

RESOLUTION NO. 6761

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF REDLANDS CALLING SPECIAL ELECTION AND SUBMITTING TO THE QUALIFIED ELECTORS OF TERRITORY PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2004-1 OF THE CITY OF REDLANDS THE QUESTION OF LEVYING SPECIAL TAXES WITHIN THE TERRITORY PROPOSED TO BE ANNEXED (ANNEXATION NO. 4)

WHEREAS, the City Council (the "City Council") of City of the Redlands (the "City") has heretofore conducted proceedings for the establishment of and has established Community Facilities District No. 2004-1 of the City of Redlands, County of San Bernardino, State of California (the "Community Facilities District"), and the Community Facilities District has been authorized to annually levy special taxes to pay the costs of the maintenance of parks, parkways and open space, including, but not limited to, the maintenance of street trees and landscape, within the Community Facilities District and in the surrounding area and the costs associated with the determination of the amount of and levy and collection of special taxes which will be levied to provide the services and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District.

WHEREAS, the City Council has been advised that the owner of approximately 1.16 acres of land wishes to have its land included within the boundaries of the Community Facilities District and has requested that such land be annexed thereto; and

WHEREAS, the City Council is authorized by Article 3.5 (commencing with Section 53339) of Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code, commonly known as the "Mello-Roos Community Facilities Act of 1982," to annex such land to the Community Facilities District; and

WHEREAS, on September 3, 2008 the City Council adopted Resolution No. 6754, a resolution of intention to annex territory to the Community Facilities District pursuant to Section 53339.2 of the California Government Code, determining that the public convenience and necessity require that said territory be annexed to the Community Facilities District and containing all of the matters prescribed by Section 53339.3 of said Code, and fixing 7:00 p.m. on October 7, 2008, and the meeting room of the City Council, as the time and place for a hearing upon said resolution; and

WHEREAS, pursuant to said resolution, the City Clerk has published and mailed notice of the time and place of said hearing as required by Section 53339.4 of said Code; and

WHEREAS, on October 7, 2008, at the time and place of said hearing, the City Council afforded all interested persons for or against the annexation of said territory to the Community Facilities District an opportunity to present testimony and to protest against the

proposed annexation of said territory to the Community Facilities District, and no protests, either oral or in writing, were received; and

WHEREAS, pursuant to Section 53339.7 of said Code, the City Council may now submit the question of levying a special tax within the area proposed to be annexed to the Community Facilities District to the qualified electors within said territory;

NOW, THEREFORE, BE IT RESOLVED, DETERMINED AND ORDERED BY THE CITY COUNCIL OF THE CITY OF REDLANDS AS FOLLOWS:

Section 1. Findings. The City Council finds that: (i) the foregoing recitals are correct; (ii) less than 12 persons have been registered to vote within the territory proposed to be annexed to the Community Facilities District during the 90 days preceding the close of the public hearing held on October 7, 2008, and no persons are registered to vote therein; (iii) pursuant to Section 53326 of the California Government Code, as a result of the findings set forth in clause (ii) above, the vote in the special election called by this resolution shall be by the landowners of the territory proposed to be annexed to the Community Facilities District whose property would be subject to the special taxes if they were levied at the time of the election, and each landowner shall have one vote for each acre, or portion thereof, which he or she owns within said territory which would be subject to the proposed special taxes if they were levied at the time of the election; (iv) the owner of the territory proposed to be annexed to the Community Facilities District, has by written consent (a) waived the time limits set forth in said Section 53326 for holding the election called by this resolution, (b) consented to the holding of said election on any date prior to November 30, 2008, (c) waived notice and mailed notice of the time and date of said election, and (d) waived an impartial analysis by the City Attorney of the ballot proposition pursuant to Section 9280 of the California Elections Code, mailing of a statement pursuant to Section 9401 of said Code, and arguments and rebuttals pursuant to Sections 9281 to 9287, inclusive, of said Code; and (v) the City Clerk has consented to the holding of said election on October 21, 2008.

Section 2. Special Election. A special election is called for and shall be held on Tuesday, October 21, 2008, for the purpose of submitting to the qualified electors of the territory proposed to be annexed to the Community Facilities District the question of whether special taxes shall annually be levied within said territory to pay the costs of the maintenance of parks, parkways and open space, including, but not limited to, the maintenance of street trees and landscape, within the Community Facilities District and in the surrounding area, and the costs associated with the determination of the amount of and levy and collection of special taxes which will be levied to provide the services and costs otherwise incurred in order to carry out the authorized purposes of the Community Facilities District pursuant to the Rates and Method of Apportionment of the Special Taxes, attached as Exhibit "B" to Resolution No. 6754.

Section 3. Ballot Proposition. The proposition to be submitted on October 21, 2008, to the qualified electors of the territory proposed to be annexed to the Community Facilities District shall be as follows:

First Proposition

Shall special taxes be levied annually on taxable property within the territory proposed to be annexed to Community Facilities District No. 2004-1 of the City of Redlands, County of San Bernardino, State of California, to pay the costs of maintaining parks, parkways and open space, including, but not limited to, the maintenance of street trees and landscape, within the Community Facilities District and in the surrounding area, and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes at the special tax rates and pursuant to the method of apportioning such special taxes set forth in Exhibit "B" to Resolution No. 6754 adopted by the City Council of the City of Redlands on September 3, 2008?

