

CITY OF ALAMEDA RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
ALAMEDA, CALIFORNIA, CALLING A SPECIAL ELECTION
WITHIN THE CITY OF ALAMEDA COMMUNITY FACILITIES
DISTRICT NO. 14-1 (MARINA COVE II)

WHEREAS, on this date, this City Council adopted a resolution "Establishing the Formation of a Community Facilities District, City of Alameda, Community Facilities District No. 14-1 (Marina Cove II)" (the "Resolution of Formation"), ordering the formation of the City of Alameda Community Facilities District No. 14-1 (Marina Cove II) (the "District"), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District; and

WHEREAS, pursuant to the provisions of said resolution, the propositions of the levy of said special tax and the establishment of the appropriations limit are to be submitted to the qualified electors of the District as required by the City of Alameda Special Tax Financing Improvement Code, constituting Section 3-70.1 et seq. of the City of Alameda Municipal Code (the "Code").

NOW, THEREFORE, the City Council of the City of Alameda, DOES HEREBY RESOLVE as follows:

1. Pursuant to subsections 3-70.36 and 3-70.37 of the Code, the issues of the levy of said special tax and establishment of an appropriations limit for the District shall be submitted to the qualified electors of the District at an election called therefore as provided below.

2. As authorized by subsection 3-70.88 of the Code, the two propositions described in Section 1 above shall be combined into a single ballot measure, the form of which measure is attached hereto as Exhibit A which Exhibit is, by this reference, incorporated herein. The form of ballot is hereby approved.

3. This City Council hereby finds that fewer 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 hearings heretofore conducted and concluded by this City Council for the purposes of these proceedings. Accordingly, and pursuant to subsection 3-70.37b of the Code, this City Council finds that for purposes of these proceedings the qualified electors for the District are the landowners within the District and that the vote shall be by said landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearings.

4. This City Council hereby calls a special election to consider the ballot measure described in Section 2 above, which election shall be held immediately following adoption of this Resolution in the regular meeting place of this City Council. The City Clerk is hereby designated as the official to conduct the election. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the proposed boundaries of the District, and a sufficient description to allow the City Clerk to determine the boundaries of the District.

The voted ballots shall be returned to the City Clerk no later than immediately following the adoption by the City Council of this Resolution.

5. Pursuant to subsection 3-70.37d of the Code, the election shall be conducted by mail or hand delivered ballot.

6. This City Council acknowledges that the City Clerk has caused to be delivered to each of the qualified electors of the District a ballot in the form set forth in Exhibit A hereto. Each ballot indicated the number of votes to be voted by the respective landowner.

Each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return ballots was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

Analysis and arguments with respect to the ballot measure has been waived by the landowners, as permitted by subsection 3.-70.38b of the Code.

7. The City Clerk shall accept the ballots of the qualified electors submitted immediately following or prior to the adoption of this Resolution, whether the ballots be personally delivered or received by mail. The City Clerk shall have available ballots which may be marked in the City Council meeting room on the election day by the qualified electors.

8. This City Council hereby further finds that the provision of the Code requiring a minimum of 5 days following the adoption of the Resolution of Formation to elapse before said special election is for the protection of the qualified electors of the District. The qualified electors of the District have previously waived any time limit pertaining to the conduct of the election and any requirement for analysis and arguments in connection with the election. Accordingly, this City Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. This City Council also finds and determines that the City Clerk has concurred in the shortened time for the election.

9. Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 et seq. of the California Government Code, (a) the ballot measure referred to in Sections 2 and 4 above contains a statement indicating the specific purposes of the special tax, the proceeds of the special tax will be applied only to the purposes specified in the ballot measure, there shall be created by the City Finance Director an account into which proceeds of the special tax levies for the District will be deposited (which need not be a separate bank account, but which may be a general ledger account so long as such proceeds can be separately accounted for, or may be an account held by a fiscal agent on behalf of the City), and the City Finance Director is

hereby directed to provide an annual report to this City Council as required by Section 50075.3 of the California Government Code.

11. This Resolution shall take effect upon its adoption.

**CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 14-1
(MARINA COVE II)**

OFFICIAL BALLOT

**SPECIAL TAX ELECTION
(September 2, 2014)**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Alameda no later than the hour of 7:00 p.m. on Tuesday, September 2, 2014, either by mail or in person. The City Clerk's office is located at 2263 Santa Clara Avenue, Room 380, Alameda, California.

To vote, mark a cross (X) on the voting line 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: Shall the City of Alameda be authorized to annually levy a special tax solely on lands within the City of Alameda Community Facilities District No. 14-1 (Marina Cove II) (the "District") in accordance with the rate and method of apportionment contained in the Resolution of Formation of the District adopted by the City Council on September 2, 2014, commencing with the City's fiscal year 2015-2016, to pay for the improvements and services described in the Resolution of Intention to Establish a Community Facilities District and to pay the costs of the City in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$168,728.70?

YES: _____

NO: _____

By execution in the space provided below, you also confirm your written waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure.

Number of Votes: 7

Property Owner: Lennar Homes California Inc.

By: _____

Property Owned by Property Owner: Alameda County Assessor's Parcel Number:

1. 072 -0384-031-00

* * * * *

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 2nd day of September, 2014, by the following vote to wit:

AYES:

NOES:

ABSENT:

ABSECTIONS:

IN WITNESS, WHEREOF, I have hereunto set my hand and affixed the official seal of said City this 3rd day of September, 2014.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM:

Janet C. Kern
City Attorney