

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

1 RESOLUTION NO. RES-11- 0008

2  
3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH CALLING SPECIAL ELECTION  
5 REGARDING ALTERATION OF THE SERVICES  
6 AUTHORIZED TO BE FUNDED BY IMPROVEMENT AREA  
7 B OF THE CITY OF LONG BEACH COMMUNITY  
8 FACILITIES DISTRICT NO. 2007-1 (DOUGLAS PARK –  
9 COMMERCIAL AREA)

10  
11 WHEREAS, on January 4, 2011, this City Council adopted Resolution No.  
12 RES-11- 0002 entitled "A Resolution of the City Council of the City of Long  
13 Beach of Consideration to Alter the Services Authorized to be Funded By Improvement  
14 Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park  
15 – Commercial Area)" (the "Resolution of Consideration"), proposing to expand the area in  
16 which the services authorized to be funded by the City of Long Beach Improvement Area  
17 B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park –  
18 Commercial Area) (the "Improvement Area") can be provided, pursuant to the Long  
19 Beach Special Tax Financing Improvement Law, constituting Section 3.52.511 et seq. of  
20 the Long Beach Municipal Code (the "Law"), by changing the description of the services  
21 so authorized, as specified in Section 3 of the Resolution of Consideration; and

22 WHEREAS, the Resolution of Consideration, which makes reference to the  
23 map of the Resolution of Formation for and the boundaries of the Improvement Area, and  
24 contains the revised description of the alteration to the description of the services  
25 authorized to be funded by the Improvement Area, is on file with the City Clerk and the  
26 provisions thereof are incorporated herein by this reference as if fully set forth herein; and

27 WHEREAS, on this date, this City Council held a noticed public hearing as  
28 described in the Resolution of Consideration relative to the alteration of the description of

1 the services authorized to be funded by the Improvement Area; and

2           WHEREAS, at the hearing all property owners and any other interested  
3 persons desiring to be heard on all matters pertaining to the alteration of the description  
4 of the services to be funded by the Improvement Area were heard and a full and fair  
5 hearing was held; and

6           WHEREAS, written protests with respect to the alteration of the description  
7 of the services to be funded by the Improvement Area have not been filed with the City  
8 Clerk by fifty percent (50%) or more of any registered voters residing within the territory of  
9 the Improvement Area or the owners of land constituting one-half (1/2) or more of the  
10 area of land within the Improvement Area and not exempt from the levy of the special tax;  
11 and

12           WHEREAS, the proposition of the alteration of the description of the  
13 services to be funded by the Improvement Area shall be submitted to the qualified  
14 electors of the Improvement Area as required by the Law;

15           NOW, THEREFORE, the City Council of the City of Long Beach resolves as  
16 follows:

17           Section 1.    The foregoing recitals are true and correct.

18           Section 2.    The proposed alteration of the description of the services to  
19 be funded by the Improvement Area has not been precluded by majority protest pursuant  
20 to Sections 3.52.535 and 3.52.5210 of the Law.

21           Section 3.    All prior proceedings taken by this City Council in connection  
22 with the proposed alteration of the services authorized to be funded by the Improvement  
23 Area as set forth in the Resolution of Consideration have been duly considered and are  
24 hereby found and determined to be valid and in conformity with the requirements of the  
25 Law.

26           Section 4.    Subject to the approval of the sole qualified elector of the  
27 Improvement Area at the special election referred to below, the services authorized to be  
28 funded by the Improvement Area are hereby altered as set forth in Section 3 of the

1 Resolution of Consideration.

2           Section 5. Pursuant to Sections 3.52.535 and 3.52.5217 of the Law, the  
3 issue of the alteration of the services to be funded by the Improvement Area shall be  
4 submitted to the sole qualified elector of the Improvement Area at an election called  
5 therefor as provided below.

6           Section 6. The ballot measure shall be in the form attached hereto as  
7 Exhibit A and by this reference incorporated herein, and the form of ballot is hereby  
8 approved.

