

CITY OF ALAMEDA RESOLUTION NO. _____

CALLING SPECIAL ELECTION REGARDING ALTERATION OF THE
MUNICIPAL SERVICES TO BE FINANCED BY COMMUNITY
FACILITIES DISTRICT NO. 13-2 (ALAMEDA LANDING MUNICIPAL
SERVICES DISTRICT)

WHEREAS, on April 7, 2015, this City Council of the City of Alameda (this "City Council") adopted a Resolution of Consideration to Alter the Municipal Services to be Financed by Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) (the "Resolution of Consideration"), proposing to alter the services eligible to be financed by the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) (the "District"), 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"), so that, in anticipation of the annexation of property to the District, the District will have the ability to finance additional municipal services to the area included in the District, as well as in the proposed annexation area; and

WHEREAS, the Resolution of Consideration, which makes reference to the map of the boundaries of the District, and describes the additional municipal services to be eligible to be financed by the District 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 this date, this City Council held the public hearing called pursuant to the Resolution of Consideration relative to the proposed additional municipal services to be eligible to be financed by the District; and

WHEREAS, at the hearing all property owners and any other interested persons desiring to be heard on all matters pertaining to the additional municipal services to be eligible to be financed by the District were heard and a full and fair hearing was held; and

WHEREAS, written protests with respect to the additional municipal services to be eligible to be financed by the District 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 additional municipal services to be eligible to be financed by the District shall be submitted to the qualified electors of the District as required by the Law.

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 municipal services eligible to be financed by the District has not been precluded by majority protest pursuant to Section 3-70.30 of the Law.
3. All prior proceedings taken by this City Council in connection with the proposed alteration of the municipal services eligible to be financed by the District, 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 municipal services eligible to be financed by the District are hereby altered as described in Exhibit A to 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 municipal services eligible to be financed by the District 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. 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 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 the real property within the District that will be subject to the special tax levy, and that the vote shall be by said landowners, each with one vote for each acre or portion thereof that they own in the District as of the close of said public hearing.
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 immediately following adoption of this Resolution in the City Council chambers. The City Clerk is hereby designated as the official to conduct said election. 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. The voted ballots shall be returned to the City Clerk no later than immediately following adoption of this Resolution, and when all of the qualified electors of the District have voted the election shall be closed.

10. Pursuant to Section 3-70.37 d. of the Law, the election shall be conducted by mail ballot.

11. 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 to the use and return of the ballot. The envelope to be used to return each ballot was enclosed with the applicable 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 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 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 measures will be waived by each of the landowner voters, by means of the waiver contained in their voted ballots, as permitted by Section 3-70.38 b. of the Law.

12. 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 are personally delivered or received by mail.

13. This City Council hereby further finds that the provision of Section 3-70.37 a. of the Law requiring a minimum of 5 days following the adoption of this Resolution to elapse before said special election may occur is for the protection of the qualified electors of the District. The voted ballots of the qualified electors of the District each contain a waiver of any time limit pertaining to the conduct of the election and waivers of any requirement for ballot measure analysis and arguments in connection with the election. Accordingly, this City Council finds and determines that, to the extent that the qualified electors submit their ballots, the qualified electors will have been fully apprised of and will have agreed to the shortened time for the election and waiver of ballot measure analysis and arguments, and will 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.

14. This Resolution shall take effect upon its adoption.

* * * * *

EXHIBIT A

OFFICIAL BALLOT

SPECIAL ELECTION
(April 21, 2015)

CITY OF ALAMEDA
COMMUNITY FACILITIES DISTRICT NO. 13-2
(ALAMEDA LANDING MUNICIPAL SERVICES DISTRICT)

This ballot is for a special, mailed ballot 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 immediately after adoption of the resolution of this City Council calling said election, 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: Shall the municipal services eligible to be financed by the City of Alameda Community Facilities District No. 13-2 (Alameda Landing Municipal Services District) be altered as described in the Resolution of the City Council of the City of Alameda adopted April 7, 2015, entitled "Resolution of Consideration to Alter the Municipal Services to be Financed by Community Facilities District No. 13-2 (Alameda Landing Municipal Services District)"?

Yes _____

No _____

By execution in the space provided below, you also confirm your waiver of any time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measures, as such waivers are described in and permitted by Sections 3-70.37 a. and 3-70-38 b. of the City of Alameda Municipal Code.

Number of Votes: _____

Property Owner: _____

By: _____

Its: _____

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 21st day of April, 2015, 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 22nd day of April, 2015.

Lara Weisiger, City Clerk
City of Alameda

APPROVED AS TO FORM

Janet C. Kern, City Attorney
City of Alameda