

RESOLUTION NO. 18-120

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF CARSON ACTING IN ITS CAPACITY AS THE LEGISLATIVE BODY OF THE CITY OF CARSON COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MAINTENANCE AND SERVICES) CALLING A SPECIAL LANDOWNER ELECTION RELATING TO THE LEVY OF A SPECIAL TAX THEREIN AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT

WHEREAS, on September 18, 2018, the City Council of the City of Carson adopted Resolution No. 18-083 (the “Resolution of Intention”), stating its intention to form City of Carson Community Facilities District No. 2018-01 (Maintenance and Services) (the “CFD”) and Future Voluntary Annexation Area (the “Future Annexation Area”) pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “Act”); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and Future Annexation Area, and stating the services to be provided, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the services, is on file with the City Clerk and the provisions of the Resolution of Intention are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on November 7, 2018, the City Council held a public hearing as required by the Act relative to the proposed formation of the CFD and the Future Annexation Area; and

WHEREAS, at the hearing, all interested persons desiring to be heard on all matters pertaining to the formation of the CFD and Future Annexation Area, the services to be provided therein and the levy of such special tax were heard and a full and fair hearing was held; and

WHEREAS, no written protests have been filed with the City Clerk by 50% or more of the registered voters residing within the territory of the CFD or Future Annexation Area, or property owners that own one-half or more of the area of land within the CFD or Future Annexation Area, and not exempt from the proposed special taxes; and

WHEREAS, on November 7, 2018, the City Council of the City of Carson adopted Resolution 18-119 (the “Resolution of Formation”), ordering the formation of the CFD, defining the public services (the “Services”) to be provided by the CFD, authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Act; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD as required by the provisions of the Act.

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF CARSON, ACTING AS LEGISLATIVE BODY OF THE CITY OF CARSON COMMUNITY FACILITIES DISTRICT NO. 2018-01 (MAINTENANCE AND SERVICES) DOES HEREBY RESOLVE AS FOLLOWS:

1. Recitals. The City Council finds and determines that all the foregoing recitals are true and correct and incorporated herein.

2. Special Tax. Except for property within the CFD that is exempt, wholly or partially, from the levy of the special tax specified in the rate and method of apportionments of special tax attached to the Resolution of Formation as Exhibit B, the whole of the property within the CFD shall pay for the Services pursuant to the levy of special tax authorized by the Resolution of Formation.

3. Issues Submitted. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below.

4. Qualified Electors. The City Council hereby finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by the City Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, the City Council finds that, for these proceedings, the qualified electors are the landowners within the CFD and that the vote shall be by such landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the CFD as of the close of the public hearing.

5. Conduct of Election. The City Council hereby calls a special election to consider the issues described in Section 3, above, which election shall be held on November 7, 2018, and the results thereof canvassed at the meeting of the City Council on November 7, 2018. The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until 5:00 p.m. (PST), on the election date. The voter ballot shall be returned to the office of the City Clerk at 701 East Carson Street, Carson, California. It is hereby acknowledged that the City Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient description to allow the City Clerk to determine the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 of the California Elections Code. The City Council hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 are applicable to this special

election, except that Sections 53326 and 53327 of the Act shall govern for purposes of determining the date of the election.

6. Ballot. As authorized by Section 53353.5 of the Act, the issues described in Section 3 above shall be combined into a single ballot measure, the form of which as attached hereto as Exhibit A is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit A, to be delivered to each of the qualified electors of the CFD. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, have the return postage prepaid, and contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot.

7. Waivers. The City Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the CFD. There is on file with the City Clerk a written waiver executed by all the qualified electors of the CFD allowing for a shortening of the time for the special election to expedite the process of formation of the CFD and waiving any requirement for notice, analysis and arguments in connection with the election. Accordingly, the City Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. The City Council also finds and determines that the City Clerk has concurred in the shortened time for the election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

8. Accountability. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, the City Council hereby establishes the following accountability measures pertaining to the levy by the CFD of the special tax:

a. Such special tax shall be levied for the specific purposes set forth in Section 2 hereof.

b. The proceeds of the levy of such special tax shall be applied only to the specific purposes set forth in Section 2 hereof.

c. The CFD shall establish an account or accounts into which the proceeds of such special tax shall be deposited.

d. The Director of Finance, or their designee, acting for an on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3

9. Effective Date. The City Clerk shall certify the adoption of this Resolution. This Resolution shall take effect upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Carson at a regular meeting held on the 7th day of November, 2018

CITY OF CARSON:

Albert Robles, Mayor

ATTEST:

Donesia Gause-Aldana, MMC, City Clerk

APPROVED AS TO FORM:

Sunny K. Soltani, City Attorney

STATE OF CALIFORNIA)
COUNTY OF LOS ANGELES) ss.
CITY OF CARSON)

I, Donesia Gause-Aldana, City Clerk of the City of Carson, California, hereby attest to and certify that the foregoing resolution, being Resolution No. 18-120, adopted by the City of Carson City Council at its meeting held on November 7, 2018 by the following vote:

AYES: COUNCIL MEMBERS:

NOES: COUNCIL MEMBERS:

ABSTAIN: COUNCIL MEMBERS:

ABSENT: COUNCIL MEMBERS:

Donesia Gause-Aldana, MMC, City Clerk

EXHIBIT A
CITY OF CARSON
Community Facilities District No. 2018-01
(Maintenance and Services)

OFFICIAL BALLOT
SPECIAL TAX AND APPROPRIATIONS LIMIT ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the City Clerk of the City of Carson (the "City") no later than the hour of 5:00 p.m. (PST) on Wednesday, November 7, 2018, either by mail or in person. The City Clerk's office is located at 701 East Carson Street, Carson, California.

To vote, stamp a cross (+) in the voting square 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 stamp, tear, or deface this ballot, return it to the office of the City Clerk of the City and obtain another.

BALLOT MEASURE A: Shall the City of Carson Community Facilities District No. 2018-01 (Maintenance and Services) (the "CFD") be authorized to annually levy a special tax not exceeding \$1,971.51 per acre, which raises \$9,189.21 annually, subject to an index, in perpetuity solely on lands within the CFD, in accordance with the rate and method contained in the Resolution of Formation of the CFD adopted by the City Council on November 7, 2018, which is incorporated herein by reference (the "Resolution"), commencing in the City's fiscal year 2018/2019, to pay for the municipal services for the CFD, as described in the Resolution, the costs of the City in administering the CFD and County charges; and establish an annual appropriations limit for the CFD of \$1,000,000, pursuant to Article XIII B of the California Constitution, as adjusted for changes in the costs of living and changes in population?

YES	<input type="checkbox"/>
NO	<input type="checkbox"/>

By execution in the space provided below, you also confirm your written 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.

Assessor Parcel Nos.

Property Owner:

By: _____

Acreage:

Number of Votes:

Mailing Address:

Property Address: