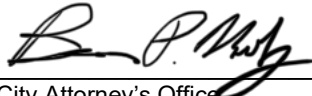


BY: 
City Attorney's Office

OAKLAND CITY COUNCIL

RESOLUTION NO. _____

A RESOLUTION OF THE CITY COUNCIL DECLARING RESULTS OF SPECIAL ELECTIONS FOR THREE IMPROVEMENT AREAS IN THE COMMUNITY FACILITIES DISTRICT FOR THE OAK KNOLL PROJECT, MAKING FINDINGS UNDER THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), AND DIRECTING RECORDING OF NOTICES OF SPECIAL TAX LIEN

WHEREAS, under the Mello-Roos Community Facilities Act of 1982, as amended (Act), Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing at Section 53311, of the California Government Code, the Council is authorized to establish a community facilities district (CFD) and to act as the legislative body for a CFD; and

WHEREAS, on the date hereof, after holding noticed public hearings, the City Council adopted: (i) a resolution entitled “A Resolution of the City Council of Formation of a Community Facilities District, Three Improvement Areas and a Future Annexation Area to Finance Public Improvements and Public Services for the Oak Knoll Project, and Making Findings under the California Environmental Quality Act (CEQA)” (Resolution of Formation) and (ii) a resolution entitled “A Resolution of the City Council Determining the Necessity to Incur Bonded and Other Indebtedness for the Oak Knoll Project Community Facilities District, and Making Findings under the Environmental Quality Act (CEQA)” (Resolution Determining Necessity); and

WHEREAS, pursuant to the Resolution of Formation and the Act, the City Council established the “City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)”, the following three improvement areas in the CFD (Improvement Areas) and a future annexation area for the CFD (Future Annexation Area), for the purpose of financing certain public improvements (Facilities) and public services (Services) described in the Resolution of Formation:

(i) “Improvement Area No. 1 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (Improvement Area No. 1).

(ii) “Improvement Area No. 2 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (Improvement Area No. 2).

(iii) “Improvement Area No. 3 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (Improvement Area No. 3); and

WHEREAS, pursuant to the Resolution of Formation and the Act, the City Council further authorized the levy of special taxes (Special Taxes) on property within each Improvement Area according to the rate and method of apportionment (each, a Rate and Method; together, the Rate and Methods) for each Improvement Area shown in the following exhibits to the Resolution of Formation:

(i) Exhibit B-1: Rate, Method of Apportionment, and Manner of Collection of Special Tax (Facilities Special Tax) for Improvement Area No. 1.

(ii) Exhibit B-2: Rate, Method of Apportionment, and Manner of Collection of Special Tax (Facilities Special Tax) for Improvement Area No. 2.

(iii) Exhibit B-3: Rate, Method of Apportionment, and Manner of Collection of Special Tax (Facilities Special Tax) for Improvement Area No. 3.

(iv) Exhibit B-4: Rate, Method of Apportionment, and Manner of Collection of Special Tax (Services Special Tax) for all of the Improvement Areas; and

WHEREAS, pursuant to the Resolution of Formation and the Act, the City Council further preliminarily established an appropriations limit for the CFD; and

WHEREAS, in the Resolution Determining Necessity, the City Council determined the necessity to incur bonded indebtedness in the maximum aggregate principal amounts set forth below for each Improvement Area upon the security of the Special Taxes to be levied within the applicable Improvement Area pursuant to the Act:

- (a) Improvement Area No. 1: \$45,000,000
- (b) Improvement Area No. 2: \$50,000,000
- (c) Improvement Area No. 3: \$55,000,000; and

WHEREAS, in the Resolution Determining Necessity, the City Council also determined the necessity to incur other debt as defined in the Act; and

WHEREAS, under the provisions of the Resolution of Formation and the Resolution of Necessity and pursuant to a “A Resolution of the City Council Calling Special Elections for Three Improvement Areas in the Community Facilities District for the Oak Knoll Project, and Making Findings under the California Environmental Quality Act (CEQA)” (Election Resolution) heretofore adopted by this Council, the propositions of the levy of the Special Taxes, the establishment of the appropriations limit for the CFD and the incurring of the bonded indebtedness and other debt (as defined in the Act) were submitted to the qualified electors of the Improvement Areas as required by the provisions of the Act; and

WHEREAS, pursuant to the terms of the Election Resolution, which are by this reference incorporated herein, the special election has been held and the City Clerk has on file a Canvass and Statement of Results of Election, (Canvass), a copy of which is attached hereto as **Exhibit A**; and

WHEREAS, this Council has reviewed the Canvass, finds it appropriate and wishes to complete its proceedings for the CFD; and

