

**RESOLUTION NO. 17-418**

**A RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO DECLARING RESULTS OF LANDOWNER SPECIAL ELECTION FOR PROPOSED ANNEXATION TERRITORY FOR COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO, ADDING SUCH ANNEXATION TERRITORY TO SUCH DISTRICT, AND DIRECTING THE RECORDATION OF AN AMENDMENT TO NOTICE OF SPECIAL TAX LIEN**

**WHEREAS**, in connection with the existing Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno (the "District"), on August 8, 2017, the Board of Supervisors of the County of Fresno (this "Board") adopted its Resolution No. 17-385 (the "Resolution of Intention"), 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, pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5 (commencing with Section 53311) of the California Government Code, commonly known as the Mello-Roos Community Facilities Act of 1982 (collectively, the "Act"); and

**WHEREAS**, on September 12, 2017, this Board adopted its Resolution No. 17-417, Resolution of the Board of Supervisors of the County of Fresno Calling a Special Election for a Vote of the Qualified Electors Within a Proposed Annexation Territory of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno, for the Combined Propositions of Levying a Special Tax to Finance Certain Services, and Including Such Annexation Territory in the District for Purposes of the Initial Appropriations Limit (the "Resolution Calling a Landowner Special Election"); and

**WHEREAS**, this Board, following a publicly-noticed protest hearing in which there was no Majority Protest, and all protests were overruled, and pursuant to the provisions of the Resolution Calling a Landowner Special Election and the Act, ordered the special election within the proposed Annexation Territory for the Special Tax Levy and for the Appropriations Limit; and

**WHEREAS**, the provisions of the Resolution of Intention and the Resolution Calling a Landowner Special Election are incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, pursuant to the Resolution Calling a Landowner Special Election, this Board found that the following landowners (each a "Landowner", and collectively the "Landowners") are the only qualified electors within the proposed Annexation Territory for the special election:

1. JPJ Incorporated, a California Corporation, for Tract No. 4968 situated in the Millerton Specific Plan area, Tract 4870, and adjacent territory; and

**WHEREAS**, on September 12, 2017, this Board submitted the combined propositions (also called "questions") of the levy of the Special Tax and whether the Appropriations Limit should include the proposed Annexation Territory, to the

Landowners, as the only qualified electors of the District, as required by the provisions of the Act; and

**WHEREAS**, pursuant to the Resolution Calling a Landowner Special Election, the Clerk to this Board, at the direction of this Board, held the special election of the qualified electors of the District, as a landowner special election; and

**WHEREAS**, the Clerk to this Board has on file a Canvass and Statement of Results of Special Election (the "Canvass"), a copy of which is attached hereto as Exhibit "C," and incorporated herein by this reference; and

**WHEREAS**, this Board has been fully informed of the Canvass, and finds it appropriate and wishes to complete its proceedings for the District.

**NOW THEREFORE, BE IT RESOLVED, ORDERED AND FOUND** by this Board as follows:

1. **Recitals.** This Board finds that all of the foregoing recitals are true and correct.
2. **Defined terms.** All capitalized terms in this Resolution shall have the definition given to them in the Resolution of Intention and in the Resolution Calling a Landowner Special Election, unless otherwise defined herein.
3. **Propositions presented.** This Board finds that the combined propositions presented at the special election, pursuant to the Resolution Calling a Landowner Special Election and the Act, were the propositions of (i) the levy of the Special Tax within the proposed Annexation Territory, and (ii) whether the initial 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.
4. **Canvass approved.** Pursuant to Section 53339.7 of the Act, this Board hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the District. Pursuant to the Canvass, the combined propositions presented at the special election were approved by, and in favor of, the qualified electors of the proposed Annexation Territory by more than two-thirds of the votes cast at the special election.
5. **Annexation approved.** As proposed in the Resolution of Intention and the Resolution Calling a Landowner Special Election, and as authorized by Section 53339.8 of the Act, this Board hereby finds and determines that the proposed Annexation Territory is hereby annexed and added to and part of, and included in, the District with full legal effect, and that this Board may annually levy the Special Tax within the Annexation Territory, as specified in the Resolution of Intention adopted by this Board pursuant to Section 53339.2 of the Act commencing County fiscal year 2017-18. The Special Tax may be annually levied only at the rates and may be apportioned only in the manner specified in the Resolution of Intention, subject to the Act, except that the Special Tax may be levied at lower rates, all as provided in the Special Tax Rate and Method of Apportionment of the Special Tax, Exhibit "B" to the Resolution of Intention, to the Resolution Calling a Landowner Special Election, and to this Resolution.
6. **Appropriations limit includes Annexation Territory.** The initial Appropriations Limit (of the District) in the amount of \$309,103,914 shall include and

become effective for the Annexation Territory commencing immediately, and it shall be adjusted for the District (including the Annexation Territory) in accordance with applicable provisions of the Act and the California Constitution.

