

BEFORE THE BOARD OF SUPERVISORS, COUNTY OF SAN BENITO

A RESOLUTION OF THE SAN BENITO COUNTY)
BOARD OF SUPERVISORS CALLING A SPECIAL)
LANDOWNER ELECTION PURSUANT)
TO THE MELLO-ROOS COMMUNITY)
FACILITIES ACT OF 1982)

Resolution No. 2018-____

COUNTY OF SAN BENITO COMMUNITY)
FACILITIES DISTRICT NO. 2018-1)
(Residential Services))

WHEREAS, the Board of Supervisors of the County of San Benito (the "Board") has adopted a resolution entitled "Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the "County of San Benito Community Facilities District No. 2018-1 (Residential Services)" (the "CFD"), 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 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 provisions of 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 provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED:

Section 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.

Section 2. Qualified Electors. This Board hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by this Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Board 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.

Section 3. Conduct of Election. This Board hereby calls a special election to consider the issues described in section 1, above, which election shall be held on September 25, 2018, and the results thereof canvassed at the meeting of this Board on September 25, 2018. The Clerk of the Board 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 of the Board has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient

description to allow the Clerk of the Board 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 Board hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 are 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.

Section 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 is attached hereto as Exhibit "A." The Clerk of the Board has caused a ballot, in substantially the form of Exhibit "A," to be delivered to each of the qualified electors of the CFD. Each ballot indicated the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope used to return the ballot was enclosed with the ballot 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.

Section 5. Waivers. This Board 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 of the Board a written waiver executed by all 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 Board 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 Board also finds and determines that the Clerk of the Board 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.

Section 6. Accountability. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the construction and/or acquisition of 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.

Section 7. Effective Date. This Resolution shall take effect immediately upon its passage.

PASSED AND ADOPTED by the San Benito County Board of Supervisors at the meeting of said Board held on 25th day of September, 2018, by the following vote:

AYES: Supervisor(s)
NOES: Supervisor(s)
ABSTAIN: Supervisor(s)
ABSENT: Supervisor(s)

Anthony Botelho,
Chair

ATTEST:

By: _____
Janet Slibsager
Clerk of the Board

Date: _____

APPROVED AS TO LEGAL FORM:

By: _____
Laura E. Zagaroli
Interim County Counsel

Date: _____

EXHIBIT A

**COUNTY OF SAN BENITO
Community Facilities District No. 2018-1
(Residential Services)**

**OFFICIAL BALLOT
SPECIAL TAX ELECTION**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Clerk of the Board of the County of San Benito (the "County") no later than the hour of 9:00 a.m. on Tuesday, September 25, 2018, either by mail or in person. The Clerk of the Board's office is located at 440 Fifth Street, Second Floor, Room 206, Hollister, 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 Clerk of the Board of the County and obtain another.

BALLOT MEASURE: Shall the County of San Benito be authorized to annually levy a special tax solely on lands within the County of San Benito Community Facilities District No. 2018-1 (Residential Services) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the Board of the County on September 25, 2018, commencing in fiscal year 2018/19, to pay for the public services for the CFD, the costs of the County in administering the CFD, and shall the annual appropriations limit of the CFD be established in the amount of \$1,000,000?

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.

Assessor Parcel No.

Property Owner:

Acreage:

Number of Votes:
