

RESOLUTION NO. 3749-2014

RESOLUTION OF THE FORT BRAGG CITY COUNCIL GRANTING CONSENT TO INCLUSION OF LAND WITHIN THE TERRITORIAL JURISDICTION OF THE CITY OF FORT BRAGG IN THE COUNTY OF MENDOCINO COMMUNITY FACILITIES DISTRICT 2013-1 (CLEAN ENERGY)

WHEREAS, the Board of Supervisors (the "Board") of the County of Mendocino (the "County") has formed its Community Facilities District No. 2012-1 (Clean Energy) (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982 (California Government Code §§ 53311 and following, the "Act") with particular reference to Section 53328.1 thereof and its provision that the only means by which a parcel may be included in the District is through the unanimous written consent of all of the owners of that parcel; and

WHEREAS, Section 53315.8 of the Act provides that the County may not form a district within the territorial jurisdiction of a city without the consent of the legislative body of the city; and

WHEREAS, the County has designated the entire jurisdictional territory of the County as territory proposed for annexation to the District in the future, subject to the requirement that before any parcel within incorporated territory may annex to the District, the city council of the incorporated city must consent to annexations from within its territory; and

WHEREAS, this City Council (the "Council") of the City of Fort Bragg (the "City") wishes to grant its consent to the annexation, to the District, of any parcel within the territorial jurisdiction of the City; and

WHEREAS, based on all the evidence presented, the City Council finds as follows:

1. The above recitals are true and correct, and the Council so finds and determines.
2. The Council, as the legislative body of the City, hereby grants its consent to the Board of Supervisors of the County to annex property within the territorial jurisdiction of the City to the District.
3. The inclusion of any parcel of land within the City in the District shall be in accordance with the Unanimous Approval Agreement that must be executed by all of the owners of that parcel, and that parcel shall be treated by the County in respect of the District on the same basis and under all the same terms and conditions as if the parcel were not within the territorial jurisdiction of the City but, instead, were located in unincorporated territory of the County.
4. This consent is intended to fulfill the requirements of Section 53315.8 of the Act.
5. This resolution shall take effect immediately upon its passage.

NOW, THEREFORE, BE IT RESOLVED that the City Council of the City of Fort Bragg does hereby grant consent to inclusion of land within the territorial jurisdiction of the City in the County of Mendocino Community Facilities District 2013-1 (Clean Energy).

The above and foregoing Resolution was introduced by Councilmember Deitz, seconded by Councilmember Kraut, and passed and adopted at a regular meeting of the City Council of the City of Fort Bragg held on the 27th day of October, 2014, by the following vote:

- AYES:** Councilmembers Courtney, Deitz, Kraut, and Mayor Turner.
- NOES:** None.
- ABSENT:** Councilmember Hammerstrom.
- ABSTAIN:** None.



DAVE TURNER,
Mayor

ATTEST:

Cynthia M. VanWormer
Cynthia M. VanWormer, MMC
City Clerk