

**CITY OF FAIRFIELD**

**RESOLUTION NO. 2021-245**

**RESOLUTION OF THE CITY COUNCIL OF THE CITY OF FAIRFIELD CONFIRMING  
ANNEXATION OF PROPERTY TO IMPROVEMENT AREA NO. 1, AND CONFIRMING, ORDERING  
AND DIRECTING OTHER RELATED MATTERS**

**WHEREAS**, on May 7, 2019, pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Mello-Roos Act"), this City Council adopted its Resolution No. 2019-90 entitled "Resolution of the City Council Forming a Community Facilities District, an Improvement Area and a Future Annexation Area, and Providing for Future Improvement Areas" (the "Resolution of Formation") which resolution (i) established the "City of Fairfield Community Facilities District No. 2019-1 (One Lake)" (the "CFD"), "Improvement Area No. 1 of the City of Fairfield Community Facilities District No. 2019-1 (One Lake)" ("Improvement Area No. 1") and the "City of Fairfield Community Facilities District No. 2019-1 (One Lake) (Future Annexation Area)" (the "Future Annexation Area"), (ii) authorized the levy of a special tax on property within Improvement Area No. 1 and (iii) preliminarily established an appropriations limit for Improvement Area No. 1; and

**WHEREAS**, the boundaries of the CFD, Improvement Area No. 1 and the Future Annexation Area are set forth in the boundary map recorded on March 29, 2019 at 9:18 a.m., in the Office of the County of Solano Recorder in Book 25 of Maps of Assessment and Community Facilities Districts at Page 100 as Document No. 2019-18099 (the "Original Boundary Map"); and

**WHEREAS**, in the Resolution of Formation, this council resolved that parcels within the Future Annexation Area shall be annexed to the CFD only with the unanimous approval (each, a "Unanimous Approval") of the owner or owners of each parcel or parcels at the time that parcel or those parcels are annexed, without any requirement for further public hearings or additional proceedings; and

**WHEREAS**, in the Resolution of Formation, this council provided for the annexation of property into the CFD as its own improvement area (a "Future Improvement Area") or to an existing improvement area; and

**WHEREAS**, in the Resolution of Formation, this council further resolved that, with the approval of the council in the circumstances described in the Resolution of Formation, the designation as an improvement area of any territory annexing to the CFD, the maximum amount of bonded indebtedness and other debt for such improvement area, the rate and method of apportionment of special tax for such improvement area and the appropriations limit for such improvement area shall be identified and approved in the Unanimous Approval executed by property owners in connection with their annexation to the CFD; and

**WHEREAS**, on May 7, 2019, this council also adopted its Resolution No. 2019-91 entitled “Resolution of the City Council of the City of Fairfield Determining Necessity to Incur Bonded Indebtedness and Other Debt” (the “Resolution of Necessity”), determining the necessity to incur bonded indebtedness and other debt (as defined in the Mello-Roos Act) (i) in the maximum aggregate principal amount of \$33,000,000 upon the security of the special tax to be levied within Improvement Area No. 1 and (ii) in the aggregate principal amount of \$67,000,000 with respect to those portions of the CFD that are not included in Improvement Area No. 1 (the “Non-Improvement Area No. 1 Indebtedness Limit”); and

**WHEREAS**, in the Resolution of Necessity, this council provided that in the event all or a portion of the Future Annexation Area is annexed as one or more Future Improvement Areas, the maximum indebtedness of each such Future Improvement Area shall be identified in the Unanimous Approval of the property owners of the property to be annexed at the time of the annexation, and the amount of the maximum indebtedness for the Future Improvement Area shall be subtracted from the Non-Improvement Area No. 1 Indebtedness Limit; and

**WHEREAS**, under the provisions of the Resolution of Formation and the Resolution of Necessity and pursuant to Resolution No. 2019-92, entitled “Resolution of the City Council of the City of Fairfield Calling a Special Landowner Election” (the “Election Resolution”), the propositions of the levy of the special tax, the establishment of the appropriations limit, and the incurring of bonded indebtedness and other debt were submitted to the qualified electors of Improvement Area No. 1 as required by the provisions of the Mello-Roos Act and more than two-thirds of the votes cast at the election were in favor of the propositions; and

**WHEREAS**, Section 53329.6 of the Mello-Roos Act provides that a Unanimous Approval constitutes the vote of the qualified elector in favor of the matters addressed in the Unanimous Approval for purposes of the California Constitution, including, but not limited to, Articles XIII A and XIII C; and