**7. Designation of Annexation Territory approved.** The designation of the Annexation Territory is hereby approved as “Annexation Territory No. 9A of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno.”

**8. Annexation territory boundaries.** The exterior boundaries of the approved Annexation Territory are described and shown in the Boundary Map, Exhibit “A” to this Resolution, a copy of which is attached hereto and incorporated herein by this reference, and such Boundary Map heretofore has been recorded in the Office of the County Recorder of the County of Fresno, State of California, on August 10, 2017, in Book 45 of Maps of Assessment and Community Facilities Districts, at Page(s) 1, as Instrument No. 2017-0099475. This Board hereby approves the Boundary Map, and the exterior boundaries stated therein are the boundaries of the Annexation Territory. No land within the Annexation Territory is devoted primarily to agricultural, timber or livestock uses or being used for the commercial production of agricultural, timber or livestock products.

Notwithstanding anything stated to the contrary in this Resolution, this Board hereby approves the minor change(s), correction(s) or clarification(s) (each, a “Clarification, and collectively, “Clarifications”), if any, to the Boundary Map made by the Clerk to this Board, or his or her designee, and approved by County Counsel, or his or her designee, pursuant to Section 6 of the Resolution of Intention prior to the Clerk to this Board’s filing a copy of such Boundary Map in the Office of the Fresno County Recorder. Such Clarifications are hereby found (i) to further carry out the intent of the Resolution of Intention, and to otherwise conform such Boundary Map to the requirements of the law, (ii) not to change the exterior boundaries of the Boundary Map as preliminarily approved by this Board in the Resolution of Intention.

**9. Services.** The type of services to be financed by the District in the 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.

**10. Increased demands.** This Board hereby determines that the Services are necessary to meet increased demands for such Services placed upon local agencies, including the County, as a result of new residential development occurring within the Annexation Territory. This Board hereby further finds that the Services will be additional services to currently provided law enforcement services, since the Services are to be provided for new residential development in the Annexation Territory, and,

therefore, such Services will not supplant any services already available within the Annexation Territory at the time that this Board adopts this Resolution.

**11. The plan for sharing Services.** Subject to Section 9 (Services), above, and Section 12 (Special Tax), below, (i) the County, through the County Sheriff, plans to share the provision of Services within the District and the Annexation Territory so that the Services will be provided, to the extent reasonably possible, in common within the District and the 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 Annexation Territory, in such manner, places and times as the County Sheriff shall deem appropriate under the circumstances.

**12. Special Tax.** Commencing County fiscal year 2017-18, except where funds are otherwise available to the District (including the 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 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 Annexation Territory, will be annually levied within the territory of the 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 Annexation Territory) or as otherwise determined appropriate by the CFD Administrator. The rates and method of apportionment of the Special Tax among the parcels of real property located within the territory of the Annexation Territory in sufficient detail to allow each landowner, or resident, within the 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, Exhibit "B," which is attached hereto and incorporated herein by this reference.

The Special Tax to pay for Services to be provided within the 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 rates (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 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 Annexation Territory.

**13. Accountability measure.** The County shall use the separate District account or accounts into which any Special Tax proceeds will be deposited and used in connection with the Services, and related administrative costs and expenses, to be financed and provided by the District (including the Annexation Territory) consistent with the provisions of this Resolution. So long as such Special Tax proceeds are accounted

for and used within the District (including the Annexation Territory) in accordance with this Section 13, the County shall not be required to further account for or use such Special Tax proceeds on the basis of its origin from the Annexation Territory, the District, or any other territory to be annexed to the District subsequent to this Board's adoption of this Resolution.

**14. Proceedings approved.** Pursuant to the voter approval, the Annexation Territory hereby is declared to be fully annexed, added to and a part of the District, and shall be the same as the District in all respects, all as heretofore provided in these proceedings and the Act.

