

RESOLUTION NO. 2015-64

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF MARINA
CALLING SPECIAL LANDOWNER ELECTION**

**CITY OF MARINA
Community Facilities District No. 2015-1
(The Dunes)**

WHEREAS, the City Council (this "Council") of the City of Marina (the "City") has adopted a resolution entitled "A Resolution of the City Council of the City of Marina of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "City of Marina Community Facilities District No. 2015-1 (The Dunes)" (the "CFD") and a future annexation area (the "Future Annexation Area"), defining the public services (the "Services") to be provided by the CFD, authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, pursuant to the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the Act.

NOW, THEREFORE, BE IT RESOLVED, by the City Council of the City of Marina, as follows:

1. Issues Submitted. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

2. Qualified Electors. This Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of the public hearings heretofore conducted and concluded by this Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearing.

3. Conduct of Election. This Council hereby calls a special election to consider the issues described in section 2, above, which election shall be held on June 2, 2015, and the results thereof canvassed at the meeting of this Council on June 2, 2015. The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until the close of business on the election date. It is hereby acknowledged that the Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient description to allow the Clerk to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California Elections Code. This Council hereby finds that Section 4108 is applicable to this special election, except that Sections 53326 and 53327 of the Act shall govern for purposes of determining the date of the election.

4. Ballot. As authorized by Section 53353.5 of the Act, the issues described in Section 1 above shall be combined into a single ballot measure, the form of which as attached hereto as Exhibit "A" is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain 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.

5. Waivers. This Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the CFD. There is on file with the Clerk a written waiver executed by all of the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving any requirement for notice, analysis and arguments in connection with the election. Accordingly, this 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 Council also finds and determines that the City Clerk has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

6. Accountability. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the Services and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report if required by Section 50075.3 of the Government Code.

7. Effective Date. This resolution shall take effect from and after the date of its passage and adoption.

PASSED, APPROVED AND ADOPTED this 2nd day of June, 2015, by the following roll call vote:

AYES, COUNCIL MEMBERS: Amadeo, Brown, Morton, O'Connell, Delgado
NOES, COUNCIL MEMBERS: None
ABSENT, COUNCIL MEMBERS: None
ABSTAIN, COUNCIL MEMBERS: None

CITY OF MARINA

Bruce C. Delgado, Mayor

ATTESTED:

Anita Sharp, Deputy City Clerk

I HEREBY CERTIFY that the foregoing resolution was duly and regularly passed and adopted by the City Council of the City of Marina at a regular meeting thereof held on the 2nd day of June, 2015, and that the foregoing is a full, true and correct copy of said Resolution.

Anita Sharp, Deputy City Clerk

EXHIBIT A

**CITY OF MARINA
Community Facilities District No. 2015-1
(The Dunes)**

**OFFICIAL BALLOT
SPECIAL TAX ELECTION**

This ballot is for a special, landowner election. You must return this ballot in the enclosed envelope, either by mail or in person, to the office of the City Clerk of the City of Marina no later than the public hearing on the proposed Community Facilities District, which will be held during the City Council meeting to be held on Tuesday, June 2, 2015, at 6:30 p.m. or as soon as possible thereafter, in the City Hall Council Chambers, 211 Hillcrest Avenue, Marina, California. In order to ensure all ballots are received in time, the City requests that you return your ballot to the City Clerk no later than **the close of business on Monday, June 1, 2015**. The City Clerk's office is located at:

City Clerk
City of Marina
211 Hillcrest Avenue, Marina, California 93933

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 and obtain another.

BALLOT MEASURE NO. 1: Shall the City of Marina be authorized to annually levy a special tax solely on lands within the City of Marina Community Facilities District No. 2015-1 (The Dunes) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the City Council on June 2, 2015, to pay for the public services and related administrative costs specified in the Resolution of Formation, and shall the annual appropriations limit of the CFD (including any future annexations) be established in the amount of \$2,000,000?

YES: _____

NO: _____

By execution in the space provided below, you represent and warrant that the property information listed below is true and correct.

The legal name of the property owner:	SHEA HOMES LIMITED PARTNERSHIP, a California limited partnership
The Property that is the subject of this Ballot is identified as:	A portion of APN Nos. 031-251-050-000 and 031-251-051-000, as created by recordation of the final map for Phase 1C, The Dunes on Monterey Bay – First Phase, filed March 3, 2015 in volume 24 of cities and towns at page 40, official records of Monterey County.
The total gross acreage of the Property:	15.54 acres
Total number of votes:	16

Dated: _____, 2015

SHEA HOMES LIMITED PARTNERSHIP,
a California limited partnership

By: _____

Name: _____

Title: _____

By: _____

Name: _____

Title: _____