Section 4. Conduct of Election. Except as otherwise provided in Section 5 hereof, said election shall be conducted by the City Clerk (the "City Clerk") pursuant to the provisions of the California Elections Code governing elections of cities, and the provisions of Division 4 (commencing with Section 4000) of said Code, insofar as they may be applicable.

Section 5. Election Procedures. The procedures to be followed in conducting said election shall be as follows:

(a) Pursuant to Section 53326 of the California Government Code, ballots for the election shall be distributed to the qualified electors by the City Clerk by mail with return postage prepaid.

(b) Pursuant to applicable sections of the aforementioned provisions of the California Elections Code governing the conduct of mail ballot elections, including in particular Division 4 (commencing with Section 4000) of said Code, the City Clerk shall mail to each qualified elector an official ballot in the form attached hereto as Exhibit "A," and shall also mail to all such qualified electors a ballot pamphlet and instructions to voter, including a sample ballot identical in form to the official ballot but identified as a sample ballot, a return identification envelope with prepaid postage thereon addressed to the City Clerk for the return of voted official ballots, and a copy of Resolution No. 6754.

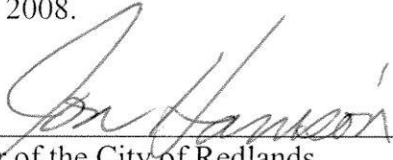
(c) The official ballot to be mailed by the City Clerk to each landowner-voter shall have printed or typed thereon the name of the landowner-voter and the number of votes to be voted by the landowner-voter and shall have appended to it a certification to be signed by the person voting the official ballot which shall certify that the person signing the certification is the person who voted the official ballot, and if the landowner-voter is other than a natural person, that he or she is an officer of or other person affiliated with the landowner-voter entitled to vote such official ballot, that he or she has been authorized to vote such official ballot on behalf of the landowner-voter, that in voting such official ballot it was his or her intent, as well as the intent of the landowner-voter, to vote all votes to which the landowner-voter is entitled based on its land ownership on the proposition set forth in the official ballot as marked thereon in the voting square opposite such proposition, and further certifying as to the acreage of the landowner-voter's land ownership within the Community Facilities District.

(d) The return identification envelope delivered by the City Clerk to each landowner-voter shall have printed or typed thereon the following: the name of the landowner, the address of the landowner, a declaration under penalty of perjury stating that the voter is the landowner or the authorized representative of the landowner entitled to vote the enclosed ballot and is the person whose name appears on the identification envelope, the printed name and signature of the voter, the address of the voter, the date of signing and place of execution of said declaration, and a notice that the envelope contains an official ballot and is to be opened only by the City Clerk.

(e) The information-to-voter form to be mailed by the City Clerk to the landowner-voters shall inform them that the official ballots shall be returned to the City Clerk properly voted as provided thereon and with the certification appended thereto properly completed and signed in the sealed return identification envelope with the certification thereon completed and signed and all other information to be inserted thereon properly inserted by 5 o'clock p.m. on the date of the election.

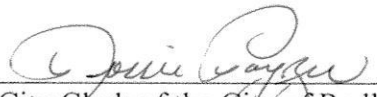
(f) Upon receipt of the return identification envelopes which are returned prior to the voting deadline on the date of the election, the City Clerk shall canvass the votes cast in the election, and shall file a statement with the City Council at its next regular meeting as to the results of such canvass and the election on the proposition set forth in the official ballot.

ADOPTED this 7th day of October, 2008.



Mayor of the City of Redlands

ATTEST:



City Clerk of the City of Redlands

EXHIBIT "A"

OFFICIAL BALLOT

SPECIAL ELECTION FOR
COMMUNITY FACILITIES DISTRICT NO. 2004-1
OF THE CITY OF REDLANDS
COUNTY OF SAN BERNARDINO
STATE OF CALIFORNIA
October 21, 2008

To vote, mark 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 mark, tear, or deface this ballot, return it to the City Clerk of the City of Redlands and obtain another.

PROPOSITION A: Shall special taxes be levied annually on taxable property within the territory proposed to be annexed to Community Facilities District No. 2004-1 of the City of Redlands, County of San Bernardino, State of California, to pay the costs of maintaining parks, parkways and open space, including, but not limited to, the maintenance of street trees and landscape, within the Community Facilities District and in the surrounding area, and to pay costs associated with the determination of the amount of and the levy and collection of the special taxes at the special tax rates and pursuant to the method of apportioning such special taxes set forth in Exhibit "B" to Resolution No. 6754 adopted by the City Council of the City of Redlands on September 3, 2008?

YES	
NO	

CERTIFICATION

I, LORRIE POYZER, City Clerk of the City of Redlands, California, do hereby certify that the foregoing Resolution was regularly introduced and adopted by the City Council of the City of Redlands at a regular meeting thereof held on the 7th day of October, 2008 by the following vote of the Council:

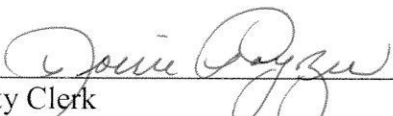
AYES: Councilmembers Gilbreath, Gallagher, Aguilar, Bean; Mayor Harrison

NOES: None

ABSENT: None

ABSTAIN: None

IN WITNESS WHEREOF, I have hereunto set my hand and affixed the official seal of the City of Redlands, California, this 7th day October, 2008.



City Clerk
City of Redlands, California

(SEAL)