**15. Prior proceedings valid.** This Board hereby finds and determines that it took all of the foregoing actions, and made all of the foregoing findings, in full compliance with the law, including, without limitation, the Act and any other statute referred to herein. All prior proceedings taken with respect to the establishment of the District were duly considered, and were valid and in conformity with the requirements of the Act and any other statute referred to herein.

**16. Amendment to and recordation of notice of special tax lien.** The Clerk to this Board is hereby directed to execute and record in the Office of Fresno County Recorder the amendment to the notice of special tax lien provided for in Sections 53328.5 and 53339.8 of the Act, and Sections 3114.5 and 3117.5 of the California Streets and Highways Code, upon all of the nonexempt real property in the territory of the Annexation Territory. Such execution and recordation of the notice of special tax lien shall be made within fifteen (15) days from the date of this Board's adoption of this Resolution.

Upon recordation of the amendment to the notice of special tax lien pursuant to Sections 3114.5 and 3117.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in the Annexation Territory, and this lien shall continue in force and effect until the Special Tax obligation is prepaid and permanently satisfied (but only if there are such provisions for prepayment and permanent satisfaction in the Special Tax Rate and Method of Apportionment, Exhibit "B" to the Resolution of Intention and this Resolution; in this instance, there are not any such provisions) and the lien cancelled in accordance with law or until collection of the tax by this Board ceases.

**17. Effective date.** This Resolution shall take effect upon its adoption.

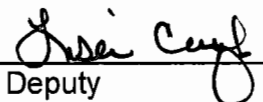
\* \* \* \*

**THE FOREGOING** was passed and adopted by the following vote of the Board of Supervisors of the County of Fresno this 12th day of September, 2017, to-wit:

AYES: Supervisors Borgeas, Magsig, Mendes, Pacheco, Quintero  
NOES: None  
ABSENT: None

  
\_\_\_\_\_  
BRIAN PACHECO, CHAIRMAN  
Board of Supervisors

ATTEST;  
BERNICE E. SEIDEL, Clerk  
Board of Supervisors

By \_\_\_\_\_  
Deputy

AGENDA # 16  
RESOLUTION # 17 - 418

EXHIBIT A

ANNEXATION MAP NO. 9A OF COMMUNITY FACILITIES DISTRICT NO. 2006-01  
(POLICE PROTECTION SERVICES), COUNTY OF FRESNO, STATE OF CALIFORNIA  
IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA

I, HEREBY CERTIFY THAT THE WITHIN MAP SHOWING BOUNDARIES OF ANNEXATION NO. 9A OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES), COUNTY OF FRESNO, STATE OF CALIFORNIA WAS APPROVED BY THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO AT A REGULAR MEETING HELD ON THE 10TH DAY OF AUGUST 2017 BY THE RESOLUTION NO. 11-17-18  
FILED IN THE OFFICE OF THE CLERK TO THE BOARD OF SUPERVISORS THIS 10TH DAY OF AUGUST 2017.

*David C. [Signature]*  
CLERK TO THE BOARD OF SUPERVISORS  
OF THE COUNTY OF FRESNO

FILE THIS 10TH DAY OF AUG 2017, AT THE HOUR OF 9:42 O'CLOCK A.M. IN BOOK 45 AT PAGE(S) 01  
MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AND AS INSTRUMENT NO. 2006-01-11-S IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF FRESNO, STATE OF CALIFORNIA.

*[Signature]*  
FALLI VICTOS, CPA  
COUNTY CLERK  
OF THE COUNTY OF FRESNO  
CAPTAIN [Signature]  
FRESNO COUNTY RECORDER  
DEPUTY RECORDER

THE LINES AND DIMENSIONS OF EACH LOT OR PARCEL SHOWN ON THIS DIAGRAM SHALL BE THOSE LINES AND DIMENSIONS AS SHOWN ON THE FRESNO COUNTY ASSESSOR'S MAP FOR THOSE PARCELS LISTED.

THE FRESNO COUNTY ASSESSOR'S MAP SHALL GOVERN FOR ALL DETAIL CONCERNING THE LINES AND DIMENSIONS OF SUCH LOTS AND PARCELS.

THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO APPROVED THE ORIGINAL BOUNDARY MAP OF THE DISTRICT, ENTITLED "MAP OF PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NO. 2006-01 (POLICE PROTECTION SERVICES), COUNTY OF FRESNO, STATE OF CALIFORNIA", WHICH WAS FILED IN THE OFFICE OF THE CLERK TO THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS INSTRUMENT NO. 2006-01-11-S, AND THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS INSTRUMENT NO. 2006-01-11-S, AND THE BOARD OF SUPERVISORS OF THE COUNTY OF FRESNO, STATE OF CALIFORNIA, AS INSTRUMENT NO. 2006-01-11-S.

