

1 RESOLUTION NO. RES-11- 0006

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH CALLING SPECIAL ELECTION  
5 WITHIN THE CITY OF LONG BEACH COMMUNITY  
6 FACILITIES DISTRICT NO. 2011-1 (DOUGLAS PARK –  
7 NORTH OF COVER STREET AREA – SERVICES LEVY)  
8

9 WHEREAS, on this date, this City Council adopted Resolution No. RES-11-  
10 0005 entitled "A Resolution of the City Council of the City of Long Beach of  
11 Formation of the City of Long Beach Community Facilities District No. 2011-1 (Douglas  
12 Park – North of Cover Street Area – Services Levy), Authorizing the Levy of a Special  
13 Tax Within the District, Preliminarily Establishing An Appropriations Limit for the District,  
14 and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit  
15 to the Qualified Electors of the District" (the "Resolution of Formation"), ordering the  
16 formation of the City of Long Beach Community Facilities District No. 2011-1 (Douglas  
17 Park – North of Cover Street Area – Services Levy) (the "District"), authorizing the levy of  
18 a special tax on property within the District and preliminarily establishing an  
19 appropriations limit for the District; and

20 WHEREAS, pursuant to the provisions of said resolution, the propositions  
21 of the levy of said special tax and the establishment of the appropriations limit for the  
22 District is to be submitted to the qualified electors of the District as required by the Long  
23 Beach Special Tax Financing Improvement Law, Long Beach Municipal Code Section  
24 3.52.511 et seq. (the "Law");

25 NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
26 follows:

27 Section 1. Pursuant to Sections 3.52.5217, 3.52.568 and 3.52.5216 of  
28 the Law, the issues of the levy of said special tax and the establishment of an

OFFICE OF THE CITY ATTORNEY  
ROBERT E. SHANNON, City Attorney  
333 West Ocean Boulevard, 11th Floor  
Long Beach, CA 90802-4664

1 appropriations limit for the District shall be submitted to the qualified electors of the  
2 District at an election called therefor as provided below.

3           Section 2.    As authorized by Section 3.52.568 of the Law, the two  
4 propositions described in paragraph 1 above shall be combined into a single ballot  
5 measure, the form of which measure is attached hereto as Exhibit A which Exhibit is, by  
6 this reference, incorporated herein. The form of ballot is hereby approved.

7           Section 3.    This City Council hereby finds that fewer than 12 persons  
8 have been registered to vote within the territory of the District for each of the ninety (90)  
9 days preceding the close of the public hearings heretofore conducted and concluded by  
10 this City Council for the purposes of these proceedings. Accordingly, and pursuant to  
11 Section 3.52.5217 B. of the Law, this City Council finds that for purposes of these  
12 proceedings the qualified electors for the District are the landowners within the District  
13 and that the vote shall be by said landowners or their authorized representatives, each  
14 having one vote for each acre or portion thereof such landowner owns in the District as of  
15 the close of the public hearing heretofore held by this City Council with respect to the  
16 District.

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

24           The voted ballots shall be returned to the City Clerk no later than  
25 immediately following the adoption by the City Council of this Resolution; and when all of  
26 the qualified electors have voted, the election shall be closed.

27           Section 5.    Pursuant to Section 3.52.5217 of the Law, the election shall  
28 be conducted by mail or hand delivered ballot pursuant to the California Elections Code.

1                   Section 6.    This City Council acknowledges that the City Clerk has  
2 caused to be delivered to the sole qualified elector of the District a ballot in the form set  
3 forth in Exhibit A hereto. The ballot indicated the number of votes to be voted by the  
4 landowner.

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

14                   Analysis and arguments with respect to the ballot measure were waived by  
15 the landowner in its petition to form the District as well as in its voted ballot, as permitted  
16 by Section 3.52.5218 of the Law.

17                   Section 7.    The City Clerk shall accept the ballot of the qualified elector  
18 upon or prior to the adoption of this Resolution, whether the ballot be personally delivered  
19 or received by mail. The City Clerk shall have available a ballot which may be marked in  
20 the City Council meeting room on the election day by the qualified elector.

21                   Section 8.    This City Council hereby further finds that the provision of the  
22 Law requiring a minimum of 5 days following the adoption of the Resolution of Formation  
23 to elapse before said special election is for the protection of the qualified electors of the  
24 District. The petition previously submitted by the landowner in the District and the voted  
25 ballot of the sole qualified elector of the District contain acknowledgments of a waiver of  
26 any time limit pertaining to the conduct of the election and of a waiver of any requirement  
27 for analysis and arguments in connection with the election. Accordingly, this City Council  
28 finds and determines that the qualified elector has been fully apprised of and has agreed

1 to the shortened time for the election and waiver of analysis and arguments, and has  
2 thereby been fully protected in these proceedings. This City Council also finds and  
3 determines that the City Clerk has concurred in the shortened time for the election.

4 Section 9. Pursuant to the Local Agency Special Tax and Bond  
5 Accountability Act, Sections 50075.1 et. seq. of the California Government Code, the  
6 ballot measure referred to in Sections 2 and 4 above contains a statement indicating the  
7 specific purposes of the special tax, the proceeds of the special tax will be applied only to  
8 the purposes specified in the ballot measure, there shall be created by the City Treasurer  
9 an account into which proceeds of the special tax levies for the District will be deposited  
10 (which need not be a separate bank account, but which may be a separate general  
11 ledger account so long as such proceeds can be separately accounted for), and the City  
12 Treasurer is hereby directed to provide an annual report to this City Council as required  
13 by Section 50075.3 of the California Government Code.

14 Section 10. This resolution shall take effect immediately upon its adoption  
15 by the City Council, and the City Clerk shall certify the vote adopting this resolution.

16 I hereby certify that the foregoing resolution was adopted by the City  
17 Council of the City of Long Beach at its meeting of January 18, 2011, by the following  
18 vote:

19 Ayes: Councilmembers: DeLong, O'Donnell, Schipske, Andrews,  
20 Johnson, Gabelich, Neal, Lowenthal.

21 \_\_\_\_\_  
22 \_\_\_\_\_  
23 Noes: Councilmembers: None.

24 \_\_\_\_\_  
25 Absent: Councilmembers: Garcia.

26 \_\_\_\_\_

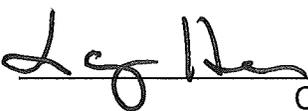
27   
28 \_\_\_\_\_  
City Clerk

EXHIBIT A

CITY OF LONG BEACH  
COMMUNITY FACILITIES DISTRICT NO. 2011-1  
(DOUGLAS PARK - NORTH OF COVER STREET AREA - SERVICES LEVY)

OFFICIAL BALLOT

Special Tax Election  
(January 18, 2011)

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the City Clerk of the City of Long Beach no later than immediately after adoption of the resolution of the City Council calling said election, 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 City Clerk of the City of Long Beach and obtain another.

BALLOT MEASURE: Shall a special tax payable solely from lands within the City of Long Beach Community Facilities District No. 2011-1 (Douglas Park - North of Cover Street Area - Services Levy) (the "District") be levied upon lands within the District in accordance with the rate and method of apportionment of special taxes for the District, and to be applied to pay the costs of services eligible to be funded by the 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 \$1,000,000?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

By execution in the space provided below, you also indicate your 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, as such waivers are described and permitted by Section 3.52.5217 A. and 3.52.5218 B. of the Long Beach Municipal Code.

Number of Votes: 95

Property Owner: The Boeing Company