

1 RESOLUTION NO. RES-07-0022

2
3 A RESOLUTION OF THE CITY COUNCIL OF THE
4 CITY OF LONG BEACH CALLING SPECIAL ELECTIONS
5 WITHIN IMPROVEMENT AREAS A AND B OF THE CITY
6 OF LONG BEACH COMMUNITY FACILITIES DISTRICT
7 NO. 2007-1 (DOUGLAS PARK – COMMERCIAL AREA)
8

9 WHEREAS, on this date, this City Council adopted a resolution entitled “A
10 Resolution of the City Council of the City of Long Beach of Formation of Improvement
11 Areas A and B of the City of Long Beach Community Facilities District No. 2007-1
12 (Douglas Park – Commercial Area), Authorizing the Levy of a Special Tax Within the
13 Improvement Areas, Preliminarily Establishing Appropriations Limits for the
14 Improvement Areas, and Submitting Levy of the Special Tax and the Establishment of
15 the Appropriations Limits to the Qualified Electors of the Improvement Areas” (the
16 “Resolution of Formation”), ordering the formation of Improvement Area A of the City of
17 Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial
18 Area) (“Area A”), and Improvement Area B of the City of Long Beach Community
19 Facilities District No. 2007-1 (Douglas Park – Commercial Area) (“Area B”) (Area A and
20 Area B are sometimes referred to below individually as an “improvement area” and
21 collectively as the “improvement areas”), authorizing the levy of a special tax on
22 property within each improvement area and preliminarily establishing an appropriations
23 limit for each improvement area; and

24 WHEREAS, on this date, this City Council also adopted a resolution
25 entitled “A Resolution of the City Council of the City of Long Beach Determining the
26 Necessity to Incur Bonded Indebtedness Within Improvement Areas A and B of the City
27 of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial
28 Area) and Submitting Proposition to the Qualified Electors of the Improvement Areas”

Robert E. Shannon
City Attorney of Long Beach
333 West Ocean Boulevard
Long Beach, California 90802-4664
Telephone (562) 570-2200

1 (the "Resolution to Incur Indebtedness"), determining the necessity to incur bonded
2 indebtedness in the maximum aggregate principal amount of \$16,000,000 for Area A
3 and \$13,500,000 for Area B, in each case upon the security of the special tax to be
4 levied within the respective improvement area; and

5 WHEREAS, pursuant to the provisions of said resolutions, the
6 propositions of the levy of said special tax, the establishment of the appropriations limit
7 and the incurring of the bonded indebtedness for each improvement area of the City of
8 Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial
9 Area) (the "District"), is to be submitted to the qualified electors of the respective
10 improvement area as required by the Long Beach Special Tax Financing Improvement
11 Law, Long Beach Municipal Code Section 3.52.511 et seq. (the "Law");

12 NOW, THEREFORE, the City Council of the City of Long Beach resolves
13 as follows:

14 Section 1. Pursuant to Sections 3.52.5217, 3.52.566, 3.52.568 and
15 3.52.5216 of the Law, the issues of the levy of said special tax, the incurring of bonded
16 indebtedness and the establishment of an appropriations limit for Area A shall be
17 submitted to the qualified electors of Area A at an election called therefor as provided
18 below. Pursuant to Sections 3.52.5217, 3.52.566, 3.52.568 and 3.52.5216 of the Law,
19 the issues of the levy of said special tax, the incurring of bonded indebtedness and the
20 establishment of an appropriations limit for Area B shall be submitted to the qualified
21 electors of Area B at an election called therefor as provided below.

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

27 Sec. 3. This City Council hereby finds that fewer than 12 persons
28 have been registered to vote within the territory of Area A for each of the ninety (90)

1 days preceding the close of the public hearings heretofore conducted and concluded by
2 this City Council for the purposes of these proceedings. Accordingly, and pursuant to
3 Section 3.52.5217 B. of the Law, this City Council finds that for purposes of these
4 proceedings the qualified electors for Area A are the landowners within Area A and that
5 the vote shall be by said landowners or their authorized representatives, each having
6 one vote for each acre or portion thereof such landowner owns in Area A as of the
7 close of the public hearings.

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

17 Sec. 4. This City Council hereby calls a special election to consider
18 the measures 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 each of the improvement areas of the District, and a sufficient
23 description to allow the City Clerk to determine the boundaries of each of the
24 improvement areas of the District.

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

28 ////

1 Sec. 5. Pursuant to Section 3.52.5217 of the Law, the election shall
2 be conducted by mail or hand delivered ballot pursuant to the California Elections
3 Code. This City Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of
4 Section 4000 of the California Elections Code are applicable to this special election.

5 Sec. 6. This City Council acknowledges that the City Clerk has
6 caused to be delivered to the qualified electors of each improvement area of the District
7 ballots in the form set forth in Exhibit A hereto. Each ballot indicated the number of
8 votes to be voted by the respective landowner with respect to the measure for each
9 improvement area of the District.

