No. 6226, Tentative Tract Map No. 4976, Tentative Tract Map No. 5430, Tentative Tract Map No. 4934, and Assessor's Parcel Numbers 300-542-16S, 300-542-17S, 300-542-18S, 300-542-39, 300-542-40, 300-542-41, 300-542-48, 300-340-13S, 300-542-03, 300-350-28S, 300-542-15S, 300-542-32, 300-542-33, 300-542-52, 300-340-60S, and 300-542-51) beginning in County Fiscal Year 2019-20 (Cal. Gov. Code, secs. 53339.8, 53340). The special tax will annually pay for the cost of County Sheriff "police protection services" within Annexation Territory No. 10A, and certain related administrative costs of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno. The initial maximum special tax rates for the District are:

Land Use Class Description, Maximum Special Tax Per Unit

- 1. Residential Property, \$714.77 per unit
- 2. Multi-Family Property, \$537.67 per unit

The maximum special tax rates may be later increased, including for County Fiscal Year 2019-20, in accordance with this Ordinance.

The full text of this Ordinance will be available online at the Board of Supervisors webpage, <https://fresnocountylegistar.com/Calendar.aspx> under the Agenda and Supporting Documents link at the June 18, 2019 meeting date or at the Clerk of the Board of Supervisors' office at 2281 Tulare Street, Room 301, Fresno, California.

Bernice E. Seidel  
Clerk, Board of Supervisors  
06/07/2019

STATE OF CALIFORNIA

COUNTY OF FRESNO

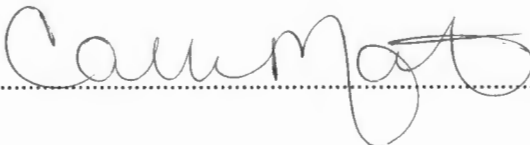
I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

JUNE 7, 2019

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

JUNE 7, 2019

ON .....



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**RECEIVED**  
MAY 30 2019

CLERK. BOARD OF SUPERVISORS

IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

NOTICE OF PUBLIC HEARING FOR ANNEXATION  
TERRITORY NO. 10A OF COMMUNITY FACILITIES  
DISTRICT NO. 2006-01

DATE AND TIME OF PUBLIC  
HEARING:  
JUNE 4, 2019 AT 9:00 AM

**DECLARATION OF PUBLICATION  
(2015.5 C.C.P.)**

MISC. NOTICE

**NOTICE OF PUBLIC HEARING FOR ANNEXATION TERRITORY NO. 10A OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO**

Notice is hereby given that at 9:00 A.M. on June 4, 2019, or as soon thereafter as practicable, at the Fresno County Hall of Records, 2281 Tulare Street, 3rd Floor, Fresno, California 93721, the Board of Supervisors of the County of Fresno (the "Board") will hold a public hearing (the "Public Hearing") on the proposed annexation of Annexation Territory No. 10A (the "Annexation Territory") to the existing Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno (the "District"), the proposed rate and method of apportionment of the special tax, discussed below, (the "Special Tax") for the proposed Annexation Territory to be levied on certain property within the proposed Annexation Territory, and other related matters. The Special Tax shall be upon Single-Family Residential Property and upon Multi-Family Property within the proposed Annexation Territory. The territory in the proposed Annexation Territory will include the following:

1. 3B Development Inc., a California Corporation for Tract No. 6189 situated in the Millerton Specific Plan area, located in the unincorporated area of the County
2. Ashlan & Hayes Investments LLC, a Limited Liability Company for all those certain parcels identified by Assessor's Parcel Numbers: 300-542-16S, 300-542-17S, 300-542-18S, 300-542-39, 300-542-40, 300-542-41, and 300-542-48 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
3. Assemi Group Inc., a California Corporation for Tract No. 6226 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.
4. Grantor Real Estate Investments LLC, a Limited Liability Company for Tract No. 4976 and all those certain parcels identified by Assessor's Parcel Numbers: 300-340-13S and 300-542-03 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.

5. Locans Investments LLC, a Limited Liability Company for all those certain parcels identified by Assessor's Parcel Numbers: 300-350-28S, 300-542-15S, 300-542-32, 300-542-33, and 300-542-52 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.

6. Millerton Investments LLC, a Limited Liability Company for Tract No. 5430 and all those certain parcels identified by Assessor's Parcel Numbers: 300-340-60S and 300-542-51 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.

