

FILED  
OFFICE OF THE CITY CLERK  
OAKLAND

2017 OCT 27 AM 11:19

APPROVED AS TO FORM AND LEGALITY

DEPUTY CITY ATTORNEY

## OAKLAND CITY COUNCIL

RESOLUTION NO. 86962 C.M.S.

---

**RESOLUTION DETERMINING THE RESULT OF THE  
SPECIAL ELECTION HELD IN COMMUNITY  
FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN  
PUBLIC SERVICES), ON NOVEMBER 7, 2017**

**WHEREAS**, on October 3, 2017, the City Council (“**City Council**”) of the City of Oakland (“**City**”) adopted Resolution No. 86921 C.M.S. entitled, “A RESOLUTION OF INTENTION OF THE CITY OF OAKLAND TO: ESTABLISH CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES); SCHEDULE A PUBLIC HEARING; LEVY A SPECIAL TAX TO FINANCE THE MAINTENANCE OF CERTAIN PUBLIC IMPROVEMENTS; AND APPROVE A PROPOSED BOUNDARY MAP FOR COMMUNITY FACILITIES DISTRICT NO. 2017-1 PURSUANT TO THE MELLO-ROOS COMMUNITY FACILITIES ACT OF 1982; AND FIND COMPLIANCE WITH THE CALIFORNIA ENVIRONMENTAL QUALITY ACT (CEQA), EACH AS A SEPARATE AND INDEPENDENT BASIS, CEQA GUIDELINE SECTIONS 15162 SUBSEQUENT ENVIRONMENTAL IMPACT REPORTS (EIRS) AND NEGATIVE DECLARATIONS, 15183 PROJECTS CONSISTENT WITH A COMMUNITY PLAN, GENERAL PLAN, OR ZONING, 15301 EXISTING FACILITIES; AND SECTION 15308 ACTIONS BY REGULATORY AGENCIES FOR PROTECTION OF THE ENVIRONMENT” (the “**Resolution of Intention**”); and

**WHEREAS**, on November 7, 2017 the City Council adopted Resolution No. \_\_\_\_\_ C.M.S. entitled “RESOLUTION OF FORMATION OF COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES) AND AUTHORIZATION OF LEVY OF SPECIAL TAX THEREIN,” ordering the formation of Community Facilities District No. 2017-1 (Brooklyn Basin Public Services) (“**CFD 2017-1**”), and authorizing the levy of an annual special tax (“**Special Tax**”) on nonexempt property within CFD 2017-1 to pay for the specified public services, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (commencing with Section 53311 of the California Government Code) (the “**Act**”); and

**WHEREAS**, the Resolution of Intention incorporated by reference a map of the proposed boundaries of CFD No. 2017-1 (the “**Boundary Map**,” attached as Exhibit 4 to the Resolution of Intention), described the maintenance for public improvements and administrative services eligible to be funded by CFD No. 2017-1 (collectively “**Services**,” attached as Exhibit 2 to the

Resolution of Intention), and the rate and method of apportionment of the Special Tax to be levied within CFD No. 2017-1 ("**Rate and Method of Apportionment**," attached as Exhibit 3 to the Resolution of Intention) to pay for the Services. 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 OF THE COUNCIL OF THE CITY OF OAKLAND CALLING SPECIAL ELECTION FOR QUALIFIED ELECTORS OF COMMUNITY FACILITIES DISTRICT NO. 2017-1 (BROOKLYN BASIN PUBLIC SERVICES)" ("**Election Resolution**"), to submit to the qualified electors of CFD 2017-1 the question of the formation of CFD 2017-1 and the levy of the Special Tax; and

**WHEREAS**, pursuant to the Resolution of Formation and the 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 City Council the results of such election in a Certificate of Election Results (the "**Canvass**"). The Canvass is on file with the City and a form of which is attached hereto as Exhibit A; and

**WHEREAS**, this City Council has reviewed the Canvass, finds it appropriate and wishes to complete its proceedings for the CFD; 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 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 CFD 2017-1 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 Resolution of Intention and Resolution of Formation; and be it

**FURTHER RESOLVED:** That the City Clerk 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 California Streets and Highways Code; and be it

**FURTHER RESOLVED:** That this Resolution shall become effective immediately upon passage.

IN COUNCIL, OAKLAND, CALIFORNIA, NOV 07, 2017

**PASSED BY THE FOLLOWING VOTE:**

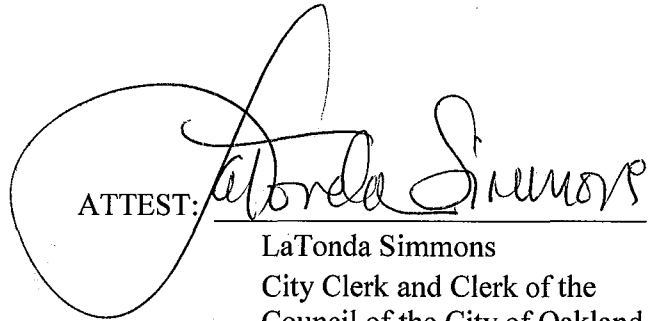
AYES- BROOKS, CAMPBELL-WASHINGTON, GALLO, GIBSON MCELHANEY,  
GUILLÉN, KALB, KAPLAN AND PRESIDENT REID - 8

NOES- 0

ABSENT- 0

ABSTENTION- 0

ATTEST:



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

EXHIBIT A

CERTIFICATE OF ELECTON RESULTS  
FOR THE SPECIAL ELECTION HELD  
IN THE CITY OF OAKLAND  
COMMUNITY FACILITIES DISTRICT  
NO. 2017-1  
(BROOKLYN BASIN PUBLIC SERVICES)

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

I personally counted the ballots cast at the special election held on November 7, 2017, called by the City Council in Resolution No. \_\_\_\_\_ C.M.S. for Community Facilities District No. 2017-1 (Brooklyn Basin Public Services), adopted on November 7, 2017, and I hereby certify the result of that count to be as follows:

TOTAL VOES CAST "YES": \_\_\_\_\_

TOTAL VOTES CAST "NO": \_\_\_\_\_

TOTAL VOTES CAST: \_\_\_\_\_

THE VOTES CAST "YES" EQUAL \_\_\_\_\_% OF THE TOTAL VOTES CAST.

Dated: \_\_\_\_\_, 2017

CITY OF OAKLAND

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

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