

OFFICE OF THE CITY CLERK
2007 SEP -5 PM 2

OAKLAND CITY COUNCIL

RESOLUTION No. 80834 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 10th 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 14th 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, SEP 18 2007, 2007

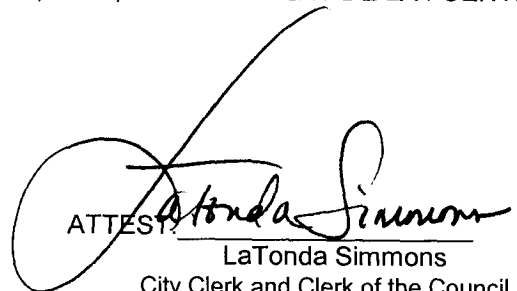
PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, BRUNNER, CHANG, KERNIGHAN, NADEL, QUAN, REID, and PRESIDENT DE LA FUENTE - 8

NOES - 0

ABSENT - 0

ABSTENTION - 0

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>
--------------------------	------------------------------	--------------------

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