

RESOLUTION NO. 16-078

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA CALLING SPECIAL ELECTION WITHIN COMMUNITY FACILITIES DISTRICT NO. 2016-1 (ARROWHEAD PROJECT)

RESOLVED by the City Council (the "City Council") of the City of Saratoga (the "City"), as follows:

WHEREAS, on this date, the City Council adopted a resolution entitled "A RESOLUTION OF FORMATION OF CITY OF SARATOGA COMMUNITY FACILITIES DISTRICT NO. 2016-1 (ARROWHEAD PROJECT), AUTHORIZING THE LEVY OF A SPECIAL TAX WITHIN THE DISTRICT, AND PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT FOR THE DISTRICT" (the "Resolution of Formation"), ordering the formation of the City of Saratoga Community Facilities District No. 2016-1 (Arrowhead Project) (the "District"), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District;

WHEREAS, on this date, the City Council also adopted a resolution entitled "A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF SARATOGA, CALIFORNIA, DETERMINING THE NECESSITY TO INCUR BONDED INDEBTEDNESS WITHIN THE CITY OF SARATOGA COMMUNITY FACILITIES DISTRICT NO. 2016-1 (ARROWHEAD PROJECT)" (the "Resolution to Incur Indebtedness"), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$6,000,000 upon the security of the special tax to be levied within the District;

WHEREAS, pursuant to the provisions of said resolutions, the propositions of the levy of said special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness is to be submitted to the qualified electors of the District as required by the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 *et seq.* (the "Law");

WHEREAS, the City Council desires to designate the City Clerk of the City (the "City Clerk") as the election official for the special election provided for herein; and

NOW, THEREFORE, the City Council of the City of Saratoga resolves and declares, as follows:

1. Pursuant to Sections 53325.7, 53326 and 53351 of the Law, the issues of the levy of said special tax, the incurring of bonded indebtedness and the establishment of said appropriations limit shall be submitted to the qualified electors of the District at an election called therefor as provided below.

2. As authorized by Section 53353.5 of the Law, the three propositions described in paragraph 1 above shall be combined into a single ballot measure substantially in the form attached hereto as Exhibit A, which by this reference incorporated herein. The form of ballot is hereby approved.

3. The City Council hereby finds that over 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 the City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, the City Council finds that for purposes of these proceedings the qualified electors are the registered voters residing in the proposed district, with each voter having one vote.

4. The City Council hereby calls a special election to consider the measure described in Section 2 above, which election shall be held on May 2, 2017. The City Clerk is hereby designated as the official to conduct said 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.

5. Pursuant to Section 53327 of the Law, the election shall be conducted by mail pursuant to the Chapter 2 of Division 4 (Commencing with Section 4100) of the California Elections Code only insofar as required by law. The City Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(2) of Section 4000 of the California Elections Code are applicable to this special election.

6. The City Council acknowledges that the City Clerk will cause to be delivered to the qualified electors of the District (1) a ballot in the form set forth in Exhibit A hereto and (2) an analysis and arguments with respect to the ballot measures as required by Section 53327(b) of the Law.

The ballot will be 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) a declaration, under penalty of perjury, stating that the voter is the person whose names appears on the envelope; (b) the printed name, signature and address of the voter; (c) the date of signing and place of execution of the declaration pursuant to clause (a) above; (d) an analysis and arguments with respect to the ballot measures as required by Section 53327(b) of the Law and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

7. The City Clerk shall accept the ballots of the qualified electors at 13777 Fruitvale Avenue, Saratoga CA 95070 up to and including 8:00 p.m., May 2, 2017 whether the ballot be personally delivered or received by mail in order to be counted. Ballots that are postmarked on election day and received no later than 3 days following the day of election will also be counted. The election shall close the earlier of (a) the date and time specified in this Section 7 or (b) when all qualified electors have voted.

8. Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 *et. seq.* and Sections 53410 *et. seq.* of the California Government Code, (a) the ballot

measure referred to 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 Finance and Administrative Services Director an account into which proceeds of the special tax levies will be deposited, and the Finance and Administrative Services Director is hereby directed to provide an annual report to the City Council as required by Section 50075.3 of the California Government Code; and (b) the ballot measure contains a statement indicating the specific purposes of the bonds, the proceeds of the bonds will be applied only to the purposes specified in the ballot measure, there shall be created by the Finance and Administrative Services Director an account into which the proceeds of the bonds will be deposited, and the Finance and Administrative Services Director is hereby directed to provide an annual report to the Board as required by Section 53411 of the California Government Code.

PASSED AND ADOPTED this 21st day of December 2016 by the following vote:

AYES: Mayor Emily Lo, Vice Mayor Mary-Lynne Bernald, Council Member E. Manny Cappello, Howard A. Miller

NOES:

ABSENT: Council Member Rishi Kumar

ABSTAIN:



Emily Lo, Mayor

ATTEST:

Crystal Bothelio
Crystal Bothelio, City Clerk

DATE: 12/22/2016

EXHIBIT A - FORM OF BALLOT

CITY OF SARATOGA
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(ARROWHEAD PROJECT)

OFFICIAL BALLOT
Special Tax and Bond Election
(May 2, 2017)

This ballot is for a special election. You must return this ballot in the enclosed postage paid envelope to May 2, 2017 (the "Elections Official") no later 8:00 p.m., either by mail or in person.

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 Elections Official and obtain another.

BALLOT MEASURE: Shall the City of Saratoga (the "City") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$6,000,000, the maximum term of which shall not exceed thirty-one (31) years from their date of issuance, and with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the City of Saratoga Community Facilities District No. 2016-1 (Arrowhead Project) (the "District"), the proceeds of which will be used only to finance the costs of certain water improvements as specified in the Resolution of Formation of the District and the costs of establishing the District and issuing the bonds as well as the establishment of appropriate bond and interest rate reserves; shall a special tax payable solely from lands within the District be levied annually upon lands within the District to be applied only to the payment of the principal and interest upon such bonds to be issued and to replenish the reserves for the bonds, 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 \$6,000,000?

Yes: _____

No: _____

Registered Voter:

[Name]

[Address]

To: City Clerk

[Address]

I hereby declare under penalty of perjury that the voter listed on the enclosed ballot was a registered voter as of _____, 20__ entitled to vote said ballot.

Executed on _____, 20__ at _____, California.

By: _____
[Name]

Attention: This envelope contains an official ballot and is to be opened only by the canvassing board with respect to the City of Saratoga Community Facilities District No. 2016-1 (Arrowhead Project) special tax and bond election to be held on May 2, 2017.