7. WC Millerton Developers Inc., a California Corporation for Tract No. 4934 situated in the Millerton Specific Plan area, located in the unincorporated area of the County.

On April 23, 2019, the Board adopted a resolution entitled "Resolution of the Board of Supervisors of the County of Fresno, California, Declaring its Intention to Annex Territory to Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, to Authorize the Levy of a Special Tax Therein to Finance Certain Services, and to Include Such Annexation Territory in the District for Purposes of the Appropriations Limit of the District" (the "Resolution of Intention to Annex Territory") stating its intention to annex the proposed Annexation Territory to the District pursuant to the Mello-Roos Community Facilities Act of 1982 commencing with Section 53311 of the California Government Code (the "Act") and to levy the Special Tax in the territory of the proposed Annexation Territory, which will be secured by a continuing lien on the real property in the territory to be included in the proposed Annexation Territory. A summary of the Resolution of Intention to Annex Territory is set forth below.

At the Public Hearing, (i) protests against the proposals described in the Resolution of Intention to Annex Territory, including, without limitation the proposed annexation of the Annexation Territory to the District, and the proposed levying of the Special Tax within the

STATE OF CALIFORNIA

COUNTY OF FRESNO

I am a citizen of the United States and a resident of the County aforesaid; I am over the age of eighteen years, and not a party to or interested in the above entitled matter. I am the principal clerk of **THE BUSINESS JOURNAL** published in the city of Fresno, County of Fresno, State of California, Monday, Wednesday, Friday, and which newspaper has been adjudged a newspaper of general circulation by the Superior Court of the County of Fresno, State of California, under the date of March 4, 1911, in Action No.14315; that the notice of which the annexed is a printed copy, has been published in each regular and entire issue of said newspaper and not in any supplement thereof on the following dates, to wit:

MAY 27, 2019

I declare under penalty of perjury that the foregoing is true and correct and that this declaration was executed at Fresno, California,

MAY 27, 2019

ON .....

proposed Annexation Territory, may be made orally or in writing by any interested persons or taxpayer to this Board, and (ii) the testimony of all interested persons for and against any or all of such matters, will be heard by this Board.

As provided, in relevant part, by section 53339.6 of the Act, if fifty percent (50%) or more of the registered voters, or six registered voters, whichever is more, residing within the District, or if the owners of one-half (1/2) or more of the area of land in the territory included in the District, or if the owners of one-half (1/2) or more of the area of land in the proposed Annexation Territory, file written protests against the proposed annexation of Annexation Territory to the District, and protests are not withdrawn so as to reduce the protests to less than a majority (in either case, a "Majority Protest"), no further proceedings shall be undertaken for a period of one (1) year from the date of decision of this Board on the issues discussed at the Public Hearing.

If, following the Public Hearing, above, there is no Majority Protest against the proposed annexation of the Annexation Territory to the District, the Board, pursuant to the Act, including without limitation, sections 53339.7 of the Act, at a special election, may submit to the qualified electors of the proposed Annexation Territory subject to such levy the questions of (i) the levy of the Special Tax within the proposed Annexation Territory, and (ii) whether the annual appropriations limit of the District, as defined in Article XIII B, section 8(h) of the California Constitution (the "Appropriations Limit"), as provided in section 53325.7 of the Act, should include the proposed Annexation Territory.

The qualified electors of the proposed Annexation Territory will be landowners, as stated further below.

The vote of the combined questions (also called "propositions"), above, shall be by the landowners (or their respective authorized representatives acting on their behalf and in their places) who are the owners of record at the close of the Public Hearing of the lands in the proposed Annexation Territory that are not exempt from the Special Tax, with each of such landowners (or their respective authorized representatives acting on their behalf and in their places) having one (1) vote for each acre or portion of an acre of such land(s) that each such landowner owns within the proposed Annexation Territory. Ballots for the special election may be served upon the landowners (or their authorized representatives) at the Board, immediately following the Public Hearing, or distributed by mail with return postage prepaid. The County desires that such election shall be conducted immediately following the Public Hearing.

The question for the Appropriations Limit with regard to the proposed Annexation Territory, above, shall become effective immediately for, and include, the proposed Annexation Territory if approved by the qualified electors voting thereon and shall be adjusted in accordance with applicable provisions of the Act and the California Constitution.