**WHEREAS**, Section 53350(b) of the Mello-Roos Act provides that, (i) in connection with the annexation by Unanimous Approval to a community facilities district of a parcel that was included in territory proposed for annexation in the future to the community facilities district, the local agency may designate a parcel or parcels as an improvement area within the community facilities district, (ii) the designation of a parcel or parcels as an improvement area shall be specified and approved by the Unanimous Approval of the owner or owners of each parcel or parcels at the time that the parcel or parcels are annexed to the community facilities district, (iii) no additional hearings or procedures are required and (iv) after the designation of a parcel or parcels as an improvement area, all proceedings for approval of the appropriations limit, the rate and method of apportionment and manner of collection of special taxes, and the authorization to incur bonded indebtedness for the parcel or parcels shall apply only to the improvement area; and

**WHEREAS**, Section 53340 of the Mello-Roos Act provides that (i) after a community facilities district has been created and authorized to levy specified special taxes, the legislative body may, by ordinance, levy the special taxes at the rate and apportion them in the manner specified in the resolution of formation for the community facilities district and (ii) after creation of a community facilities district that includes a future annexation area, the legislative body may, by ordinance, provide for the levy of special taxes on parcels that will be annexed to the community facilities district at the rate or rates to be approved unanimously by the owner or owners of each parcel or parcels to be annexed to the community facilities district and for apportionment and collection of the special taxes in the manner specified in the resolution of formation; and

**WHEREAS**, in Ordinance No. 2019-05 passed and adopted by this council on June 18, 2019 (the "Special Tax Ordinance"), council authorized and levied special taxes within Improvement Area No. 1 at the rate and in accordance with the formula (the "Improvement Area No. 1 Rate and Method") set forth in the Resolution of Formation and on any parcels in the Future Annexation Area that are annexed into Improvement Area No. 1 or a separate improvement area pursuant to the Act; and

**WHEREAS**, this council has been provided with a Unanimous Approval executed by the owner of certain property in the Future Annexation Area, namely Parcel 2 (21.74 acres) of Lot 9 of Canon Station Large Lot Final Map recorded in Book 92 of maps at Page 70 Solano County Records (Assessor's Parcel Number 166-420,370) (the "Annexation Property"), and the Unanimous Approval identifies, specifies and approves the annexation of the Annexation Property to Improvement Area No. 1 and other related matters; and

**WHEREAS**, Section 53339.8 of the Mello-Roos Act provides that upon a determination by the legislative body that the area proposed to be annexed is added to the existing community facilities district, the clerk of the legislative body shall record notice of the annexation pursuant to Section 3117.5 of the Streets and Highways Code; and

**WHEREAS**, in the Resolution of Formation, this council determined that any property for which the owner or owners execute a Unanimous Approval shall be added to the CFD and the clerk of the council shall record an amendment to the notice of special tax lien for the CFD pursuant to Section 3117.5 of the Streets & Highways Code; and

**WHEREAS**, pursuant to Streets & Highways Code Section 3113.5, this council wishes to consolidate the boundaries of the CFD, Improvement Area No. 1 and all annexations into the CFD in a single map that will supersede the Original Boundary Map; and

**WHEREAS**, this council wishes to confirm the annexation of the Annexation Property to Improvement Area No. 1 and to confirm, ratify, approve, order and direct other related matters.

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

Section 1. Recitals Correct. The foregoing recitals are true and correct.

Section 2. Annexation Property. The council has received the Unanimous Approval specifying and approving the annexation of the Annexation Property to Improvement Area No. 1 and specifying and approving other related matters.

In furtherance of the Resolution of Formation, and in conformance with the Mello-Roos Act, the council hereby confirms the annexation of the Annexation Property to Improvement Area No. 1 and hereby determines that the Annexation Property is added to and part of the CFD with full legal effect.

Pursuant to the Resolution of formation and Section 3117.5 of the Streets and Highways Code, the City Clerk recorded an amendment to the Notice of Special Tax Lien for Improvement Area No. 1 on August 25, 2021 at 2:10 p.m., as Document No. 202100090001, and the council hereby confirms and ratifies such recording.

The owner of the Annexation Property has caused to be prepared a map showing the boundaries of the CFD and Improvement Area No. 1 (including the Annexation Property), and the council hereby directs the city clerk to record a consolidated map of the boundaries of the CFD, which map shall supersede the Original Boundary Map.

The city clerk is further hereby directed to record one or more consolidated maps from time to time as he or she determines is appropriate.

**PASSED AND ADOPTED** this 21<sup>st</sup> day of September, 2021, by the following vote:

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

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

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

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

\_\_\_\_\_  
MAYOR

ATTEST:

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