

CITY OF ALAMEDA RESOLUTION NO. _____

CALLING A SPECIAL ELECTION REGARDING ALTERATION OF THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES FOR COMMUNITY FACILITIES DISTRICT NO. 17-1 (ALAMEDA POINT PUBLIC SERVICES DISTRICT)

WHEREAS, on October 2, 2018, the City Council of the City of Alameda adopted a Resolution of Consideration to Alter the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District"), proposing to alter the Rate and Method of Apportionment of Special Taxes ("Rate and Method of Apportionment") pursuant to the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the Alameda Municipal Code (the "Law"); and

WHEREAS, the Resolution of Consideration, which makes reference to the map of the boundaries of the District and describes the proposed alteration of the Rate and Method of Apportionment, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on October 16, 2018, the City Council held the public hearing called pursuant to the Resolution of Consideration relative to the proposed alteration of the Rate and Method of Apportionment; and

WHEREAS, at the hearing all owners of property in the District, any registered voters residing in the District, and any other interested persons desiring to be heard on all matters pertaining to the proposed alteration of the Rate and Method of Apportionment were heard and a full and fair hearing was held; and

WHEREAS, written protests with respect to the proposed alteration of the Rate and Method of Apportionment have not been filed with the City Clerk by fifty percent (50%) or more of any registered voters residing within the territory of the District or the owners of land constituting one-half (1/2) or more of the area of land within the District and not exempt from the levy of the special tax; and

WHEREAS, the proposition of the alteration of the Rate and Method of Apportionment shall be submitted to the qualified electors of the District as required by the Law, and as provided for in this Resolution.

NOW, THEREFORE, BE IT RESOLVED by the City Council of the City of Alameda that:

1. The foregoing recitals are true and correct.
2. The proposed alteration of the Rate and Method of Apportionment has not been precluded by majority protest pursuant to Section 3-70.30 of the Law.
3. The prior proceedings taken by the City Council in connection with the proposed alteration of the Rate and Method of Apportionment, as set forth in the Resolution of Consideration, have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Law.

4. Subject to the approval of the qualified electors of the District at the special election referred to below, the Rate and Method of Apportionment is hereby altered as described in Section 4 of the Resolution of Consideration.

5. Pursuant to Sections 3-70.51, 3-70.37, 3-70.38 and 3-70.39 of the Law, the issue of the alteration of the Rate and Method of Apportionment shall be submitted to the qualified electors of the District at an election called therefor as provided below.

6. The ballot measure shall be in the form set forth in the form of ballot attached hereto as Exhibit A and by this reference incorporated herein, and said ballot is hereby approved.

7. The City Council hereby finds that less than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearing heretofore conducted and concluded by this City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 3-70.37 b. of the Law, this City Council finds that for purposes of these proceedings the qualified electors of the District are the owners of property in the District at the time of the close of the public hearing referred to in the recitals to this Resolution, with each such landowner having one vote per acre or portion of an acre of land in the District.

8. This City Council hereby calls a special election to consider the measure described in Sections 4 and 6 above, which election shall be held on Thursday, December 6, 2018. The City Clerk is hereby designated as the official to conduct said election. The City Council hereby directs the City Clerk to take all actions necessary under the Law to conduct the election, including publication of a notice of time limit to submit ballot arguments in the form of Exhibit B hereto. It is hereby acknowledged that the City Clerk has on file a copy of this Resolution, a map of the boundaries of the District, and a sufficient description to allow the City Clerk to determine the boundaries of the District.

9. Pursuant to Section 3-70.37 d. of the Law, the election shall be conducted by mail ballot. The voted ballots shall be returned to the City Clerk no later than 5:00 p.m. on Thursday, December 6, 2018; provided that if all of the qualified electors have voted, the election shall be closed. The City Clerk shall mail or cause to be mailed to each of the qualified electors of the District a ballot in the form set forth in Exhibit A hereto. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot.

