

1 RESOLUTION NO. RES-08-0083

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3 A RESOLUTION OF THE CITY COUNCIL OF THE  
4 CITY OF LONG BEACH CALLING FOR NEW ELECTION  
5 WITHIN THE CITY OF LONG BEACH COMMUNITY  
6 FACILITIES DISTRICT NO. 2007-2 (BELMONT SHORE)  
7

8 WHEREAS, on this date, this City Council adopted a resolution entitled "A  
9 Resolution of the City Council of the City of Long Beach Affirming Formation of the City of  
10 Long Beach Community Facilities District No. 2007-2 (Belmont Shore), Authorizing the  
11 Levy of a Special Tax Within the District, Preliminarily Establishing An Appropriations  
12 Limit for the District, and Resubmitting Levy of the Special Tax and the Establishment of  
13 the Appropriations Limit to the Qualified Electors of the District" (the "Resolution Affirming  
14 Formation"), affirming the formation of the City of Long Beach Community Facilities  
15 District No. 2007-2 (Belmont Shore) (the "District"), authorizing the levy of a special tax  
16 on property within the District and preliminarily establishing an appropriations limit for the  
17 District;

18 WHEREAS, on this date, this City Council also adopted a resolution entitled  
19 "A Resolution of the City Council of the City of Long Beach Affirming the Determination of  
20 the Necessity to Incur Bonded Indebtedness Within the City of Long Beach Community  
21 Facilities District No. 2007-2 (Belmont Shore) and Submitting Proposition to the Qualified  
22 Electors of the District" (the "Resolution Affirming Necessity to Incur Indebtedness"),  
23 affirming this City Council's determination of the necessity to incur bonded indebtedness  
24 in the maximum aggregate principal amount of \$5,800,000 for the District upon the  
25 security of the special tax to be levied within the District; and

26 WHEREAS, on May 13, 2008, this City Council adopted an ordinance  
27 entitled "An Ordinance of the City Council of the City of Long Beach Amending Provisions  
28 of the Long Beach Municipal Code Pertaining to Assessment District Bonds (Division IV

1 of Chapter 3.52) and Special Tax Financing Improvement Procedures (Division V of  
2 Chapter 3.52)” (the “Ordinance”), which Ordinance, among other matters, amended a  
3 provision of the Long Beach Special Tax Financing Improvement Law, Long Beach  
4 Municipal Code Section 3.52.511 et seq. (the “Law”) with regard to the number of votes  
5 to which each landowner in the District is entitled in an election with respect to the  
6 District, to allow the City Council, in certain circumstances, to authorize an alternative  
7 allocation of votes to better reflect the relative burden of the special tax on the parcels in  
8 the District; and

9 WHEREAS, pursuant to the provisions of the Resolution Affirming  
10 Formation and the Resolution Affirming Necessity to Incur Indebtedness, the propositions  
11 of the levy of said special tax, the establishment of the appropriations limit and the  
12 incurring of the bonded indebtedness for the District are to be submitted to the qualified  
13 electors of the District as required by the Law, as amended by the Ordinance.

14 NOW, THEREFORE, the City Council of the City of Long Beach resolved  
15 as follows:

16 Section 1. Pursuant to Sections 3.52.5217, 3.52.566, 3.52.568 and  
17 3.52.5216 of the Law, the issues of the levy of said special tax, the incurring of bonded  
18 indebtedness and the establishment of an appropriations limit for the District shall be  
19 submitted to the qualified electors of the District at an election called therefor as provided  
20 below.

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

25 Section 3. This City Council hereby finds that fewer than 12 persons  
26 have been registered to vote within the territory of the District for each of the ninety (90)  
27 days preceding the close of the public hearings heretofore conducted and concluded by  
28 this City Council for the purposes of these proceedings, based upon a review of voter

1 registration materials by the City Clerk's office. Accordingly, and pursuant to Section  
2 3.52.5217 B. of the Law, this City Council finds that for purposes of these proceedings  
3 the qualified electors for the District are the landowners within the District as of the close  
4 of the public hearing referred to in the recitals above, and that the vote shall be by said  
5 landowners or their authorized representatives, each having one vote for each dollar of  
6 special tax that may be levied on such landowner's land to be included in the District,  
7 based upon the rate and method of apportionment of special taxes for the District, and  
8 the special taxes thereby to be levied in the first full fiscal year following formation of the  
9 District. This City Council hereby finds that the method of voting contemplated by the  
10 preceding sentence is more reflective of the burden of the special tax to be levied in the  
11 District than the other voting method described in Section 3.52.5217B of the Law (being  
12 one vote for each acre or portion of an acre owned by a landowner in the District).

13 Section 4. This City Council hereby calls a special election to consider  
14 the measure described in Section 2 above, which election shall be held on October 6,  
15 2008. The City Clerk is hereby designated as the official to conduct said election. It is  
16 hereby acknowledged that the City Clerk has on file the Resolution Affirming Formation, a  
17 map of the proposed boundaries of the District, and a sufficient description to allow the  
18 City Clerk to determine the boundaries of the District.

19 The voted ballots shall be returned to the City Clerk no later than 5:00 p.m.  
20 on October 6, 2008; provided, however, that if all of the qualified electors have voted, the  
21 election may be closed and canvassed prior to such time and date.

