

**CITY OF OAKLAND**  
**AGENDA REPORT**

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2007 SEP -6 PM 3:16

TO: Office of the City Administrator  
ATTN: Deborah Edgerly  
FROM: Budget Office and CEDA  
DATE: September 18, 2007

RE: **A Public Hearing and Resolution of Formation of Community Facilities District No. 2007-1 and Authorizing the Levy of a Special Tax; Resolution Calling Special Mail Ballot Election for Qualified Electors of Community Facilities District No. 2007-1; Resolution Determining the Result of the Special Mail Ballot Election Held in Community Facilities District No. 2007-1; and Ordinance Levying Special Taxes Within the Community Facilities District No. 2007-1**

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**SUMMARY**

A Community Facilities District ("CFD") is proposed for the maintenance of five (5) pocket parks and the plaza in front of the 16<sup>th</sup> Street Train Station included in the Wood Street Mixed Use Development. A CFD for the Wood Street Development Park and Plaza Maintenance Funding Agreement is being proposed in order to levy and collect funds from the approved residential units to fund the maintenance and related costs required as conditions of approval for the five pocket parks and the plaza

A public hearing on formation of Community Facilities District No. 2007-1 (Wood Street Development District), authorizing the levy of a special tax therein and submitting the levy of the special tax to the qualified electors of the Community Facilities District is scheduled for September 18, 2007 at 7:00 p.m.

**FISCAL IMPACT**

The proposed Community Facilities District No. 2007-1 (the "District") will be fully supported by an annual special tax levied on the real property within the District. The City's administrative costs related to the District will be reimbursed from the special tax proceeds. There will be no impact on the City's finances or on the General Purpose Fund. The City Council has previously adopted a policy about assuring that new parks have established mechanisms for funding maintenance activities.

**BACKGROUND**

The Wood Street Mixed Use Development Project was approved by the City Council in May 2005 and includes the construction of up to 1,557 residential units and 13,000 square feet of commercial development. As a condition of approval for the project, the developers agreed to

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share the costs of maintaining the five pocket parks located between the terminus of 10<sup>th</sup>, 14<sup>th</sup>, 16<sup>th</sup>, 18<sup>th</sup> and 20<sup>th</sup> Streets and the frontage road, and the plaza in front of the 16<sup>th</sup> Street Train Station.

Based upon a petition filed by the property owners, the formation of the District will provide a legally binding mechanism for the annual levy and collection of a special tax on up to 1,557 residential units. The proceeds of this tax will pay for the pocket park and plaza maintenance costs and administrative expenses of the City pertaining to the District.

As part of the proceedings for establishing the District, a formula for calculating the annual special tax on the taxable parcels was approved by the City Council on June 19, 2007. This tax formula must also be approved by the qualified electors in the District voting at a special election conducted as a mailed-ballot election. The Special Tax Formula provides for a \$150.00 maximum annual assessment (in FY2007-08 dollars) with provision to increase the maximum special tax amount each year thereafter in accordance with the increase, if any, in the Engineering News Record - Construction Cost Index (average of 20 California cities and San Francisco). The amount of the special tax will be \$0 until such time that the first park is completed and accepted by the City, which is expected to occur by the end of this calendar year. The tax levy will change as more units are completed and additional parks are built, but will not exceed the maximum annual allowed tax.

Upon the final approval of the District, a notice of special tax lien will be recorded with the Alameda County Recorder, resulting in a permanent lien on each of the approved residential units in Community Facilities District No. 2007-1. The lien will continue in perpetuity unless the City Council terminates the special tax obligation by later Council action in accordance with the provisions of the Community Facilities Act.

As the local agency which established the District, the City of Oakland will have the obligation to provide annually for calculation of the special tax levy for submission to the Alameda County Auditor-Controller for posting the special tax levy to the secured property tax roll of the County.

### **KEY ISSUES AND IMPACTS**

The establishment of the proposed CFD will provide a permanent mechanism to guarantee funding for the maintenance of five pocket parks and the plaza in front of the 16<sup>th</sup> Street Train Station. The entire cost of the District, including any administrative costs incurred by the City, will be covered by the special tax to be levied on the property located within the District, pursuant to the owners' petition.

### **PROJECT DESCRIPTION**

The proposed CFD will fund the maintenance of five pocket parks and the plaza in front of the 16<sup>th</sup> Street Train Station in the Wood Street Mixed Use Development. Once formed, the District

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will fund these maintenance costs through a special tax which will be collected from property owners within the boundaries of the District.