10 Each ballot was accompanied by all supplies and written instructions
11 necessary for the use and return of the ballot. The envelope to be used to return
12 ballots was enclosed with the ballot, had the return postage prepaid, and contained the
13 following: (a) the name and address of the landowner, (b) a declaration, under penalty
14 of perjury, stating that the voter is the owner of record or authorized representative of
15 the landowner entitled to vote and is the person whose name appears on the envelope,
16 (c) the printed name, signature and address of the voter, (d) the date of signing and
17 place of execution of the declaration pursuant to clause (b) above, and (e) a notice that
18 the envelope contains an official ballot and is to be opened only by the City Clerk.
19 Analysis and arguments with respect to the ballot measures were waived by the
20 landowners in their petitions to form the District as well as in their voted ballots, as
21 permitted by Section 3.52.5218 of the Law.

22 Sec. 7. The City Clerk shall accept the ballots of the qualified
23 electors upon and prior to the adoption of this Resolution, whether the ballots be
24 personally delivered or received by mail. The City Clerk shall have available ballots
25 which may be marked in the City Council meeting room on the election day by the
26 qualified electors.

27 Sec. 8. This City Council hereby further finds that the provision of
28 the Law requiring a minimum of 5 days following the adoption of the Resolution of

1 Formation to elapse before said special election is for the protection of the qualified
2 electors of the improvement areas of the District. The petitions previously submitted by
3 the landowners in the District and the voted ballots of the qualified electors of the
4 District contain acknowledgments of a waiver of any time limit pertaining to the conduct
5 of the election and of a waiver of any requirement for analysis and arguments in
6 connection with the election. Accordingly, this City Council finds and determines that
7 the qualified electors have been fully apprised of and have agreed to the shortened
8 time for the election and waiver of analysis and arguments, and have thereby been fully
9 protected in these proceedings. This City Council also finds and determines that the
10 City Clerk has concurred in the shortened time for the election.

11 Sec. 9. Pursuant to the Local Agency Special Tax and Bond
12 Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the
13 California Government Code, (a) the ballot measures referred to in Sections 2 and 4
14 above contain a statement indicating the specific purposes of the special tax, the
15 proceeds of the special tax will be applied only to the purposes specified in the ballot
16 measure, there shall be created by the City Treasurer accounts into which proceeds of
17 the special tax levies for each improvement area will be deposited (which need not be
18 separate bank accounts, but which may be separate general ledger accounts so long
19 as such proceeds can be separately accounted for, or may be accounts held by a fiscal
20 agent on behalf of the City), and the City Treasurer is hereby directed to provide an
21 annual report to this City Council as required by Section 50075.3 of the California
22 Government Code; and (b) the ballot measures contain a statement indicating the
23 specific purposes of the bonds referenced in the respective ballot measure, the
24 proceeds of the bonds will be applied only to the purposes specified in the applicable
25 ballot measure, there shall be created by the City Treasurer accounts into which the
26 proceeds of the bonds will be deposited (which need not be separate bank accounts,
27 but which may be separate general ledger accounts so long as such proceeds can be
28 separately accounted for, or may be accounts held by a fiscal agent on behalf of the

EXHIBIT "A"

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

OFFICIAL BALLOT

Special Tax and Bond Election
(February 20, 2007)

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 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 \$16,000,000, 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 Improvement Area A ("Area A") of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area) (the "District"), the proceeds of which will be used only to finance the costs of certain public improvements (the "Facilities"), as specified in the Resolution of Formation of the improvement areas of the District, and the costs of issuing the bonds, initially administering the bonds and Area A as well as the establishment of appropriate bond reserves; shall a special tax payable solely from lands within Area A be levied annually upon lands within Area A to be applied to pay the costs of the Facilities directly, to pay costs of services eligible to be funded by Area A, to pay the principal and interest on any bonds issued for Area A, to replenish the reserves for the bonds, and to pay the costs of the City in administering Area A; and shall the annual appropriations limit of Area A be established in the amount of \$16,000,000?

Yes:

No:

BALLOT MEASURE B: 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 \$13,500,000, 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 Improvement Area B ("Area B") of the City of Long Beach Community Facilities District No. 2007-1 (Douglas Park – Commercial Area) (the "District"), the proceeds of which will be used only to finance the costs of certain public improvements (the "Facilities"), as specified in the Resolution of Formation of the improvement areas of the District, and the costs of issuing the bonds, initially administering the bonds and Area B as well as the establishment of appropriate bond reserves; shall a special tax payable solely from lands within Area B be levied annually upon lands within Area B to be applied

to pay the costs of the Facilities directly, to pay costs of services eligible to be funded by Area B, to pay the principal and interest on any bonds issued for Area B, to replenish the reserves for the bonds, and to pay the costs of the City in administering Area B; and shall the annual appropriations limit of Area B be established in the amount of \$13,500,000?

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 measures, 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 cast for or against Ballot Measure A, as indicated above:

Number of Votes cast for or against Ballot Measure B, as indicated above: _____

Property Owner: