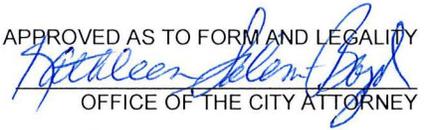


Exhibits A and B hereto

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2015 JUL -9 PM 1:43

APPROVED AS TO FORM AND LEGALITY

  
OFFICE OF THE CITY ATTORNEY

## OAKLAND CITY COUNCIL

### RESOLUTION NO. 85722 C.M.S.

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**A RESOLUTION OF THE COUNCIL OF THE CITY OF OAKLAND CALLING SPECIAL MAILED-BALLOT ELECTION FOR QUALIFIED ELECTORS OF COMMUNITY FACILITIES DISTRICT NO. 2015-1 (GATEWAY INDUSTRIAL DISTRICT)**

**WHEREAS**, on June 17, 2015, pursuant to Resolution No. 85665 C.M.S., the City Council of the City of Oakland (“**City Council**”) adopted its resolution of intention to establish City of Oakland Community Facilities District (“**CFD**”) No. 2015-1 (Gateway Industrial District) (the “**District**”) and to authorize the levy of special taxes to pay the costs of certain public services (the “**Services**”) to be provided within the District pursuant to the Mello-Roos Community Facilities Act of 1982 (the “**Act**”) (the “**Resolution of Intention**”); and

**WHEREAS**, the Resolution of Intention incorporated by reference a map of the proposed boundaries of the District (attached as *Exhibit 3* to the Resolution of Intention), described the Services eligible to be funded by the District (attached as *Exhibit 1* to the Resolution of Intention), and the rate and apportionment of the special tax to be levied within the District (“**Rate and Method**”) to pay for such public services (attached as *Exhibit 2* to the Resolution of Intention). The Resolution of Intention and all of its attachments are 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 July 21, 2015, the City Council conducted a public hearing on the formation of the CFD, determined that a majority protest under the Act was not made at the hearing, and adopted Resolution No. 85724 C.M.S. (“**Resolution of Formation**”), pursuant to the Act, thereby completing its proceedings for formation of proposed CFD. The Resolution of Formation is 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 levy of said proposed special tax shall be subject to the approval of the qualified electors of the District at a special election; and

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

*Exhibits A and B hereto*

**WHEREAS**, a letter received from the Alameda County Registrar of Voters attached as Exhibit B and hereby incorporated by reference, has been filed with the City Clerk certifying that as of September 29, 2014, there are zero persons registered to vote within the boundaries of the District. The result of which, pursuant to Section 53326 of the Government Code, means the qualified electors of the District for the proposed election shall be the landowners of the District; and

**WHEREAS**, prior to the adoption of the Resolution of Intention, landowners representing 100% of the qualified electors within the District filed with the City Clerk a Waiver of Consent with Respect to Conduct of Public Hearings and Mail Ballot Election for Landowner Election for the Community Facilities District (“**Waiver and Consent**”), by which, among other things, the time limits and related requirements with respect to the formation of the District and preparation and distribution of election materials are waived. The Waiver and Consent is attached to the Resolution of Intention as *Exhibit 4* thereto; now, therefore, be it

**RESOLVED**: That the City Council accepts the Certificate re Land Ownership (“**Certificate**”) 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 the District. Accordingly, under the Act, the qualified electors of the District for the proposed special election shall be landowners within the District; and be it

**FURTHER RESOLVED**: That the City Council finds and determines that the sole landowner of record owning private property within the District is the City of Oakland (collectively, “**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 the Act, 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**: The City Council further finds that the landowners of record owning property within the District are those set forth in the attachment to the Certificate and that the attachment correctly sets forth how much property owned by each landowner and the number of votes to which each is entitled; and be it

**FURTHER RESOLVED**: That pursuant to the Act, the City Council 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 the Act, 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 7pm on July 21, 2015, is hereby ratified as a form of personal service; and be it

**FURTHER RESOLVED**: The City Clerk or designee is directed to mail or to deliver the ballots, in the form of Exhibit A hereto, to the landowners shown on the attachment to the Certificate. The City Clerk or designee shall fill in the names of the landowners and the number

Exhibits A and B hereto

of votes to be cast on each ballot, according to the Certificate, before delivery or mailing; and be it

