

RESOLUTION NO. 2017-07

**A RESOLUTION CALLING A SPECIAL ELECTION
FOR THE LEVY OF A SPECIAL TAX
AND THE ESTABLISHMENT OF AN APPROPRIATIONS LIMIT
FOR COASTSIDE FIRE PROTECTION DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 31**

**COASTSIDE FIRE PROTECTION DISTRICT
Community Facilities District No. 31**

RESOLVED, by the Board of Directors of the Coastside Fire Protection District (“District”) that:

WHEREAS, on May 24, 2017, the Board of Directors adopted Resolution 2017-06 entitled “A Resolution of Formation of the Coastside Fire Protection District Community Facilities District No. 31, Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District and Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District” (the “Resolution of Formation”), ordering the formation of Community Facilities District No. 31 (“CFD No. 31”), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District;

WHEREAS, pursuant to the provisions of said resolution, the propositions of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”).

NOW, THEREFORE, the Board of Directors does hereby find, determine and order as follows:

1. Pursuant to Sections 53326, 53353.5 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of said appropriations limit shall be submitted to the qualified electors of CFD No. 31 at an election called therefore as provided below.

2. As authorized by Section 53353.5 of the Act, the two propositions described in paragraph 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit “A” and by this reference incorporated herein. Said form of ballot is hereby approved.

3. This Board of Directors hereby finds that fewer than 12 persons have been registered to vote within the territory of CFD No. 31 for each of the ninety (90) days preceding the close of the public hearings heretofore conducted and concluded by this Board of Directors for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act,

this Board of Directors finds that for purposes of these proceedings the qualified electors are the owners of land within CFD No. 31 subject to the levy of the special taxes and that the vote shall be by said landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in CFD No. 31 as of the close of said public hearings that is subject to the levy of the special taxes.

4. This Board of Directors hereby calls a special election to consider the measures described in paragraph 2 above, which election shall be held on June 28, 2017. The Fire Chief is hereby designated as the official to conduct said election. It is hereby acknowledged that the Fire Chief has on file the Resolution of Formation, a certified map of the proposed boundaries of CFD No. 31, and a sufficient description to allow the Fire Chief to determine the boundaries of CFD No. 31.

5. Pursuant to Section 53327 of the Act, the election shall be conducted by mail or hand-delivered ballot pursuant to Section 4000 of the California Elections Code. This Board of Directors hereby finds that paragraphs (a), (b), (c)(1) and (c)(3) of said Section 4000 are applicable to this special election.

6. This Board of Directors directs the Fire Chief, pursuant to Elections Code Section 4101, to deliver to each of the qualified electors of CFD No. 31 a ballot generally in the form set forth in Exhibit "A" hereto no earlier than 29 days prior to the date of the election and no later than 11 days prior to the date of the election. Each ballot shall indicate the number of votes to be voted by the respective landowner to which it pertains.

Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot shall be enclosed with the ballot, return postage prepaid, and shall contain the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration described in clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

Analysis and arguments with respect to the ballot measures shall be waived, as provided in Section 53327 of the Act.

7. The Fire Chief shall accept ballots of the qualified electors in the administrative offices of the District until 5:00 p.m. on June 28, 2017 whether said ballots be personally delivered or received by mail. The Fire Chief shall have available at said location ballots which may be marked on the election day by said qualified electors.

8. This Board of Directors hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before said special election is for the protection of the qualified electors of CFD No. 31. The ballots of the landowners within CFD No. 31 contain a waiver of the time

limit pertaining to the conduct of the election. And the landowners also unanimously consent to waive the requirements for preparation and inclusion of an impartial analysis, arguments and rebuttals per section 53327. Accordingly, this Board of Directors finds and determines that said qualified electors will have been fully apprised of and will have agreed to the shortened time for the election and have thereby been fully protected in these proceedings. This Board of Directors also finds and determines that the Fire Chief has concurred in the shortened time for the election.

9. The Fire Chief is hereby directed to publish in a newspaper of general circulation circulating within the area of CFD No. 31 a copy of this Resolution as soon as practicable after the date of adoption of this Resolution.

PASSED AND ADOPTED by the Board of Directors of the Coastside Fire Protection District on this 24th day of May, 2017, by the following vote, to wit:

AYES:

NOES:

ABSENT:

Gary Burke, President
Board of Directors
Coastside Fire Protection District

ATTEST:

Ginny McShane, Board Secretary
Coastside Fire Protection District

Exhibit A

Coastside Fire Protection District
Community Facilities District No. 31

OFFICIAL BALLOT
SPECIAL TAX ELECTION

This ballot is for a special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Fire Chief of the Coastside Fire Protection District no later than 5:00 p.m. on June 28, 2017 either by mail or in person. The Fire Chief's office is located at 1191 Main Street, Half Moon Bay, California 94019.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO." All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Fire Chief of the Coastside Fire Protection District and obtain another.

BALLOT MEASURE: Shall a special tax payable solely from YES: _____
lands within Community Facilities District No. 31 ("CFD No. 31")
be levied annually upon lands within CFD No. 31 to pay for services
to be provided by CFD No. 31 in accordance with Resolution
No. 2017-04 of the Coastside Fire Protection District, and
shall the annual appropriations limit of CFD No. 31 be established NO: _____
in the amount of \$5,000,000?

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326(a) and 53327(b) of the California Government Code.

Number of votes: _____

Property Owner(s):

Half Moon Bay Edenbridge, LP
Patrick J. Geary
21771 Stevens Creek Blvd. #200A
Cupertino, CA 95014-1175

By: _____
Name Title