The approval for the levy of the Special Tax shall be deemed to be given if two-thirds (2/3) of the votes cast by qualified electors upon the proposition of levying the Special Tax in the proposed Annexation Territory are in favor of levying the Special Tax.

After the canvass of returns of the special election, above, if this Board determines that two-thirds (2/3) of the votes cast by qualified electors upon the proposition of levying the Special Tax in the proposed Annexation Territory are in favor of levying the Special Tax, this Board shall determine that the proposed Annexation Territory is added to and part of the District with full legal effect, and this Board may levy the Special Tax (commencing County fiscal year 2019-20) within the Annexation Territory, as specified in the Resolution of Intention to Annex Territory, and as authorized by section 53339.8 of the Act.

The complete text of the Resolution of Intention to Annex Territory, the proposed rate and method of apportionment of the Special Tax among parcels of real property in the proposed Annexation Territory, and the boundary map of the proposed Annexation Territory are on file in the office of the Clerk to the Board, and are available for public inspection during normal office hours.

If you have any questions, please call the Office of the Clerk to the Board of Supervisors at (559) 600-3529, or Mohammad Alimi, Ph.D. P.E., Design Engineer, Design Division, Department of Public Works and Planning, at (559) 600-4505.

Dated: May 15, 2019

This is a summary of the Resolution of Intention to Annex Territory:

#### Definitions

"Act" means the Mello-Roos Community Facilities Act of 1982.

"Agreement" means an agreement between County and Landowner/Developer.

"Annexation" means the land within the Project Territory.

"Board" means the Board of Supervisors of the County of Fresno.

"County" means the County of Fresno.

"District" means Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno.

"Landowners/Developers" means 3B Development Inc., a California Corporation; Ashlan & Hayes Investments LLC, a Limited Liability Company; Assemi

Group Inc., a California Corporation; Grantor Real Estate Investments LLC, a Limited Liability Company; Locans Investments LLC, a Limited Liability Company; Millerton Investments LLC, a Limited Liability Company; and WC Millerton Developers Inc., a California Corporation.

"Project Territory" means Tract 6189, Tract 6226, Tract 4976, Tract 5430, Tract 4934, and Assessor's Parcel Numbers; 300-542-16S, 300-542-17S, 300-542-18S, 300-542-39, 300-542-40, 300-542-41, 300-542-48, 300-340-13S, 300-542-03, 300-350-28S, 300-542-15S, 300-542-32, 300-542-33, 300-542-52, 300-340-60S, and 300-542-51

#### Resolutions, Orders, and Findings of the Board

1. **Recitals.** The Board found that all of the foregoing recitals are true and correct.
2. **Petition.** The Board found that the Landowners, collectively, own one hundred percent (100%) of the proposed Annexation Territory, and that the petitions in each of the Agreements, taken together, are signed by the requisite number of owners of land proposed to be annexed to the proposed District.
3. **Authority.** The Board proposed to conduct proceedings to annex the proposed Annexation Territory to the District pursuant to the Act.
4. **Name of the District and designation of proposed Annexation Territory.** The name of the District is Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno. The territory included in the District generally is described in Exhibit "C". The designation of the proposed Annexation Territory is "Annexation Map No. 10A of Community Facilities District No. 2006-01 (Police Protection Services), County of Fresno, California."
5. **Intention to Annex.** The Board found that public convenience and necessity require that the proposed Annexation Territory be added to the District and declared its intention to do so.
6. **Boundaries described.** The exterior boundaries of the territory proposed for annexation to the District is as shown on the map of the proposed Annexation Territory on file with the Clerk to this Board (and as described in Exhibit "A" to this Resolution).
7. **Services.** The type of services proposed to be financed by the District in the proposed Annexation Territory and pursuant to the Act shall consist of the following services (collectively, the "Services"): The County Sheriff's Office provision of police protection services, which includes County sworn officers providing police protection services, and all related facilities, equipment, vehicles, and supplies for all

such services. Individual sworn officers providing such police protection services, and related facilities, equipment, vehicles, and supplies for all such services, need not be specifically dedicated to the provision of such services within the territory of the proposed District. The staffing of such sworn officers may be calculated and accounted for on the basis of full-time equivalency of a sworn officer or officers. Any or all of the Services may be of the same type of police protection services provided by the County within the District.