LEGEND

PROPOSED ANNEXATION TO CTD  
A.P.N. 300-340-11-S

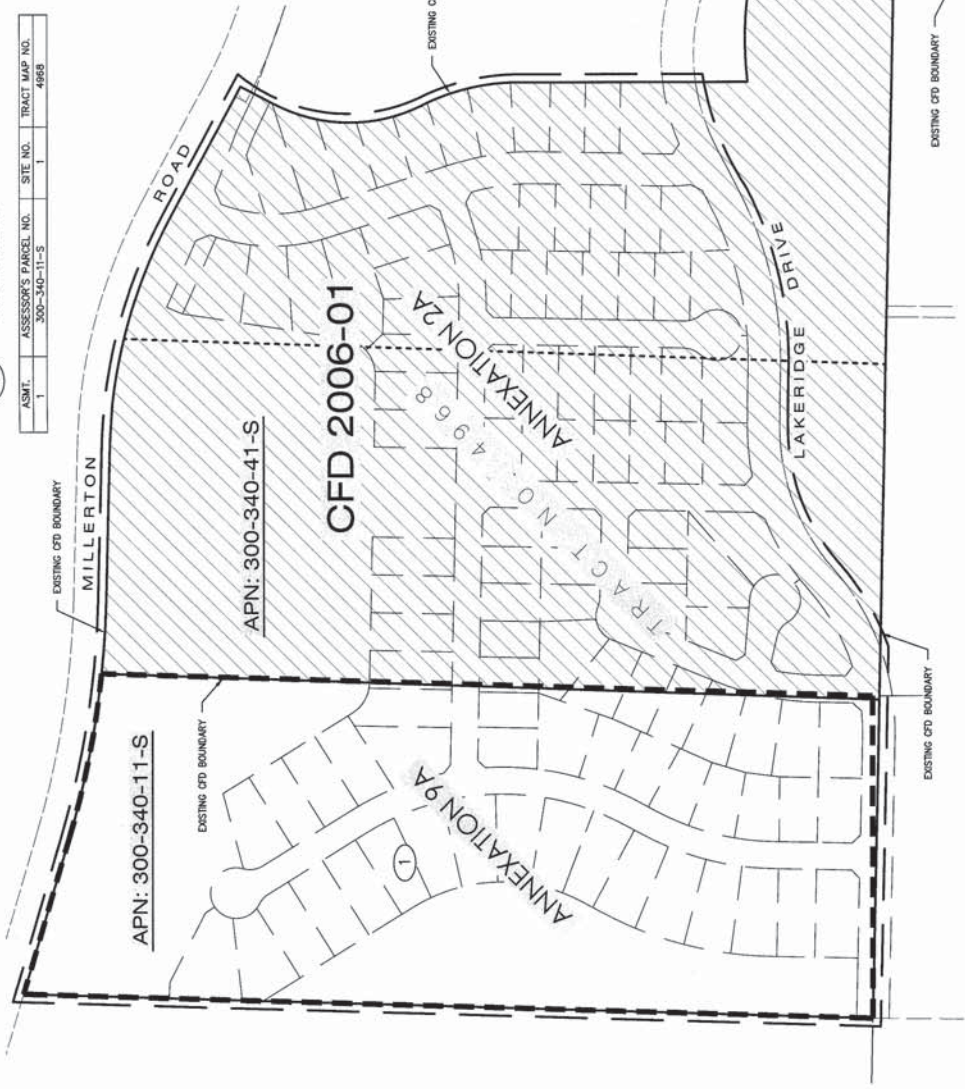
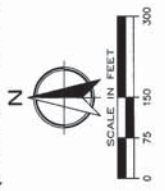
EXISTING CTD NO. 2006-01

LIMITS OF TRACT 4968

PROPOSED LOTS FOR TRACT 4968

ASSESSMENT NUMBER

| ASMT. | ASSESSOR'S PARCEL NO. | SITE NO. | TRACT MAP NO. |
|-------|-----------------------|----------|---------------|
| 1     | 300-340-11-S          | 1        | 4968          |