Currently, the property within the proposed district is owned by nine property owners. It is anticipated that this property will eventually be developed with up to 1,557 residential units as approved in May 2005, and an additional 29 affordable density bonus units approved on February 16, 2006. The 29 density bonus units will not be subject to the annual special tax levy.

The City Council, on June 19, 2007, implemented the first step in the formation of the Community Facilities District when it adopted the resolution of intention to establish Community Facilities District No. 2007-1, levy a special tax to finance certain public improvements and approving a proposed boundary map. The CFD formation process requires that the City Council conduct a public hearing on formation of the District, adopt three additional resolutions (as listed below), and approve an ordinance levying a special tax on the property owners within the District.

The Community Facilities Act provides that a public hearing must be held on the establishment of a CFD. At the close of the public hearing, absent any objections by the property owners in the proposed District, the City Council may determine that there was no majority protest, as defined by the Community Facilities Act. In order to expedite the formation process, all property owners within the proposed District have signed a waiver and consent form waiving their right to protest at the public hearing and waiving any minimum time periods relative to the landowner election. Accordingly, all property owners have agreed to submit their election ballots prior to September 18, 2007 so that the election results will be available at that meeting.

The specific actions required by Council are described below.

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- Council will conduct a Public Hearing on Formation of Community Facilities District No. 2007-1, Authorizing the Levy of a Special Tax Therein and Submitting the Levy of the Special Tax to the Qualified Electors of the Community Facilities District.
- Resolution of Formation of Community Facilities District No. 2007-1 and authorizing the Levy of a Special Tax Therein. (This resolution formally establishes Community Facilities District No. 2007-1 and states that the matter of the levy of a special tax shall be submitted to the qualified electors of the CFD).
- Resolution Calling for a Special Mail Ballot Election for Qualified Electors of Community Facilities District No. 2007-1. (This resolution identifies the nine property owners within the proposed CFD, indicates that all nine property owners have filed a waiver and consent to expedite the process for formation of the CFD and calls for an

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election by the nine property owners regarding the levy of a special tax to fund public service and administrative costs associated with the CFD).

- Resolution Determining the Result of the Special Mail Ballot Election Held in Community Facilities District No 2007-1. (This resolution states that more than two-thirds of all votes cast at the special mail ballot election were in favor of the levying of a special tax. In fact, all nine votes cast were in favor of the levy of a special tax).
- Introduction of an Ordinance Levying Special Taxes with the Community Facilities District No. 2007-1 (first reading).

October 2, 2007

- Final Passage of an Ordinance Levying Special Taxes with the Community Facilities District No. 2007-1 (second reading.)

### **SUSTAINABLE OPPORTUNITIES**

**Economic:** The establishment of Community Facilities District NO. 2007-1 will provide a mechanism to fund the maintenance of the public access areas in the Wood Street Mixed Use Development. The City's Public Works Agency will perform the maintenance work.

**Environmental:** The District will ensure adequate maintenance for the five pocket parks and plaza. The pocket parks will offer passive recreational opportunities for residents living in the Wood Street project. The parks will be planted with low maintenance, drought resistant plants and will assist with stormwater purification prior to the stormwater runoff entering the stormwater collection system.

**Social Equity:** The special tax revenue generated by the property owners within Community Facilities District No. 2007-1 will fund the cost of maintaining the pocket parks and plaza to be constructed within that District.

### **DISABILITY AND SENIOR CITIZEN ACCESS**

Safe and accessible parks will provide passive recreational opportunities for senior citizens and people with disabilities.

### **RECOMMENDATION(S) AND RATIONALE**

Staff recommends that the City Council conduct a public hearing and approve the legislation providing for the establishment of Community Facilities District No. 2007-1 (Wood Street) in order to provide the required funding for maintenance of the pocket parks and other public areas in this development.

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**ACTION REQUESTED OF THE CITY COUNCIL**

Staff recommends that the City Council 1) conduct a public hearing on formation of Community Facilities District No. 2007-1 (Wood Street Development District), authorizing the levy of a special tax therein and submitting the levy of the special tax to the qualified electors of the Community Facilities District; 2) adopt the resolution of formation of Community Facilities District No. 2007-1 and authorizing the levy of a special tax; 3) adopt the resolution calling special mail ballot election for qualified electors of Community Facilities District No. 2007-1; 4) adopt the resolution determining the result of the special mail ballot election held in Community Facilities District No. 2007-1; and 5) adopt the ordinance levying special taxes within the Community Facilities District No. 2007-1.