**8. Increased demands.** The Board determined that the Services are necessary to meet increased demands due to new development and, the Services will not supplant any services already available within the proposed Annexation Territory.

**9. The plan for sharing Services.** Subject to section 7 and section 10 of the Resolution, (i) the County, through the County Sheriff, plans to share the provision of Services within the District and the proposed Annexation Territory so that the Services will be provided, to the extent reasonably possible, in common within the District and the proposed Annexation Territory, and (ii) the County, through the County Sheriff, reserves the absolute right, in the County Sheriff's discretion, to cause the provision of Services within the District, including the proposed Annexation Territory, in such manner, places and times as the County Sheriff shall deem appropriate under the circumstances.

**10. Special tax.** Commencing County fiscal year 2019-20, except where funds are otherwise available to the District (including the proposed Annexation Territory) to pay for the Services, a special tax upon Residential Property and upon Multi-Family Property, (as those terms are defined in Exhibit "B," below) (collectively, the "Special Tax") sufficient to pay the costs and expenses of such Services (including the cost and expenses of annually administering the District's (including the proposed Annexation Territory's) provision of such Services, and annual escalation factor for increased costs and expenses of such Services and administrative costs and expenses, as further provided herein), secured by a recordation of a continuing lien against all non-exempt real property in the proposed Annexation Territory, will be annually levied within the territory of the proposed Annexation Territory, and shall be collected in the same manner as ordinary ad valorem property taxes are collected and shall be subject to the same penalties and the same procedure, sale, and lien priority in case of delinquency as is provided for ad valorem taxes; provided, however, the CFD Administrator (as defined in Exhibit "B, below) may directly bill the Special Tax, may collect the Special Tax at a different time or in a different

manner if necessary to meet the financial obligations of the District (including the proposed Annexation Territory) or as otherwise determined appropriate by the CFD Administrator. The proposed rate and method of apportionment of the Special Tax among the parcels of real property located within the territory of the proposed Annexation Territory in sufficient detail to allow each landowner, or resident, within the proposed Annexation Territory to estimate the maximum amount that he or she shall be required to pay annually, are described in the Special Tax Rate and Method of Apportionment, which is set forth in Exhibit "B" to the Resolution.

The Special Tax proposed to pay Services to be provided within the proposed Annexation Territory is equal to the special tax levied to pay for the same type of police protection services provided in the District. There will not be any alteration in the special tax rate (which includes an annual escalation factor for increased costs and expenses of police protection services and administrative costs and expenses) levied within the District as a result of the proposed annexation of the Annexation Territory to the District.

Notwithstanding anything stated to the contrary in this Resolution, this Board acknowledges that the Special Tax provides only partial funding for the police protection services to be provided within the District, including the proposed Annexation Territory.

**11. Exempt property.** All of the real property in the proposed Annexation Territory, unless exempted by law or by the provisions of the Special Tax Rate and Method of Apportionment (Exhibit "B" to the Resolution), shall be taxed for the purposes, to the extent and in the manner provided in the Special Tax Rate and Method of Apportionment.

**12. Proposed accountability measure.** The Board provided proposed accounting requirements for Special Tax proceeds.

**13. Public Hearing.** Tuesday, June 4, 2019, at 9:00 A.M., or as soon as possible thereafter, in the Fresno County Hall of Records, 2281 Tulare Street, 3rd Floor, Fresno, California 93721, is appointed and fixed as the date, time, and place for the public hearing on the proposed annexation of the Annexation Territory to the District. The Board provided procedures for protest of the proposed annexation in compliance with the Act.

**14. Notice of Public Hearing.** The Board directed the Clerk to the Board to cause the notice of the public hearing to be given in compliance with the Act.

**15. Election and voting procedures.** The Board provided election and landowner voting procedures for the annexation in compliance with the Act.

**16. Elections Official.** The Board

designated the Clerk to the Board, or his or her designee, as the Elections Official under the Act, to conduct the special election, to provide all ballots, and to receive all ballots until the close of the special election.

**17. Officers authorized to take further action.** The Board authorized certain County officers to take necessary and proper actions to carry out the intent of the Resolution.

**18. Compliance with law.** The Board determined that all of its findings and actions in the Resolution were made in full compliance with the law. All findings pursuant to the Resolution are final and conclusive.