10. The City Attorney is hereby requested to prepare, or cause to be prepared, an impartial analysis for the ballot measure. The Finance Director is hereby directed to prepare, or cause to be prepared, a tax rate statement for the ballot measure. Arguments and rebuttals, if any, shall also be included with the ballot materials, as required by the Elections Code and the Law.

11. This Resolution shall take effect upon its adoption.

* * * * *

I, the undersigned, hereby certify that the foregoing Resolution was duly and regularly adopted and passed by the Council of the City of Alameda in a regular meeting assembled on the 16th day of October, 2018, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSTENTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this _____ day of October, 2018.

Lara Weisiger, City Clerk
City of Alameda

Approved as to form:

Janet C. Kern, City Attorney
City of Alameda

01019.25:J15299
9/12/18

EXHIBIT A
OFFICIAL BALLOT
SPECIAL ELECTION
(December 6, 2018)
CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 17-1
(ALAMEDA POINT PUBLIC SERVICES DISTRICT)

This ballot is for a special, mailed ballot election. You must return this ballot in the accompanying postage paid envelope to the office of the City Clerk of the City of Alameda so that it is received by the City Clerk no later than 5:00 p.m. on December 6, 2018, either by mail or in person.

To vote, mark a cross (X) in the voting square after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the City Clerk of the City of Alameda and obtain another.

BALLOT MEASURE A: Shall the definitions of "Developed Property" and of "Non-Residential Property" in the rate and method of apportionment of special taxes for City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District") be altered as described in the City Council Resolution adopted October 2, 2018, entitled "Resolution of Consideration to Alter the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District)"?

Yes _____

No _____

EXHIBIT B

NOTICE TO VOTERS OF DATE AFTER WHICH NO ARGUMENTS FOR OR AGAINST COMMUNITY FACILITIES DISTRICT MEASURE A MAY BE SUBMITTED TO THE ALAMEDA CITY CLERK

NOTICE IS HEREBY GIVEN that a Special Election is to be held for the City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District") on December 6, 2018, at which there will be submitted to the qualified electors of the District the following measure:

BALLOT MEASURE A: Shall the definitions of "Developed Property" and of "Non-Residential Property" in the rate and method of apportionment of special taxes for City of Alameda Community Facilities District No. 17-1 (Alameda Point Public Services District) (the "District") be altered as described in the City Council Resolution adopted October 2, 2018, entitled "Resolution of Consideration to Alter the Rate and Method of Apportionment of Special Taxes for Community Facilities District No. 17-1 (Alameda Point Public Services District)"?

Yes _____

No _____

NOTICE IS FURTHER GIVEN that, pursuant to California Elections Code Section 9282, the City Council, as the legislative body for the District, or any member or members thereof authorized by the City Council, or any combination of voters and associations, may file a written argument with the City Clerk not to exceed 300 words in length, for or against the above ballot measure. A ballot argument shall not be accepted unless accompanied by the name or names of the person or persons submitting it, or, if submitted on behalf of an organization, the name of the organization and the name of at least one of its principal officers.

NOTICE IS FURTHER GIVEN that, based upon the time reasonably necessary to prepare and print the arguments and a sample ballot for the election, the City Clerk has fixed October 30, 2018, during normal City of Alameda office hours, as a reasonable date prior to the election after which no arguments for or against the above measure may be submitted to the City Clerk for printing and distribution to the voters as provided in Section 9286 of the California Elections Code. Arguments may be changed or withdrawn until and including said date fixed by the City Clerk. Rebuttal arguments must be submitted to the City Clerk no later than November 8, 2018, during normal City of Alameda office hours.

NOTICE IS FURTHER GIVEN that any direct argument and any rebuttal argument filed by the respective deadlines indicated above will be available for public examination in the City Clerk's office for not less than 10 calendar days following the deadline for filing rebuttal arguments.

LARA WEISIGER
City Clerk, City of Alameda
Dated: October 17, 2018