Respectfully submitted,



\_\_\_\_\_  
Claudia Carpio  
Director of Development

Prepared by:

Margaret Stanzione, CEDA, Planning & Zoning  
Bill Zenoni, Budget Office

APPROVED AND FORWARDED TO  
THE CITY COUNCIL:



\_\_\_\_\_  
Office of the City Administrator

OFFICE OF THE CLERK

## OAKLAND CITY COUNCIL

2007 SEP -6 PM 3:10

RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT  
 NO. 2007-1 AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN**

**WHEREAS**, on June 19, 2007, the City Council of the City of Oakland ("City") adopted Resolution No. 80642 C.M.S. entitled, "A Resolution of Intention of The City of Oakland to Establish Community Facilities District No. 2007-1 in the Wood Street Project Area Generally Bounded By 10<sup>th</sup> Street, Wood Street, West Grand Avenue and Frontage Road, Interstate-880, Levy a Special Tax to Finance Certain Public Services and Approving a Proposed Boundary Map For Community Facilities District No. 2007-1" ("**Resolution of Intention**"). In the Resolution of Intention, the Council declared its intention to establish a community facilities district to be known as "Community Facilities District No. 2007-1 (Wood Street Development District)" ("**CFD No. 2007-1**", "**CFD**", or "**District**") and to levy a special tax to pay the costs of certain public services ("**Services**") to be provided within CFD No. 2007-1 ("**Special Tax**") under and pursuant to the Mello-Roos Community Facilities Act of 1982 ("**Act**"), California Government Code section 53311 *et seq.*; and

**WHEREAS**, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2007-1 (attached as Exhibit C to the Resolution of Intention), described the public services and administrative costs eligible to be funded by CFD No. 2007-1 (collectively "**Services**") (attached as Exhibit A to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2007-1 ("**Rate and Method**") to pay for such public services (attached as Exhibit B to the Resolution of Intention). The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland ("**City Clerk**") and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, the Resolution of Intention called for the City Council to hold a public hearing on CFD No. 2007-1. The Council thereafter held the public hearing on September 18, 2007, as required by the Act and by the Resolution of Intention, with respect to the proposed formation of CFD No. 2007-1; and

**WHEREAS**, all interested persons desiring to be heard on all matters pertaining to the formation of CFD No. 2007-1, the Services, and the levy of the Special Tax were heard at the public hearing and a full and fair hearing was held; and

**WHEREAS**, the City was fully advised at the public hearing regarding the formation of CFD No. 2007-1; and

**WHEREAS**, prior to the adoption of the Resolution of Intention landowners representing 100% of the qualified electors within CFD No. 2007-1 filed with the City Clerk a Waiver and Consent with Respect to Conduct of Public Hearings and Mail Ballot Election for Landowner Election for a Community Facilities District (“**Waiver and Consent**”), by which, among other things, the time limits and related requirements with respect to the formation of CFD No. 2007-1 and preparation and distribution of election materials are waived. The Waiver and Consent is attached to the Resolution of Intention as Exhibit D; and

**WHEREAS**, consistent with the Waiver and Consent, no written protests have been filed with the City Clerk with respect to the formation of CFD No. 2007-1 by fifty percent (50%) or more of the registered voters residing within the boundaries of CFD No. 2007-1 or by property owners that own fifty percent (50%) or more of the land area within CFD No. 2007-1 and not exempt from the Special Tax; and

**WHEREAS**, the Special Tax proposed to be levied by CFD No. 2007-1 to pay for the Services has not been eliminated by protest of fifty percent (50%) or more of the registered voters residing within the boundaries of CFD No. 2007-1 or by property owners that own fifty percent (50%) or more of the land area within CFD No. 2007-1 and not exempt from the Special Tax; now, therefore be it

**RESOLVED:** That the foregoing recitals are true and correct; and be it

**FURTHER RESOLVED:** That the proposed Special Tax to be levied within CFD No. 2007-1 has not been precluded by Section 53324 of the Act; and be it

