

**CITY OF FAIRFIELD**

**RESOLUTION NO. 2020 - 134**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD ANNEXING TERRITORY (7 FLAGS EXPRESS CAR WASH) TO COMMUNITY FACILITIES DISTRICT NO. 2012-2 (PUBLIC SAFETY SERVICES, OPEN SPACE OPERATION, AND PARK MAINTENANCE), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE ANNEXED TERRITORY, AND SUBMITTING THE LEVY OF A SPECIAL TAX TO THE QUALIFIED ELECTORS THEREOF**

**WHEREAS**, this Council, on June 9, 2020, adopted Resolution No. 2020-86 ("Resolution of Intention") stating its intention to annex certain territory to the City's existing Community Facilities District No. 2012-2 (Public Safety Services, Open Space Operation, and Park Maintenance) ("CFD" or "CFD 2012-2"), pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code) ("Act"); and

**WHEREAS**, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the CFD ("Territory") and stating the facilities and services ("Services") to be provided and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services ("Rate and Method"), is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

**WHEREAS**, the Resolution of Intention set July 7, 2020, as the date of the public hearing on the proposed annexation of the Territory to CFD 2012-2; and

**WHEREAS**, notice of the public hearing was published in accordance with the Act; and

**WHEREAS**, on the 7th of July, 2020, this Council held a public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of the Territory to the CFD; and

**WHEREAS**, at said hearing interested persons desiring to be heard on all matters pertaining to the annexation of the Territory to CFD 2012-2 and the levy of said special taxes within the Territory were heard and a full and fair hearing was held, evidence was presented to this Council regarding the annexation and special taxes, and this Council is fully advised as to all matters relating to the annexation of the Territory to CFD 2012-2 and the special taxes; and

**WHEREAS**, prior to the time fixed for said hearing, written protests had not been filed with the City Clerk against the proposed annexation of the Territory to CFD 2012-2 by (i) 50% or more of the registered voters, or six registered voters, whichever is more, residing

in CFD 2012-2, or (ii) 50% or more of the registered voters, or six registered, whichever is more, residing in the Territory, or (iii) owners of one-half or more of the area of land in CFD 2012-2 and not exempt from the levy of the special tax, or (iv) owners of one-half or more of the area of land in the Territory and not exempt from the levy of the special tax; and

**WHEREAS**, the special tax proposed to be levied in the Territory to pay for the cost of the Services, including incidental expenses, has not been precluded by a majority protest pursuant to Section 53324 of the Act; and

**WHEREAS**, Annexation Map No. 46 to CFD 2012-2 has been filed with the County Recorder of the County of Solano, which map shows the Territory, which is to be annexed to the CFD in these proceedings, and a copy thereof is on file with the City Clerk.

**NOW, THEREFORE, THE COUNCIL OF THE CITY OF FAIRFIELD HEREBY RESOLVES:**

Section 1. The above recitals are true and correct and made a part hereof.

Section 2. All prior proceedings taken by this Council, with respect to CFD 2012-2 and the proposed annexation of the Territory thereto, have been duly considered and are hereby determined to be valid and in conformity with the Act.

Section 3. This Council determines that the project proposed for the Territory will intensify the use of the property creating a need for more Services under CFD 2012-2. The Services which CFD 2012-2 is authorized to finance are in addition to those provided in or required for the territory within CFD 2012-2 and the Territory, and will not be replacing services already available.

Section 4. The description and map of the boundaries of the Territory, as described in said Annexation No. 46 to the CFD, on file with the City Clerk, are hereby finally approved, are incorporated herein by reference, and shall be included within the boundaries of CFD 2012-2, and said Territory is hereby ordered annexed to CFD 2012-2, subject to voter approval of the levy of the special taxes therein as hereinafter provided.

Section 5. The provisions of the Resolution of Intention, which has heretofore been adopted by this Council, are by this reference incorporated herein, as if fully set forth herein.

Section 6. It is the intention of this Council that, except where funds are otherwise available to pay for the Services, a special tax, secured by recordation of a continuing lien against all non-exempt real property in the Territory, will be levied annually within the

boundaries of the Territory from and after the annexation of the Territory to CFD 2012-2. The special taxes shall be those as originally authorized through the formation of CFD 2012-2 and adopted by ordinance of the legislative body of CFD 2012-2. For particulars, reference is hereby made to the Rate and Method. The special tax is hereby authorized, subject to approval by two-thirds of the votes cast within the Territory, commencing with fiscal year 2020-21, in accordance with the Rate and Method and procedures of the Act within the boundaries of the Territory to pay for the costs of the Services, including incidental expenses.

Section 7. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the Territory shall be submitted to the voters within the Territory at an election called therefore as hereinafter provided.

Section 8. This Council hereby finds that fewer than 12 persons have been registered to vote within the Territory for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that for purposes of these proceedings the qualified electors are the landowners within the Territory and that the vote shall be by said landowners, each having one vote for each acre or each portion thereof such landowner owns in the Territory.

Section 9. Pursuant to Section 53326 of the Act, the election shall be conducted by mail ballot, in accordance with the applicable provisions of the California Elections Code governing mail ballot elections of cities, and in particular the provisions of Division 4 (commencing with Section 4000), of that Code, insofar as they have not been waived by the unanimous consent of all landowners of the Territory.

Section 10. This Council calls a special election to consider the measure described in the ballot referred to in Section 11 below, which election will be held on July 7, 2020, ("Election Day") in the office of the City Clerk, at City Hall, 1000 Webster Street, Fairfield, California.

Section 11. The City Clerk will be the election official to conduct the election and has caused to be provided to each landowner in the Territory, a ballot in the form of Exhibit A hereto, which is hereby approved.

Section 12. The City Clerk has accepted the ballots of the qualified electors received prior to 6:00 p.m. on Election Day, whether received by mail or by personal delivery.

Section 13. This Council hereby finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days to elapse before said election is for the protection of voters,

that the voters have waived such requirement and the date for the election hereinabove specified is established accordingly.

**PASSED AND ADOPTED** this 7th day of July, 2020.

STATE OF CALIFORNIA  
COUNTY OF SOLANO                      ss.  
CITY OF FAIRFIELD

I, Karen L. Rees, City Clerk of the City of Fairfield, County of Solano, State of California, do hereby certify that the foregoing Resolution No. 2020 - 134 was regularly adopted by the City Council of said City of Fairfield at a regular meeting of said council held on the 7th day of July, 2020, by the following vote:

AYES:            COUNCILMEMBERS: PRICE / BERTANI / MOY / TIMM / VACCARO

NOES:           COUNCILMEMBERS: \_\_\_\_\_

ABSENT:        COUNCILMEMBERS: \_\_\_\_\_

ABSTAIN:       COUNCILMEMBERS: \_\_\_\_\_

\_\_\_\_\_  
MAYOR

ATTEST:

\_\_\_\_\_  
CITY CLERK