**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 Council hereby closes the election.

JUL 21 2015

IN COUNCIL, OAKLAND, CALIFORNIA, \_\_\_\_\_, 2015

**PASSED BY THE FOLLOWING VOTE:**

AYES – ~~BROOKS~~, CAMPBELL WASHINGTON, GALLO, GUILLEN, KALB, KAPLAN, REID AND PRESIDENT GIBSON MCELNANEY -7

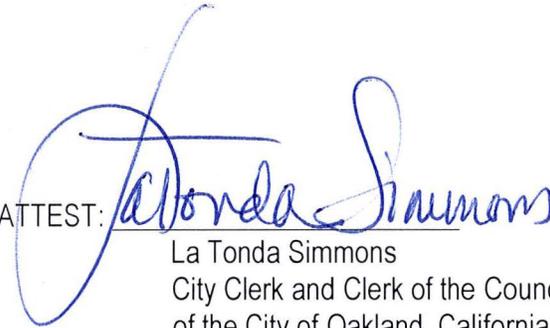
NOES – ∅

ABSENT – ∅

ABSTENTION – ∅

Excused - Brooks - 1

ATTEST:

  
La Tonda Simmons  
City Clerk and Clerk of the Council  
of the City of Oakland, California



**CERTIFICATION**

The undersigned is the authorized representative of the above-named landowner and is the 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 JULY 6.

Name: City of Oakland

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



Print Name: Sabrina B. Landreth

Print Title: City Administrator, City of Oakland

**EXHIBIT B**



# REGISTRAR OF VOTERS

Alameda County • California

Tim Dupuis  
Registrar of Voters

March 30, 2015

Michelle W. Sexton  
Rosales Law Partners LLP  
433 California St, Suite 630  
San Francisco, California 94104

RE: *Oakland Army Base Community Facilities District*

Dear Ms. Sexton:

I hereby certify that, as of March 30, 2015, there are 0 (zero) registered voters within the boundaries of the following parcels listed:

018-0508-006  
018-0508-007  
018-0508-008  
018-0508-009  
018-0508-010  
018-0508-011  
018-0508-012  
018-0508-014  
018-0508-015

Please let me know if I can be of any further assistance.

Sincerely,

A handwritten signature in black ink, appearing to read "Dustin Zafren". The signature is fluid and cursive, with a long horizontal stroke at the end.

Dustin Zafren  
Geographic Information Systems Technician

## Exhibit 4

### FORM OF WAIVER AND CONSENT WITH RESPECT TO CONDUCT OF PUBLIC HEARINGS AND MAIL BALLOT ELECTION FOR LANDOWNER ELECTION FOR A COMMUNITY FACILITIES DISTRICT

The undersigned, Sabrina B. Landreth, is an authorized representative of the City of Oakland ("City"), the owner of all land and within Community Facilities District No. 2015-1 ("Gateway Industrial District"), City of Oakland, County of Alameda, State of California ("CFD No. 2015-1").

The undersigned expressly acknowledges having received copies of the boundary map and the hearing report for CFD No. 2015-1, together with any other information the undersigned deemed relevant to an informed decision with respect to CFD No. 2015-1, and as one of the proponents of CFD No. 2015-1 hereby waives any right to protest at the public hearing to be held on June 16, 2015, regarding CFD No. 2015-1.

The undersigned is legally entitled and authorized to cast the ballot for the City in the landowner mail ballot election to be conducted on July 21, 2015, within CFD No. 2015-1 to determine whether the City shall be authorized to levy a special tax pursuant to the Mello-Roos Community Facilities Act of 1982 (Government Code Sections 53311 *et seq.*) ("Act"), as provided by the Resolution of Formation for CFD No. 2015-1, ("Resolution of Formation") proposed to be adopted by the City on July 21, 2015, a copy of which has been furnished to the undersigned.

The undersigned, on behalf of the City hereby acknowledges receipt of the election ballot and waives each of the following:

1. any and all minimum time periods relative to the public hearing to be held pursuant to Section 53321 of the Act and the publication or mailing of the notice of hearing pursuant to Section 53322 of the Act;
2. if necessary, recordation of the boundary map for CFD No. 2015-1 with the County Assessor's office prior to the hearing on the adoption of a resolution of formation, as required by Section 53321 of the Act and Section 3111 of the Streets and Highways Code;
3. any and all minimum time periods relative to the landowner mail ballot election to be held pursuant to Section 53326(a) of the Act;
4. the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Section 53327(b) of the Act;
5. the requirement to publish notice of the election under Section 53352 of the Act;

6. the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101;

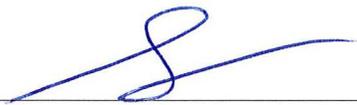
7. the requirements regarding identification envelopes for the return of mailed ballots contained in Section 53327.5 of the Act; and

8. any and all defects, whether known or unknown, in notice or procedure in the formation of CFD No. 2015-1, including but not limited to the public hearing and conduct of the election.

The undersigned expressly acknowledges, represents and state that the election is being expedited by the City, pursuant to this waiver and consent, at the request of the undersigned as an authorized representative of City.

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 JUL 6, 2015.

CITY OF OAKLAND

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

Name: Sabrina B. Landreth

Its: City Administrator