**FURTHER RESOLVED:** That formation of CFD No. 2007-1 is in conformity with the Local Goals and Policies for Community Facilities Districts, adopted by Resolution No. 80641 C.M.S. on June 19, 2007; and be it

**FURTHER RESOLVED:** That the services and other administrative and incidental expenses that are proposed to be financed by CFD No. 2007-1, as set forth in Exhibit A of the Resolution of Intention, are hereby found to be necessary as the result of development occurring within CFD No. 2007-1; and be it

**FURTHER RESOLVED:** That the proposed rate and method of apportionment of the Special Tax among parcels of real property within CFD No. 2007-1, in sufficient detail to allow each parcel owner within the District to estimate the maximum amount each such owner will have to pay, as set forth in Exhibit B of the Resolution of Intention, are hereby found to be reasonable; and be it

**FURTHER RESOLVED:** That the Director of the Finance and Management Agency (“**Finance Director**”), One Frank Ogawa Plaza, Oakland, CA 94612, is the officer of the City that will be responsible for preparing annually a current roll of special tax levy obligations by assessor’s parcel number and who will be responsible for estimating future tax levies pursuant to Sections 53340.1 and 53340.2 of the Act; and be it

**FURTHER RESOLVED:** That upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the Streets and Highways Code, a continuing lien to secure each levy of the Special Tax shall attach to all nonexempt real property in CFD No. 2007-1 and this lien shall continue in force and effect until the Special Tax obligation is prepaid and permanently satisfied and the lien canceled in accordance with law or until collection of the tax by the legislative body ceases; and be it

**FURTHER RESOLVED:** That the boundaries of CFD No. 2007-1, attached as Exhibit C to the Resolution of Intention, set forth in the boundary map of the District recorded in the Alameda County Recorder's Office at Book 16 of Maps at Page 80, are hereby approved, are incorporated herein by this reference and shall be the boundaries of CFD No. 2007-1; and be it

**FURTHER RESOLVED:** That all prior proceedings taken in connection with the establishment of CFD No. 2007-1 and the levy of the Special Tax have been duly considered by the City and are hereby found and determined to be valid and in conformity with the Act; and be it

**FURTHER RESOLVED:** That the community facilities district designated "Community Facilities District Number 2007-1 (Wood Street Development District), City of Oakland, County of Alameda" is hereby established pursuant to the Act; and be it

**FURTHER RESOLVED:** That pursuant to the provisions of the Act, the proposition of the levy of the Special Tax shall be submitted to the qualified electors of CFD No. 2007-1 at an election, the time, place and conditions of which election shall be as specified by a separate resolution.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND

## OAKLAND CITY COUNCIL

 2007 SEP -6 PM 2:17  
 RESOLUTION NO. \_\_\_\_\_ C.M.S.

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION CALLING SPECIAL MAIL BALLOT ELECTION FOR  
 QUALIFIED ELECTORS OF COMMUNITY FACILITIES DISTRICT NO.  
 2007-1**

**WHEREAS**, on June 19, 2007, the City Council of the City of Oakland ("City") adopted Resolution No. 80642 C.M.S. entitled, "A Resolution of Intention of The City of Oakland to Establish Community Facilities District No. 2007-1 in the Wood Street Project Area Generally Bounded By 10<sup>th</sup> Street, Wood Street, West Grand Avenue and Frontage Road, Interstate-880, Levy a Special Tax to Finance Certain Public Services and Approving a Proposed Boundary Map For Community Facilities District No. 2007-1" ("**Resolution of Intention**"). In the Resolution of Intention, the Council declared its intention to establish a community facilities district to be known as "Community Facilities District No. 2007-1 (Wood Street Development District)" ("**CFD No. 2007-1**", "**CFD**", or "**District**") and to levy a special tax to pay the costs of certain public services ("**Services**") to be provided within CFD No. 2007-1 ("**Special Tax**") under and pursuant to the Mello-Roos Community Facilities Act of 1982 ("**Act**"), California Government Code section 53311 *et seq.*

**WHEREAS**, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2007-1 (attached as Exhibit C to the Resolution of Intention), described the public services and administrative costs eligible to be funded by CFD No. 2007-1 (collectively "**Services**") (attached as Exhibit A to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2007-1 ("**Rate and Method**") to pay for such public services (attached as Exhibit B to the Resolution of Intention). The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland ("**City Clerk**") and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, on September 18, 2007, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under Section 53324 of the Government Code was not made at the hearing, and adopted Resolution No. \_\_\_\_\_ C.M.S., a Resolution of Formation, pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed CFD. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, in order to proceed with the levy of the authorized Special Tax for CFD No.2007-1, as provided by the Resolution of Formation, the matters must be submitted to an election of the qualified electors of the District; and