22 Section 5. Pursuant to Sections 3.52.5217 B. and D., and 3.52.5218 A.  
23 of the Law, the election shall be conducted by mail ballot pursuant to the Law, and  
24 applicable provisions of the City's Charter and Municipal Code and the California  
25 Elections Code.

26 Section 6. The City Council hereby directs the City Clerk to take all  
27 actions necessary under the Law and the Elections Code, including publication of a  
28 notice of time limit to submit ballot arguments, to conduct the election.

1           The City Clerk shall cause to be delivered to the qualified electors of the  
2 District ballots in the form set forth in Exhibit A hereto. Each ballot shall be accompanied  
3 by all supplies and written instructions necessary for the use and return of the ballot. The  
4 envelope to be used to return ballot shall be enclosed with the ballot, with the return  
5 postage prepaid, and shall contain the following: (a) the name and address of the  
6 landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner  
7 of record or authorized representative of the landowner entitled to vote and is the person  
8 whose name appears on the envelope, (c) the printed name, signature and address of  
9 the voter, (d) the date of signing and place of execution of the declaration pursuant to  
10 clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be  
11 opened only by the City Clerk.

12           Bond Counsel to the City for the District is hereby directed to prepare an  
13 impartial analysis to accompany each ballot. Arguments and rebuttals, if any, shall also  
14 be included with the ballot materials, as required by the Elections Code and the Law.

15           Section 7. The City Clerk shall accept the ballots of the qualified electors  
16 received at or prior to 5:00 p.m. on October 6, 2008, whether the ballots be personally  
17 delivered or received by mail. The City Clerk shall have available ballots which may be  
18 marked on the election day by the qualified electors.

19           Section 8. Pursuant to the Local Agency Special Tax and Bond  
20 Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the  
21 California Government Code, (a) the ballot measure referred to in Sections 2 and 4  
22 above contains a statement indicating the specific purposes of the special tax, the  
23 proceeds of the special tax will be applied only to the purposes specified in the ballot  
24 measure, there shall be created by the City Treasurer an account into which proceeds of  
25 the special tax levies for the District will be deposited (which need not be a separate bank  
26 account, but which may be a separate general ledger account so long as such proceeds  
27 can be separately accounted for, or may be accounts held by a fiscal agent on behalf of  
28 the City), and the City Treasurer is hereby directed to provide an annual report to this City

1 Council as required by Section 50075.3 of the California Government Code; and (b) the  
2 ballot measure contains a statement indicating the specific purposes of the bonds  
3 referenced in the ballot measure, the proceeds of the bonds will be applied only to the  
4 purposes specified in the ballot measure, there shall be created by the City Treasurer an  
5 account into which the proceeds of the bonds will be deposited (which need not be a  
6 separate bank account, but which may be a separate general ledger account so long as  
7 such proceeds can be separately accounted for, or may be an account held by a fiscal  
8 agent on behalf of the City), and the City Treasurer is hereby directed to provide an  
9 annual report to this City Council as required by Section 53411 of the California  
10 Government Code.

11 Section 9. The City Clerk is hereby directed to cause to be published in a  
12 newspaper of general circulation circulating within the District a copy of this Resolution  
13 and a copy of the Resolution to Incur Indebtedness, as soon as practicable after the date  
14 of adoption of this Resolution.

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

17 I hereby certify that the foregoing resolution was adopted by the City  
18 Council of the City of Long Beach at its meeting of August 5, 2008, by the

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

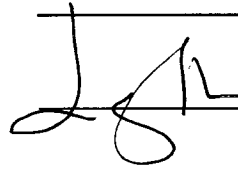
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following vote:

Ayes: Councilmembers: B. Lowenthal, S. Lowenthal,  
DeLong, Schipske, Andrews,  
Reyes Uranga, Gabelich, Lerch.

Noes: Councilmembers: None.

Absent: Councilmembers: O'Donnell.

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

HAM:fl  
07/23/08  
#07-05237

EXHIBIT A

CITY OF LONG BEACH  
COMMUNITY FACILITIES DISTRICT NO. 2007-2  
(BELMONT SHORE)

OFFICIAL BALLOT

Special Tax and Bond Election

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 5:00 p.m. on October 6, 2008, either by mail or in person. The City Clerk's office is located at 333 West Ocean Boulevard, Long Beach, California 90802-4664.

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. The number of votes to be voted pursuant to this ballot are as indicated on the return envelope that accompanies this ballot.

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 A: Shall the City of Long Beach (the "City") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$5,800,000, 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 Long Beach Community Facilities District No. 2007-2 (Belmont Shore) (the "District"), the proceeds of which will be used only to finance the costs of certain parking facilities and improvements (the "Facilities") and of the refinancing of certain bonds (the "1993 Bonds"), as specified in the Resolution of Formation of the District, and to pay the costs of issuing the bonds, initially administering the bonds and the District as well as the establishment of appropriate bond reserves; shall a special tax payable solely from lands within the District be levied annually upon lands within the District to be applied to pay the costs of the Facilities directly, to pay the principal and interest on any bonds issued for the District, 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 initial amount of \$5,800,000?

Yes: \_\_\_\_

No: \_\_\_\_