

1 RESOLUTION NO. RES-07-0168

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. 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 of Formation of the City of Long
10 Beach Community Facilities District No. 2007-2 (Belmont Shore), Authorizing the Levy of
11 a Special Tax Within the District, Preliminarily Establishing An Appropriations Limit for the
12 District, and Submitting Levy of the Special Tax and the Establishment of the
13 Appropriations Limit to the Qualified Electors of the District" (the "Resolution of
14 Formation"), ordering 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 Determining the Necessity to
20 Incur Bonded Indebtedness Within the City of Long Beach Community Facilities District
21 No. 2007-2 (Belmont Shore) and Submitting Proposition to the Qualified Electors of the
22 District" (the "Resolution to Incur Indebtedness"), determining the necessity to incur
23 bonded indebtedness in the maximum aggregate principal amount of \$5,800,000 for the
24 District upon the security of the special tax to be levied within the District; and

25 WHEREAS, pursuant to the provisions of said resolutions, the propositions
26 of the levy of said special tax, the establishment of the appropriations limit and the
27 incurring of the bonded indebtedness for the District are to be submitted to the qualified
28 electors of the District as required by the Long Beach Special Tax Financing

1 Improvement Law, Long Beach Municipal Code Section 3.52.511 et seq. (the "Law");

2 NOW, THEREFORE, the City Council of the City of Long Beach resolved
3 as follows:

4 Section 1. Pursuant to Sections 3.52.5217, 3.52.566, 3.52.568 and
5 3.52.5216 of the Law, the issues of the levy of said special tax, the incurring of bonded
6 indebtedness and the establishment of an appropriations limit for the District shall be
7 submitted to the qualified electors of the District at an election called therefor as provided
8 below.

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

13 Section 3. This City Council hereby finds that fewer than 12 persons
14 have been registered to vote within the territory of the District for each of the ninety (90)
15 days preceding the close of the public hearings heretofore conducted and concluded by
16 this City Council for the purposes of these proceedings, based upon a review of voter
17 registration materials by the City Clerk's office. Accordingly, and pursuant to Section
18 3.52.5217 B. of the Law, this City Council finds that for purposes of these proceedings
19 the qualified electors for the District are the landowners within the District as of the close
20 of the public hearing referred to in the recitals above, and that the vote shall be by said
21 landowners or their authorized representatives, each having one vote for each acre or
22 portion thereof such landowner owns in the District as of the close of the public hearings
23 referred to in the recitals above.

24 Section 4. This City Council hereby calls a special election to consider
25 the measure described in Section 2 above, which election shall be held on March 3,
26 2008. The City Clerk is hereby designated as the official to conduct said election. It is
27 hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map
28 of the proposed boundaries of the District, and a sufficient description to allow the City

1 Clerk to determine the boundaries of the District.

2 The voted ballots shall be returned to the City Clerk no later than 5:00 p.m.
3 on March 3, 2008; provided, however, that if all of the qualified electors have voted, the
4 election may be closed and canvassed prior to such time and date.

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

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

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

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

26 Section 7. The City Clerk shall accept the ballots of the qualified electors
27 received at or prior to 5:00 p.m. on March 3, 2008, whether the ballots be personally
28 delivered or received by mail. The City Clerk shall have available ballots which may be

1 marked on the election day by the qualified electors.

2 Section 8. Pursuant to the Local Agency Special Tax and Bond
3 Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the
4 California Government Code, (a) the ballot measure referred to in Sections 2 and 4
5 above contains a statement indicating the specific purposes of the special tax, the
6 proceeds of the special tax will be applied only to the purposes specified in the ballot
7 measure, there shall be created by the City Treasurer an account into which proceeds of
8 the special tax levies for the District will be deposited (which need not be a separate bank
9 account, but which may be a separate general ledger account so long as such proceeds
10 can be separately accounted for, or may be accounts held by a fiscal agent on behalf of
11 the City), and the City Treasurer is hereby directed to provide an annual report to this City
12 Council as required by Section 50075.3 of the California Government Code; and (b) the
13 ballot measure contains a statement indicating the specific purposes of the bonds
14 referenced in the ballot measure, the proceeds of the bonds will be applied only to the
15 purposes specified in the ballot measure, there shall be created by the City Treasurer an
16 account into which the proceeds of the bonds will be deposited (which need not be a
17 separate bank account, but which may be a separate general ledger account so long as
18 such proceeds can be separately accounted for, or may be an account held by a fiscal
19 agent on behalf of the City), and the City Treasurer is hereby directed to provide an
20 annual report to this City Council as required by Section 53411 of the California
21 Government Code.

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

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

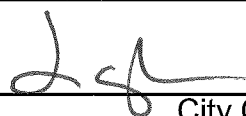
28 I hereby certify that the foregoing resolution was adopted by the City

1 Council of the City of Long Beach at its meeting of December 11, 2007, by the
2 following vote:

3 Ayes: Councilmembers: B. Lowenthal, S. Lowenthal, DeLong,
4 O'Donnell, Schipske, Andrews,
5 Reyes Uranga, Gabelich, Lerch.
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7 Noes: Councilmembers: None.
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9 Absent: Councilmembers: None.
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13 City Clerk
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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

28 HAM:fl
11/26/07
#07-05656

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 March 3, 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: _____