CFD 2006-01

VICINITY MAP  
NO SCALE



## EXHIBIT B

### COMMUNITY FACILITIES DISTRICT NO. 2006-01

#### (POLICE PROTECTION SERVICES) OF THE COUNTY OF FRESNO

#### SPECIAL TAX RATE AND METHOD OF APPORTIONMENT

#### (Commencing as of Fiscal Year 2017-18)

A Special Tax of Community Facilities District No. 2006-01 (Police Protection Services) of the County of Fresno ("CFD") shall be levied on all Assessor's Parcels in the CFD and collected each Fiscal Year commencing in the Base Year in an amount determined by the County through the application of the rate and method of apportionment of the Special Tax set forth below. All of the real property in the CFD, unless exempted by law or by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

This Special Tax Rate and Method of Apportionment uses the Special Tax Rate and Method of Apportionment for the original CFD. Any differences between the text of this Special Tax Rate and Method of Apportionment, and the text of the Special Tax Rate and Method of Apportionment for the original CFD, are updated provisions herein (e.g., definition of Base Year, and the Maximum Special Tax Rates Per Unit commencing as of the Base Year (which are subject to increases in subsequent Fiscal Years, as provided herein)) that would conform this Special Tax Rate and Method of Apportionment to the Special Tax Rate and Method of Apportionment for the original CFD.

#### A. DEFINITIONS

The terms hereinafter set forth have the following meanings:

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended from time to time following the establishment of the CFD, being Chapter 2.5, Part 1, Division 2 of Title 5 of the Government Code of the State.

**"Administrative Expenses"** means all actual and/or estimated costs and expenses directly incurred by the County as administrator of the CFD to determine, levy and collect the Special Taxes, including, but not limited to, the portion of salaries, wages and benefits of County officers and employees related to the determination, levy and collection of the Special Taxes, and all fees and



expenses of consultants, agents, third-party administrator(s) designated by the CFD Administrator, and legal counsel, related to the determination, levy and collection of the Special Taxes, and all costs and expenses of collecting installments of the Special Taxes upon the general tax rolls or by any other manner of collections as set forth in Section F, below, and preparing required reports, and conducting audits, if deemed necessary by the County; and any other costs and expenses directly incurred, which are required to administer the CFD as determined by the County. On each July 1 following the Base Year, all of the foregoing costs and expenses automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2017-18, the Annual Escalation Factor shall be reduced by an Escalation Factor Adjustment, if any. Notwithstanding anything contained in this definition of Administrative Expenses, the amount of Administrative Expenses in any Fiscal Year that may be included in the Special Tax Requirement for that Fiscal Year shall not exceed ten percent (10%) of the Special Tax Requirement for that Fiscal Year.

**"Annual Escalation Factor"** means the sum: of (i) the annual increase in the Consumer Price Index ("CPI") for Urban Wage Earners and Clerical Workers in the San Francisco-Oakland-San Jose Consolidated Metropolitan Statistical Area as reflected in the then-current April update; and (ii) three percent (3%) of the then-current Police Protection Services Costs. The annual CPI used shall be as determined by the United States Department of Labor, Bureau of Labor Statistics, and may be obtained through the California Division of Labor Statistics and Research (<http://www.dir.ca.gov/oprl/CAPriceIndex.htm>, as of June 19, 2017). If the foregoing index is not available, the County Board shall select, and thereby shall be authorized to use, a comparable index.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned assessor's parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by assessor's parcel number.

**"Base Year"** means the Fiscal Year ending June 30, 2018.

**"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.

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

**"County"** means the County of Fresno, California.

**"County Board"** means the Board of Supervisors of the County, acting as the legislative body of the CFD.

**"Developed Property"** means all Taxable Property within the boundaries of the CFD for which a permit for occupancy of a residential unit has been issued (i) anytime on or prior to January 1, 2017 for the Base Year, and (ii) anytime after January 1<sup>st</sup> and prior to May 1<sup>st</sup> (e.g., for the Base Year, this would be January 1, 2017 and May 1, 2017) preceding each Fiscal Year in which the Special Tax is being levied. Once a Taxable Property has been designated as Developed Property, it shall retain such status permanently (provided however, if the Land Use Class(es) for any Developed Property subsequently changes, the Land Use Class(es) for such Developed Property automatically shall change accordingly pursuant to the rate and method of apportionment of the Special Tax, as provided herein), and shall be subject to the Special Tax each Fiscal Year as provided herein, unless such Taxable Property subsequently shall become and retain such status as Tax-Exempt Property. There shall not be any proration or reduction of the Special Tax levy for any Taxable Property, or refund of the Special Tax for any Taxable Property, for any Fiscal Year in which any such Taxable Property becomes Tax-Exempt Property.

**"Escalation Factor Adjustment"** means the calculation based on the following formula: (1) calculate the annual increases of all of the applicable costs and expenses for each of the prior two Fiscal Years plus the reasonably estimated increase of the applicable costs and expenses for the then-current Fiscal Year; (2) calculate the percentage of each of such increases of all of the applicable costs and expenses in each of such Fiscal Years over each of the prior Fiscal Years (collectively, the "Cumulative Increase"); (3) calculate the sum of the Annual Escalation Factors for the prior two Fiscal Years plus the Annual Escalation Factor for the then-current Fiscal Year (collectively, the "Cumulative Annual Escalation Factor"); (3) if the Cumulative Increase is less than Cumulative Annual Escalation Factor, then the difference thereof shall be the amount of the Escalation Factor Adjustment; (4) if the Cumulative Increase is equal to or greater than the Cumulative Annual Escalation Factor, then the amount of the Escalation Factor Adjustment shall be zero.

**"Fiscal Year"** means the period starting July 1 and ending on the following June 30.

**"Land Use Class"** means any of the classes listed in Table 1 of Section C, below.

**"Maximum Special Tax"** means the maximum Special Tax, determined in accordance with Section C, below, that may be levied in the CFD in any Fiscal Year on any Assessor's Parcel.

**"Multi-Family 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 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.

**"Non-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 a non-residential use and does not contain any residential units as defined under Residential Property or Multi-Family Property.

**"Property Owner Association Property"** means any property within the boundaries of the CFD that is owned by, or irrevocably dedicated as indicated in an instrument recorded with the County Recorder to, a property owner association, including any master or sub-association.

**"Proportionately"** means in a manner such that the ratio of the actual Special Tax levy to the Maximum Special Tax is equal for all Assessor's Parcels within each Land Use Class.

**"Public Property"** means any property within the boundaries of the CFD that is, at the time of the establishment of the CFD, and as determined by the CFD Administrator, expected to be used for rights-of-way, parks, schools or any other public purpose and is owned by or irrevocably offered for dedication to the federal government, the State, the County or any other public agency, provided however, that any property leased (or property in which there is a grant of a possessory interest) by a public agency to a private entity or person and subject to taxation under section 53340.1 of the Act, and any property described in section 53317.3 or 53317.5 of the Act, shall not be considered Public Property but shall be classified and taxed in accordance with its use. Once an Assessor's Parcel has been designated as Public Property, it shall retain such status permanently, unless such Public Property subsequently shall become Taxable Property.

**"Police Protection Services Costs"** means the actual and/or estimated costs and expenses of the County Sheriff's Office to provide police protection services within the CFD, including, but not limited to, (i) all salaries, wages and benefits of all County sworn officers providing police protection services within the CFD, (ii) all related equipment, vehicles, and supplies for all such services, and (iii) all County overhead costs associated with providing or paying for all such services (and all such related costs and expenses) within the CFD. The Special Tax provides only partial funding for Police Protection Services Costs within the CFD. On each July 1 following the Base Year, all of the foregoing costs and expenses automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2017-18, the Annual Escalation Factor shall be reduced by an Escalation Factor Adjustment, if any.

**"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.

**"Special Tax"** means the Special Tax to be levied in each Fiscal Year on each Assessor's Parcel of Developed Property within the boundaries of the CFD to

fund the Special Tax Requirement, and shall include Special Taxes levied or to be levied under Sections C and D, below.

**"Special Tax Requirement"** means that amount required in any Fiscal Year for the CFD to: (a) (i) pay for Police Protection Services Costs; and (ii) pay reasonable Administrative Expenses; less (b) a credit for funds available, if any, to reduce the annual Special Tax levy, as determined by the CFD Administrator.

**"State"** means the State of California.

**"Taxable Property"** means all of the Assessor's Parcels within the boundaries of the CFD that are not exempt from the Special Tax pursuant to law or as defined below.

**"Tax-Exempt Property"** means an Assessor's Parcel within the boundaries of the CFD not subject to the Special Tax. Tax-Exempt Property only includes: (i) Public Property, (ii) Non-Residential Property, and (iii) Property Owner Association Property.

**"Undeveloped Unit"** means a building or structure for which a building permit has been issued, and either (i) such building or structure has a value of less than 50% of the value of either (x) the existing residential unit on Residential Property, or (y) the lowest valued existing unit (as calculated as a proportionate percentage of the total building value) on Multi-Family Property, (ii) such building or structure consists of less than 500 square feet, or (iii) notwithstanding the definitions of Multi-Family Property and Residential Property, such building permit has been issued for the reconstruction of a residential unit as a result of extraordinary damage or destruction to such residential unit, such as fire, flood or earthquake, and either (x) there has not yet been issued by the appropriate building official a permit for occupancy of such residential unit by May 1<sup>st</sup> preceding the applicable Fiscal Year in which the Special Tax is being levied, or (y) the appropriate building official has not determined that such residential unit has been occupied by a person as his or her dwelling as of May 1<sup>st</sup> preceding the applicable Fiscal Year in which the Special Tax is being levied. Any determination of the nature or status of such buildings, structures, or residential units, or their values, sizes, and uses shall be made by the CFD Administrator or his or her designee.

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

## **B. ASSIGNMENT TO LAND USE CATEGORIES**

Each Fiscal Year using the definitions above, all Taxable Property within the boundaries of the CFD shall be classified as Developed Property. Developed Property shall be further assigned to a Land Use Class as specified in Table 1 of Section C, below, and shall be subject to Special Taxes pursuant to Sections C and D below.

## **C. MAXIMUM SPECIAL TAX RATES**

### **1. Developed Property**

**TABLE 1**

**Maximum Special Tax Rates for Developed Property  
(Commencing as of the Base Year,  
and subject to increases in subsequent Fiscal Years,  
as provided herein)**

**Community Facilities District No. 2006-01  
(Police Protection Services)  
Of the County Of Fresno**

| <b>Land Use Class</b> | <b>Description</b>    | <b>Maximum Special Tax Rate Per Unit</b> |
|-----------------------|-----------------------|------------------------------------------|
| 1                     | Residential Property  | \$691.27 per Unit                        |
| 2                     | Multi-Family Property | \$519.99 per Unit                        |

On each July 1 following the Base Year, the Maximum Special Tax Rates automatically shall be increased for each Fiscal Year in accordance with the Annual Escalation Factor, provided however, on each July 1 for each third subsequent Fiscal Year, commencing with Fiscal Year 2017-18, the Annual Escalation Factor shall reduced by an Escalation Factor Adjustment, if any.

### **2. Multiple Land Use Classes**

In some instances, an Assessor's Parcel of Developed Property may contain more than one Land Use Class. The Maximum Special Tax levied on an Assessor's Parcel shall be the sum of the Maximum Special Tax levies that can be imposed on all Land Use Classes located on that Assessor's Parcel.

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### **3. Undeveloped Units and Tax-Exempt Property**

No Special Tax shall be levied on Undeveloped Units or Tax-Exempt Property.

## **D. METHOD OF APPORTIONMENT OF THE SPECIAL TAX**

Commencing with the Base Year, and for each following Fiscal Year, the CFD Administrator shall calculate the Special Tax Requirement based on the Special Tax Rate and Method of Apportionment of the CFD and levy the Special Tax until the amount of the Special Tax levied equals the Special Tax Requirement. The Special Tax shall be levied in the amount of the Special Tax Requirement each Fiscal Year on each Assessor's Parcel of Developed Property Proportionately, but not more than 100% of the applicable Maximum Special Tax.

## **E. APPEALS**

Any taxpayer who believes that the amount of the Special Tax assigned to his or her lot or parcel is in error may file a written notice with the CFD Administrator appealing the levy of the Special Tax, provided that the taxpayer has fully paid his or her Special Tax for such Parcel on or before the payment date established for such Special Tax. Such notice is required to be filed with the CFD Administrator during the Fiscal Year that the error is believed to have occurred. The notice must specify the Parcel, the amount of the levy of the Special Tax, and reason(s) why the taxpayer claims that the amount of the Special Tax is in error.

The CFD Administrator or his or her designee will then promptly review the appeal and, if necessary, meet with the taxpayer. If the CFD Administrator or his or her designee agrees with the taxpayer that the amount of the Special Tax for such Parcel should be changed, the Special Tax levy for such Parcel shall be corrected accordingly and, if applicable in any case, a refund of such erroneous amount collected shall be granted.