**WHEREAS**, the form of special election ballot is attached hereto as Exhibit A and by this reference incorporated herein; and

**WHEREAS**, a certificate regarding land ownership ("**Certificate re Land Ownership**"), attached as Exhibit B and hereby incorporated by reference, has been filed with the City Clerk certifying that at no time relevant to these proceedings were there ever twelve or more persons registered to vote within the boundaries of CFD No. 2007-1, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors of CFD No. 2007-1 for the proposed election shall be the landowners of CFD No. 2007-1; and

**WHEREAS**, prior to the adoption of the Resolution of Intention, landowners representing 100% of the qualified electors within CFD No. 2007-1 filed with the City Clerk a Waiver and Consent with Respect to Conduct of Public Hearings and Mail Ballot Election for Landowner Election for a Community Facilities District ("**Waiver and Consent**"), by which, among other things, the time limits and related requirements with respect to the formation of CFD No. 2007-1 and preparation and distribution of election materials are waived. The Waiver and Consent is attached to the Resolution of Intention as Exhibit D thereto; now, therefore be it

**RESOLVED:** That the City Council hereby finds and determines that the foregoing recitals are true and correct; and be it

**FURTHER RESOLVED:** That the City Council accepts the Certificate re Land Ownership previously filed with the City Clerk and finds, in accordance therewith, that there have been fewer than twelve registered voters residing within the boundaries of CFD No. 2007-1. Accordingly, under Section 53326 of the Government Code, the qualified electors of CFD No. 2007-1 for the proposed special election shall be the landowners within the District; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that the sole landowners of record owning private property within CFD No. 2007-1 are BUILD West Oakland, Central Station Land, California Waste Solutions, Hamilton Senior Homes, HFH Central Station Village, PCL Associates, Pulte Home Corporation, Vishav Bhushan and 14<sup>th</sup> Street Associates, the entities set forth in the Certificate re Land Ownership ("**Landowners**"), and that, as set forth on the special election ballot attached hereto as Exhibit A, all of the votes which may be cast in said special election are to be cast by the Landowners; and be it

**FURTHER RESOLVED:** That the City Council finds and determines that the authorized representatives of the Landowners have filed with the City Clerk the Waiver and Consent; approves the form of the Waiver and Consent; and finds that the rights, procedures, and time periods therein waived are solely for the protection of the voters, may be waived under Government Code Section 53326(a), and that the Waiver and Consent constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods; and be it

**FURTHER RESOLVED:** That pursuant to Section 53326 of the Government Code, the City hereby calls an election, to be held and conducted immediately following adoption of this resolution, and sets this same date as the election date. Pursuant to Section 53326 of the

Government Code, the election shall be conducted by mail ballot; personal service of the ballot is permitted under the terms of the Waiver and Consent and shall therefore be permitted. The prior receipt of the election ballot by the Landowners, with a return date of 5:00 p.m. on August 24, 2007, is hereby ratified as a form of personal service; and be it

**FURTHER RESOLVED:** That the measure to be submitted to the qualified electors of CFD No. 2007-1 shall be as follows and as set forth in Exhibit A:

Shall the City Council of the City of Oakland be authorized to levy a special tax on the taxable property within its Community Facilities District No. 2007-1 ("CFD No. 2007-1") and utilize the proceeds thereof to finance certain authorized public services and administrative expenses of CFD No. 2007-1, all as specified in its resolutions pertaining thereto; and be it

Yes \_\_\_\_\_  
No \_\_\_\_\_

**FURTHER RESOLVED:** That the City Clerk having certified the receipt of the signed and marked ballots of the Landowners prior to adoption of this resolution, as shown on Exhibit A which is attached and hereby incorporated by reference, the City hereby closes the election; and be it

**FURTHER RESOLVED:** That this resolution shall take effect from and after its adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_  
LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California

**CITY OF OAKLAND  
COMMUNITY FACILITIES DISTRICT No. 2007-1  
(WOOD STREET DEVELOPMENT DISTRICT)**

**SPECIAL ELECTION BALLOT**

(Mail Ballot Election)

This ballot is for the use of the authorized representatives of the following owners of land within Community Facilities District No. 2007-1 (Wood Street Development District), City of Oakland, County of Alameda, State of California ("**CFD No. 2007-1**"): .

<u>Name of Landowner</u>	<u>Number of Acres Owned</u>	<u>Total Votes</u>
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According to the provisions of the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53311 *et seq.*), and resolutions of the City Council of the City of Oakland, the above named landowners, as the owners of the privately-owned real property in CFD No. 2007-1, are entitled to cast the number of votes indicated above in the election for CFD No. 2007-1.

In order to be counted, this ballot must be executed and certified below and be returned to the City Clerk, either by mail or in person, prior to 5:00 p.m. on August 24, 2007 at the following address:

City Clerk, City of Oakland  
One Frank H. Ogawa Plaza  
Oakland, California 94612

The special election for CFD No. 2007-1 will be considered by the City Council at its meeting on the September 18, 2007. The ballot must be physically received by the City Clerk prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT

BALLOT MEASURE

Mark Yes or No  
with an "X"

Shall the City Council of the City of Oakland be authorized to levy a special tax on the taxable property within its Community Facilities District No. 2007-1 ("CFD No. 2007-1") and utilize the proceeds thereof to finance certain authorized public services and administrative expenses of CFD No. 2007-1, all as specified in its resolutions pertaining thereto?

Yes \_\_\_\_\_

No \_\_\_\_\_

Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is a person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on \_\_\_\_\_, 2007

**[DEVELOPER],**  
a [type of entity]

By: [DEVELOPER],

By: \_\_\_\_\_

Its: \_\_\_\_\_



# REGISTRAR OF VOTERS

ALAMEDA COUNTY • CALIFORNIA

Exhibit B

DAVE MACDONALD  
REGISTRAR

March 1, 2007

Joseph A. Francisco, P.E.  
Francisco & Associates  
130 Market Place  
San Ramon, CA 94583

RE: City of Oakland Community Facilities District No. 2007-1 (Wood Street)

Dear Joseph:

As of March 1, 2007, I hereby certify that the number of registered voters at the following parcel number is as follows:

0000-0310-007-07            1 voter

There are no registered voters at any of the other parcel numbers/addresses that you provided.

The number of registered voters cited above was determined using the parcel numbers and addresses, which you provided to the Registrar of Voters office.

If you have any questions, please call me.

Sincerely,

Francisco Caravayo  
Elections Technician/Mapping  
Tel: 510-208-9663  
Fax: 510-271-3191

*K:\Mapping 2\certification of number of voters\certification of number of voters CommFacDistNo2007-1.doc*

FILED  
 OFFICE OF THE CITY CLERK  
 OAKLAND **OAKLAND CITY COUNCIL**

 2007 SEP 25 10:51 AM  
**RESOLUTION No. \_\_\_\_\_ C.M.S.**

Introduced by Councilmember \_\_\_\_\_

**RESOLUTION DETERMINING THE RESULT OF THE SPECIAL MAIL  
 BALLOT ELECTION HELD IN COMMUNITY FACILITIES DISTRICT NO.  
 2007-1 (WOOD STREET DEVELOPMENT DISTRICT), ON JUNE 19, 2007**

**WHEREAS**, on June 19, 2007, the City Council of the City of Oakland (“City”) adopted Resolution No. 80642 C.M.S. entitled, “A Resolution of Intention of The City of Oakland to Establish Community Facilities District No. 2007-1 in the Wood Street Project Area Generally Bounded By 10<sup>th</sup> Street, Wood Street, West Grand Avenue and Frontage Road, Interstate-880, Levy a Special Tax to Finance Certain Public Services and Approving a Proposed Boundary Map For Community Facilities District No. 2007-1” (“**Resolution of Intention**”) and on September 18, 2007 the City Council of the City of Oakland adopted Resolution No. \_\_\_\_\_ C.M.S., ordering the formation of Community Facilities District No. 2007-1 (“**CFD**”) and authorizing the levy of a special tax (“**Special Tax**”) on property within the CFD to pay for the specified public services, pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the “**Act**”). The Resolution of Intention incorporated by reference a map of the proposed boundaries of the CFD No. (attached as Exhibit C to the Resolution of Intention), described the public services and administrative costs eligible to be funded by CFD No. 2007-1 (collectively “**Services**”) (attached as Exhibit A to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2007-1 (“**Rate and Method**”) to pay for such public services (attached as Exhibit B to the Resolution of Intention). The Resolution of Intention and all of its attachments and the Resolution of Formation are on file with the City Clerk of the City of Oakland (“**City Clerk**”) and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, on this date, the Council adopted Resolution No. \_\_\_\_\_ C.M.S., entitled “Resolution Calling Special Mail Ballot Election For Qualified Electors of Community Facilities District No. 2007-1” (“**Election Resolution**”), to submit to the qualified electors of the CFD the question of the formation of the CFD and the levy of the special tax; and

**WHEREAS**, pursuant to the Resolution of Formation and Election Resolution, immediately following the adoption of the Election Resolution, the City submitted to the qualified electors within the CFD the question of the levy of the special tax and the establishment of the CFD, 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 duly canvassed the votes cast and has certified to the Council the result in a Certificate of Election Results (the "Canvass"). The Canvass is on file with the City and a copy 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; now, therefore be it

**RESOLVED**: That all of the above recitals are true and correct, and the City Council so finds and determines; and be it

**FURTHER RESOLVED**: That the City Council hereby approves and confirms the results of the election, as detailed in the Canvass, including the total number of votes cast for and against the question presented to the CFD in the Election Resolution; and be it

**FURTHER RESOLVED**: That at the mail ballot election called by the Election Resolution, the City Council submitted to the qualified voters of the District the question whether a Special Tax should be levied within the District to pay for specified public Services and incidental expenses, identified in more detail in the Resolution of Intention and Resolution of Formation; and be it

**FURTHER RESOLVED**: That according to the Canvass, more than two-thirds (2/3) of all the votes cast at the special mail ballot election were cast in favor of the question presented. As a result, the qualified electors of the CFD approved the levy of the Special Tax, and the CFD has been duly organized and is duly authorized to finance the public Services and to levy the Special Tax described in the question and in the Resolution of Intention and Resolution of Formation; and be it

**FURTHER RESOLVED**: That the City Clerk of the City of Oakland is hereby directed to enter this resolution on the minutes of the City Council, which shall constitute the official declaration of the result of the special mail ballot election, and is hereby further authorized and directed to record a notice of special tax lien in the Office of the Clerk- Recorder of the County of Alameda in accordance with the provisions of Section 3114.5 of the Streets and Highways Code.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

**PASSED BY THE FOLLOWING VOTE:**

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE

NOES -

ABSENT -

ABSTENTION -

ATTEST: \_\_\_\_\_

LaTonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



CERTIFICATE OF ELECTION RESULTS  
FOR THE SPECIAL ELECTION HELD  
IN THE CITY OF OAKLAND  
COMMUNITY FACILITIES DISTRICT NO. 2007-1  
(WOOD STREET DEVELOPMENT DISTRICT)  
ON SEPTEMBER 18, 2007

I, LaTonda Simmons, City Clerk of the City of Oakland, certify that:

I personally counted the ballots cast at the special election held on September 18, 2007, called by the City Council in Resolution No. \_\_\_\_\_ for Community Facilities District No. 2007-1 (Wood Street Development District), adopted on September 18, 2007, and I hereby certify the result of that count to be as follows:

TOTAL VOTES CAST "YES": 34

TOTAL VOTES CAST "NO": 0

TOTAL VOTES CAST: 34

THE VOTES CAST "YES" EQUAL 100 % OF THE TOTAL

VOTES CAST.

Dated: 9/18, 2007

CITY OF OAKLAND

By

LaTonda Simmons  
LaTonda Simmons

City Clerk of the City of Oakland

2007 SEP -6 PM 3:17 **OAKLAND CITY COUNCIL**

**ORDINANCE NO. \_\_\_\_\_ C.M.S.**

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**ORDINANCE LEVYING SPECIAL TAXES WITHIN THE  
COMMUNITY FACILITIES DISTRICT NO. 2007-1 (WOOD  
STREET DEVELOPMENT DISTRICT)**

**WHEREAS**, on June 19, 2007, the City Council of the City of Oakland (“City”) adopted Resolution No. 80642 C.M.S. entitled, “A Resolution of Intention of The City of Oakland to Establish Community Facilities District No. 2007-1 in the Wood Street Project Area Generally Bounded By 10<sup>th</sup> Street, Wood Street, West Grand Avenue and Frontage Road, Interstate-880, Levy a Special Tax to Finance Certain Public Services and Approving a Proposed Boundary Map For Community Facilities District No. 2007-1” (“**Resolution of Intention**”) wherein it declared its intention to establish a community facilities district to be known as “Community Facilities District No. 2007-1 (Wood Street Development District)” (“**CFD No. 2007-1**”) and to levy a special tax (“**Special Tax**”) to pay the costs of certain public services pursuant to the Mello-Roos Community Facilities Act of 1982, Government Code section 53311 *et seq.* (“**Act**”).