WHEREAS, the CFD consists of an approximately 183-acre site at the former Oak Knoll Naval Medical Center that is entitled for development of 918 residential units, more than 84 acres of parks and open space and more than 72,000 square feet of neighborhood serving commercial space (Project); and

WHEREAS, Staff made findings under the California Environmental Quality Act (CEQA) that: (1) no supplemental or subsequent environmental review is required for the Project pursuant to CEQA Guidelines sections 15162 and 15163 because the formation of the CFD carries out the requirements of the Project and (2) the formation of the CFD is also exempt under CEQA Guidelines sections 15183, 15301, and 15308; now, therefore, be it

RESOLVED: That the issues presented at the special election in each Improvement Area were the levy of the Special Taxes within such Improvement Area, the incurring of a bonded indebtedness in the maximum aggregate principal amount set forth above and other debt of the CFD with respect to such Improvement Area, and the approval of an annual appropriations limit for the CFD, all pursuant to the Resolution of Formation and the Resolution of Necessity; and be it

FURTHER RESOLVED: That the Council hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the CFD and the Improvement Areas. Pursuant to the Canvass, the issues presented at the special election for each Improvement Area were approved by the qualified electors of such Improvement Area by more than two-thirds of the votes cast at the special election; and be it

FURTHER RESOLVED: That pursuant to the voter approval, the CFD and the Improvement Areas are hereby declared to be fully formed with the authority to levy the Special Taxes, to incur the approved bonded indebtedness and other debt and to have the established appropriations limit, all as heretofore provided in these proceedings and in the Act. It is hereby found that all prior proceedings and actions taken by this Council with respect to the CFD and the Improvement Areas were valid and in conformity with the Act; and be it

FURTHER RESOLVED: That with respect to each Improvement Area, the City Clerk is hereby directed to complete, execute and cause to be recorded in the office of the County Recorder of the County of Alameda a notice of special tax lien in the form required by the Act, such recording to occur no later than 15 days following adoption by the Council of this Resolution; and be it

FURTHER RESOLVED: That the City Council hereby adopts Staff's findings under CEQA that: (1) no supplemental or subsequent environmental review is required for the Project pursuant to CEQA Guidelines sections 15162 and 15163 because the formation of the CFD carries out the requirements of the Oak Knoll Project and (2) the formation of the CFD is also exempt under CEQA Guidelines sections 15183, 15301, and 15308; and be it

FURTHER RESOLVED: That this Resolution shall take effect immediately upon its passage.

IN COUNCIL, OAKLAND, CALIFORNIA,

PASSED BY THE FOLLOWING VOTE:

AYES - FIFE, GALLO, KALB, KAPLAN, REID, TAYLOR, THAO AND
PRESIDENT FORTUNATO BAS

NOES –

ABSENT –

ABSTENTION –

ATTEST: _____
ASHA REED
City Clerk and Clerk of the Council of the
City of Oakland, California

EXHIBIT A

CANVASS AND STATEMENT OF RESULT OF ELECTION

**CITY OF OAKLAND
Community Facilities District No. 2021-1
(Oak Knoll Facilities and Services)**

Improvement Area 1

I hereby certify that on November 16, 2021, I canvassed the returns of the election held on November 16, 2021, in “Improvement Area 1 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” and the total number of ballots cast in said Improvement Area and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner <u>Votes</u>	Votes <u>Cast</u>	<u>YES</u>	<u>NO</u>
Improvement Area 1 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services), Special Tax Election, November 16, 2021	74	_____	_____	_____

BALLOT MEASURE: Shall the following measure be adopted: authorizing the City of Oakland to (i) levy a Facilities Special Tax solely on lands within “Improvement Area No. 1 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (“Improvement Area”) in accordance with the rate and method contained in the resolution of the City Council establishing the Improvement Area (“Formation Resolution”), commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public facilities specified in the Formation Resolution, to pay debt service on bonds and other debt of the CFD with respect to the Improvement Area, and to pay the costs of the City in administering the CFD, which Facilities Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$1,518,541.05 in fiscal year 2022-23 (with annual escalation thereafter); (ii) levy a Services Special Tax solely on lands within the Improvement Area in accordance with the rate and method contained in the Formation Resolution, commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public services specified in the Formation Resolution, and to pay the costs of the City in

administering the CFD, which Services Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$195,298.89 in fiscal year 2022-23 (with annual escalation thereafter); (iii) establish an annual appropriations limit for the CFD in the amount of \$150,000,000 (subject to increase in accordance with law); and (iv) issue bonds for the CFD with respect to the Improvement Area in the maximum aggregate principal amount of not to exceed \$45,000,000 and other debt for the CFD with respect to the Improvement Area, 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 or issuance of such debt, the proceeds of which bonds and other debt will be used to acquire and/or construct certain facilities, reimburse certain costs of the facilities paid prior to the date of issuance of the bonds, and pay for the costs of issuing the bonds and related expenses?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this ____ day of