9           Section 7. This City Council hereby finds that fewer than 12 persons  
10 have been registered to vote within the territory of the Improvement Area for each of the  
11 ninety (90) days preceding the close of the public hearing heretofore conducted by this  
12 City Council for the purposes of these proceedings. Accordingly, and pursuant to Section  
13 3.52.5217B. of the Law, this City Council finds that for purposes of these proceedings the  
14 qualified elector is the sole owner of the real property within the Improvement Area and  
15 that the vote shall be by the landowner, with one vote for each acre or portion thereof the  
16 landowner owned in the Improvement Area as of the close of the public hearing.

17           Section 8. This City Council hereby calls a special election to consider  
18 the measure described in Section 6 above, which election shall be held immediately  
19 following adoption of this Resolution in the City Council Chambers. The City Clerk is  
20 hereby designated as the official to conduct said election. It is hereby acknowledged that  
21 the City Clerk has on file a copy of this Resolution, a map of the boundaries of the  
22 Improvement Area, and a sufficient description to allow the City Clerk to determine the  
23 boundaries of the Improvement Area.

24           Section 9. The voted ballot shall be returned to the City Clerk prior to and  
25 immediately following adoption of this Resolution, and when the qualified elector has  
26 voted, the election shall be closed.

27           Section 10. Pursuant to Section 3.52.5217D. of the Law, the election shall  
28 be conducted by mail ballot.

1                   Section 11. This City Council acknowledges that the City Clerk has  
2 caused to be delivered to the sole qualified elector of the Improvement Area a ballot in  
3 the form set forth in Exhibit A hereto. The ballot delivered to the qualified elector  
4 indicated the number of votes to be voted by the landowner.

5                   The ballot was accompanied by all supplies and written instructions  
6 necessary to the use and return of the ballot. An envelope to be used to return the ballot  
7 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 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 have been  
15 waived by the landowner voter, by means of the waiver contained in its voted ballot, as  
16 permitted by Section 3.52.5218B. of the Law.

17                   Section 12. The City Clerk shall accept the ballot of the qualified elector  
18 upon and prior to the adoption of this Resolution, whether said ballot be personally  
19 delivered or received by mail.

20                   Section 13. This City Council hereby further finds that the provision of  
21 Section 3.52.5217A. of the Law requiring a minimum of 5 days following the adoption the  
22 resolution of calling the election to elapse before said special election is for the protection  
23 of the qualified electors of the Improvement Area. The voted ballot of the sole qualified  
24 elector of the Improvement Area contained a waiver of the time for the special election.  
25 Accordingly, this City Council finds and determines that the qualified elector has been  
26 fully apprised of and has agreed to the shortened time for the election and thereby has  
27 been fully protected in these proceedings. This City Council also finds and determines  
28 that the City Clerk has concurred in the shortened time for the election.

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

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

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

Noes: Councilmembers: None.

Absent: Councilmembers: Garcia.

  
\_\_\_\_\_  
City Clerk

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

EXHIBIT A

OFFICIAL BALLOT

SPECIAL ELECTION

(January 18, 2011)

IMPROVEMENT AREA B OF THE CITY OF LONG BEACH  
COMMUNITY FACILITIES DISTRICT NO. 2007-1  
(DOUGLAS PARK - COMMERCIAL AREA)

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 Long Beach no later than immediately after adoption of the resolution of the City Council calling said election, either by mail or in person. The City Clerk's office is located at 333 West Ocean Boulevard, Long Beach, California, 90802.

To vote, mark a cross (X) in 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 the services authorized to be funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area) be altered as described in Section 3 of Resolution No. RES-11-\_\_\_\_ of the City Council of the City of Long Beach adopted January 4, 2011, entitled "A Resolution of the City Council of the City of Long Beach of Consideration to Alter the Services Authorized to be Funded by Improvement Area B of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park - Commercial Area)"?

Yes \_\_\_\_\_

No \_\_\_\_\_

By execution 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 Sections 3.52.5217A and 3.52.5218B. of the Long Beach Municipal Code.

Number of Votes: 55

Property Owner: The Boeing Company

By: \_\_\_\_\_

Name: \_\_\_\_\_

Title: \_\_\_\_\_