**WHEREAS**, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2007-1 (attached as Exhibit C to the Resolution of Intention), described the public services and administrative costs eligible to be funded by CFD No. 2007-1 (collectively “**Services**”) (attached as Exhibit A to the Resolution of Intention), and the rate and apportionment of the Special Tax to be levied within CFD No. 2007-1 (“**Rate and Method of Apportionment**”) to pay for such public services (attached as Exhibit B to the Resolution of Intention). The Resolution of Intention and all of its attachments are on file with the City Clerk of the City of Oakland (“**City Clerk**”) and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, on September 18, 2007, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under Section 53324 of the Government Code was not made at the hearing, and adopted Resolution No. \_\_\_\_\_ C.M.S., a Resolution of Formation, pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed CFD. The Resolution of Formation is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth in this resolution; and

**WHEREAS**, on September 18, 2007, following adoption of the Resolution of Formation, the Council adopted Resolution No. \_\_\_\_\_ C.M.S. calling an election within CFD No. 2007-1 on the proposition of levying the Special Tax within CFD No. 2007-1; and

**WHEREAS**, on September 18, 2007 an election was held within CFD No. 2007-1 in which the eligible landowner electors unanimously approved the levy of the Special Tax; now, therefore,

**THE COUNCIL OF THE CITY OF OAKLAND DOES ORDAIN AS FOLLOWS:**

1. The City Council hereby authorizes the levy of the Special Tax within CFD No. 2007-1, pursuant to the Act, in accordance with the Rate and Method of Apportionment incorporated by reference in Exhibit B of the Resolution of Intention and as approved by the Resolution of Formation.
2. The Special Tax is hereby levied commencing in the first fiscal year indicated in the Rate and Method of Apportionment and in each fiscal year thereafter, adjusted as provided for in the Rate and Method of Apportionment.
3. The Director of the Finance and Management Agency ("**Finance Director**") is hereby authorized and directed for each fiscal year to determine the Special Tax rate and amount to be levied for each parcel of real property within CFD No. 2007-1, in the manner and as provided in the Rate and Method of Apportionment.
4. Properties or entities of the State, federal or local government shall be exempt from any levy of the Special Tax to the extent set forth in the Rate and Method of Apportionment.
5. The Special Tax shall be used to pay for the costs of the Services, a description of which is incorporated in Exhibit A of the Resolution of Intention, including the costs of collecting the special taxes and administering CFD No. 2007-1.
6. The special taxes shall be collected from time to time as necessary to meet the financial obligations of CFD No. 2007-1 on the secured real property tax roll in the same manner as ordinary ad valorem taxes are collected. The special taxes shall have the same lien priority, and be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes. In addition, the provisions of Section 53356.1 of the Government Code shall apply to delinquent special tax payments. The Treasurer is hereby authorized and directed to provide all necessary information to the auditor/tax collector of Alameda County and to otherwise take all actions necessary in order to effect proper billing and collection of the special tax, so that the special tax shall be levied and collected in sufficient amounts and at the times necessary to satisfy the financial obligations of CFD No. 2007-1 in each fiscal year.

7. Notwithstanding the foregoing, the Finance Director may collect one or more installments of special taxes on any one or more parcels in CFD No. 2007-1 by means of direct billing by the City of the property owners of CFD No. 2007-1, if in the judgment of the Finance Director, such means of collection will reduce the administrative burden on the City in administering CFD No. 2007-1 or is otherwise appropriate.

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2007

PASSED BY THE FOLLOWING VOTE:

AYES--- BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID and PRESIDENT DE LA FUENTE

NOES---

ABSENT---

ABSTENTION---

ATTEST: \_\_\_\_\_  
LATONDA SIMMONS  
City Clerk and Clerk of the Council  
of the City of Oakland, California