**19. Effective Date.** The Resolution took effect upon its adoption on April 23, 2019. Exhibit "A" to the Resolution is a map of the proposed Annexation Territory, which is Tract 6189, Tract 6226, Tract 4976, Tract 5430, Tract 4934, and Assessor's Parcel Numbers: 300-542-16S, 300-542-17S, 300-542-18S, 300-542-39, 300-542-40, 300-542-41, 300-542-48, 300-340-13S, 300-542-03, 300-350-28S, 300-542-15S, 300-542-32, 300-542-33, 300-542-52, 300-340-60S, and 300-542-51.

Exhibit "B" to the Resolution is the "Special Tax Rate and Method of Apportionment" for the District (including the proposed Annexation Territory). Definitions of words or titles found in Exhibit "B" are as follows:

"CFD Administrator" means an official of the County, or his or her designee (including, but not limited to, County officer(s), employee(s) and third party administrator(s)), responsible for determining the Special Tax Requirement and providing for the levy and collection of the Special Taxes.

"Multi-Family Property" means all Assessor's Parcels of Developed Property within the boundaries of the District for which a building permit has been issued for purposes of constructing a residential structure consisting of two or more residential units that share common walls, including, but not limited to, duplexes, triplexes, townhomes, condominiums, and apartment units.

"Residential Property" means all Assessor's Parcels of Developed Property within the boundaries of the CFD for which a building permit has been issued for purposes of constructing one residential unit.

"Unit" means any residence in which a person or persons may live, and is not considered to be for commercial or industrial use.

Exhibit "B" further provides the Initial Maximum Special Tax Rate Per Unit as follows:

\$714.77/year/unit for Land Use Class 1 (Residential Property)\$537.67/year/unit for Land Use Class 2 (Multi Family Property)

Exhibit "C" generally describes the territory of the existing District as follows:

A. 2006-01 (Timber Ridge subdivision-Tract No. 5485) in the Shaver Lake Forest Specific Plan area (part of the original District);

B. 2006-01 (Countryside Estates subdivision-Tract No. 5504) in the Riverdale Community Plan area (part of the original District);

C. 2006-01-1A (Indian Rock subdivision-Tract No. 5050) in the Shaver Lake Forest Specific Plan area;

D. 2006-01-1A (Quartz Mountain Village subdivision-Tract No. 5276) in the Bretz Mountain Village Specific Plan area;

E. 2006-01-1A (Red Hawk subdivision-Tract No. 5126) in the unincorporated County area east of the Cities of Fresno and Clovis;

F. 2006-01-1A (Country Meadow subdivision-Tract No. 5397) in the area of the Riverdale Community;

G. 2006-01-2A (Wildflower Village VII subdivision-Tract 5737) in the Wildflower Village Specific Plan Area;

H. 2006-01-2A (Granite Crest-Tract 4870) in the Millerton Specific Plan Area.

I. 2006-01-1B (Gold Leaf Ranch-Tract 5401) in the Caruthers Community Area.

J. 2006-01-3A (Tract 5334) located northwest of Shields and Greenwood Avenues, East of the City of Fresno

K. 2006-01-7A (Tract 5305) located Southwest of State Hwy 168 and Woody Lane, South of the Town of Shaver Lake.

L. 2006-01-7A (Tract 5990) located West of State Hwy 168 and Bretz Mill Rd., South of the Town of Shaver Lake.

M. 2006-01-7A (Tract 5991) located East of State Hwy 168 and Shaver Lake Forest Rd., South of the Town of Shaver Lake.

N. 2006-01-8A (Chelsea Downs-Tract 5955) a subdivision in the unincorporated area of the County of Fresno, north of the City of Fresno, north of the intersection of Auberry Road and Copper Avenue.

O. 2006-01-8B (Tract 5688) a subdivision in the unincorporated area of the County of Fresno, located west of the intersection of State Hwy 168 and Woody Lane, south of the Town of Shaver Lake.

P. 2006-01-9A (Tract 4968) situated in the Millerton Specific Plan Area, Tract 4870 and adjacent territory.

A complete copy of the Resolution summarized above (Item #49, April 23, 2019) is on file with the Clerk to the Board of Supervisors, 2281 Tulare Street, Room 301, Fresno, CA 93721, and is available online at the following: <https://fresnocounty.legistar.com/>.

05/27/2019