If the CFD Administrator or his or her designee disagrees with the taxpayer, and the taxpayer is dissatisfied with such determination, the taxpayer shall have thirty (30) calendar days, from the date that he or she receives notice of such determination in which to appeal to the County Board by filing a written notice of appeal with the Clerk to the County Board, provided that the taxpayer is current in his or her payment of Special Taxes for such Parcel. The notice of appeal must specify the Parcel, the amount of the levy of the Special Tax, the reason(s) why the taxpayer disagrees with the CFD Administrator's determination, and why the taxpayer claims that the amount of the Special Tax is in error.

The County Board will hear the taxpayer's appeal, and make a determination whether to affirm, modify or reverse the determination of the CFD Administrator

or his or her designee. If the County Board agrees with the taxpayer that the amount of the Special Tax for such Parcel should be changed, the Special Tax levy for such Parcel shall be corrected accordingly and, if applicable in any case, a refund of such erroneous amount collected shall be granted. Any such determination of the County Board shall be provided to the taxpayer, and shall be final and conclusive.

Any filing by a taxpayer of any notice of appeal with the CFD Administrator, or any appeal with the Clerk to the County Board shall be deemed to be made when such notice of appeal is delivered to CFD Administrator, or when such appeal is delivered to the Clerk to the County Board.

#### **F. MANNER OF COLLECTION**

The Special Tax levied pursuant to section D, above, 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 may directly bill the Special Tax, may collect Special Taxes at a different time or in a different manner if necessary to meet the financial obligations of the CFD or as otherwise determined appropriate by the CFD Administrator.

#### **G. TERM OF SPECIAL TAX**

The Special Tax shall be levied in perpetuity or until such time as the County Board terminates the Special Tax.

-END-



## EXHIBIT "C"

### CANVASS AND STATEMENT OF RESULTS OF SPECIAL ELECTION

**Annexation Territory No. 9A of  
Community Facilities District No. 2006-01  
(Police Protection Services) of the County of Fresno**

I hereby certify that on September 12, 2017, I personally delivered the ballots to duly authorized representatives of the following electors, for the following subdivision Tracts:

1. JPJ Incorporated, a California Corporation, for Tract No. 4968 situated in the Millerton Specific Plan area, Tract 4870, and adjacent territory;

as the only qualified electors for the area of land fully including the territories of land covered by the proposed Annexation Territory concerning the subject of the Resolution to which this Canvas and Statement of Results of Special Election, Exhibit "C," relates; and

I hereby further certify that, on September 12, 2017, I personally canvassed returns of sealed ballots for such special election, that the total number of ballots cast in such proposed Annexation Territory, and the total number of votes cast for and against the proposition, and the totals as shown for and against the proposition are full, true and correct, which are as follows:

| Qualified<br>Landowner<br>Voters | Votes<br>Cast | YES | NO |
|----------------------------------|---------------|-----|----|
|----------------------------------|---------------|-----|----|

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

|                  |                     |       |       |       |
|------------------|---------------------|-------|-------|-------|
| JPJ Incorporated | 20.35 votes (acres) | _____ | _____ | _____ |
| Tract No. 4968   |                     |       |       |       |
| Total            | 20.35 votes (acres) | _____ | _____ | _____ |
| Percentage       | 100%                | _____ | _____ | _____ |

**MEASURE SUBMITTED TO VOTE OF LANDOWNER VOTERS**

|                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|
| <p><b>Ballot Measure:</b> Shall the County of Fresno (the "County") be authorized to levy a special tax at the rates and apportioned as described in Exhibit "B" to the "Resolution Calling a Landowner Special Election" adopted by the Board of Supervisors of the County on September 12, 2017, which resolution is incorporated herein by this reference, annually to finance the cost of certain police protection services to be provided by the Sheriff of the County within proposed Annexation Territory No. 9A (the proposed "Annexation Territory") of Community Facilities District No. 2006-01 (Police Protection Services) of the County (the "District"), including the cost of administering the District, commencing County fiscal year 2017-18, and shall the annual appropriations limit of the District (currently in the amount of \$309,103,914 and subject to adjustment), as set forth in the "Resolution Calling a Landowner Special Election," include the proposed Annexation Territory?</p> | <p>YES <input type="checkbox"/></p> <p>NO <input type="checkbox"/></p> |
|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------|

**IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND** on \_\_\_\_\_, 2017.

\_\_\_\_\_  
Bernice Seidel, Clerk to the Board of Supervisors,  
acting as the Elections Official for the  
Community Facilities District No. 2006-01  
(Police Protection Services) of the County of Fresno