_____.

By: _____
City Clerk

CANVASS AND STATEMENT OF RESULT OF ELECTION

**CITY OF OAKLAND
Community Facilities District No. 2021-1
(Oak Knoll Facilities and Services)**

Improvement Area 2

I hereby certify that on November 16, 2021, I canvassed the returns of the election held on November 16, 2021, in “Improvement Area 2 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” and the total number of ballots cast in said Improvement Area and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner <u> Votes</u>	Votes <u> Cast</u>	<u> YES</u>	<u> NO</u>
Improvement Area 2 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services), Special Tax Election, November 16, 2021	68	_____	_____	_____

BALLOT MEASURE: Shall the following measure be adopted: authorizing the City of Oakland to (i) levy a Facilities Special Tax solely on lands within “Improvement Area No. 2 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (“Improvement Area”) in accordance with the rate and method contained in the resolution of the City Council establishing the Improvement Area (“Formation Resolution”), commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public facilities specified in the Formation Resolution, to pay debt service on bonds and other debt of the CFD with respect to the Improvement Area, and to pay the costs of the City in administering the CFD, which Facilities Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$1,619,190.90 in fiscal year 2022-23 (with annual escalation thereafter); (ii) levy a Services Special Tax solely on lands within the Improvement Area in accordance with the rate and method contained in the Formation Resolution, commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public services specified in the Formation Resolution, and to pay the costs of the City in

administering the CFD, which Services Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$246,309.86 in fiscal year 2022-23 (with annual escalation thereafter); (iii) establish an annual appropriations limit for the CFD in the amount of \$150,000,000 (subject to increase in accordance with law); and (iv) issue bonds for the CFD with respect to the Improvement Area in the maximum aggregate principal amount of not to exceed \$50,000,000 and other debt for the CFD with respect to the Improvement Area, 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 or issuance of such debt, the proceeds of which bonds and other debt will be used to acquire and/or construct certain facilities, reimburse certain costs of the facilities paid prior to the date of issuance of the bonds, and pay for the costs of issuing the bonds and related expenses?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 16th day of November, 2021.

By: _____
City Clerk

CANVASS AND STATEMENT OF RESULT OF ELECTION

**CITY OF OAKLAND
Community Facilities District No. 2021-1
(Oak Knoll Facilities and Services)**

Improvement Area 3

I hereby certify that on November 16, 2021, I canvassed the returns of the election held on November 16, 2021, in “Improvement Area 3 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” and the total number of ballots cast in said Improvement Area and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Qualified Landowner <u> Votes </u>	Votes <u> Cast </u>	<u> YES </u>	<u> NO </u>
Improvement Area 3 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services), Special Tax Election, November 16, 2021	26	_____	_____	_____

BALLOT MEASURE: Shall the following measure be adopted: authorizing the City of Oakland to (i) levy a Facilities Special Tax solely on lands within “Improvement Area No. 3 of the City of Oakland Community Facilities District No. 2021-1 (Oak Knoll Facilities and Services)” (“Improvement Area”) in accordance with the rate and method contained in the resolution of the City Council establishing the Improvement Area (“Formation Resolution”), commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public facilities specified in the Formation Resolution, to pay debt service on bonds and other debt of the CFD with respect to the Improvement Area, and to pay the costs of the City in administering the CFD, which Facilities Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$1,545,336.00 in fiscal year 2022-23 (with annual escalation thereafter); (ii) levy a Services Special Tax solely on lands within the Improvement Area in accordance with the rate and method contained in the Formation Resolution, commencing in the City’s fiscal year 2022-23 (with annual escalation thereafter), to pay for the public services specified in the Formation Resolution, and to pay the costs of the City in

administering the CFD, which Services Special Tax, if levied at the maximum rate and assuming full build-out of the properties in the CFD at the time of formation, is anticipated to raise \$169,598.00 in fiscal year 2022-23 (with annual escalation thereafter); (iii) establish an annual appropriations limit for the CFD in the amount of \$150,000,000 (subject to increase in accordance with law); and (iv) issue bonds for the CFD with respect to the Improvement Area in the maximum aggregate principal amount of not to exceed \$55,000,000 and other debt for the CFD with respect to the Improvement Area, 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 or issuance of such debt, the proceeds of which bonds and other debt will be used to acquire and/or construct certain facilities, reimburse certain costs of the facilities paid prior to the date of issuance of the bonds, and pay for the costs of issuing the bonds and related expenses?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 16th day of November, 2021.

By: _____
City Clerk