

EAST BAY REGIONAL PARK DISTRICT

RESOLUTION NO. 2018-6-

June 5, 2018

RESOLUTION ORDERING AND GIVING NOTICE OF AN ELECTION TO BE HELD IN A PORTION OF THE EAST BAY REGIONAL PARK DISTRICT FOR THE PURPOSE OF SUBMITTING A MEASURE TO THE VOTERS OF COMMUNITY FACILITIES DISTRICT NO. A/C-3 (“CFD”) TO LEVY A SPECIAL TAX FOR WILDFIRE PROTECTION, SAFE PARKS AND TRAILS, PUBLIC ACCESS, AND NATURAL HABITAT, AND REQUESTING THE BOARDS OF SUPERVISORS OF ALAMEDA AND CONTRA COSTA COUNTIES TO CONSOLIDATE THE DISTRICT ELECTION WITH THE STATEWIDE GENERAL ELECTION BEING HELD ON NOVEMBER 6, 2018

WHEREAS, on June 5, 2018, the Board of Directors of the East Bay Regional Park District adopted a resolution entitled, “A Resolution of the Board of Directors of the East Bay Regional Park District, California, Declaring the Formation of a Community Facilities District East Bay Regional Park District Community Facilities District No. A/C-3” (“Resolution of Formation”); and

WHEREAS, the Resolution of Formation established the boundaries of the CFD, authorized the levy of a special tax on property within the CFD, defined the public services to be provided by the CFD, and preliminarily established an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, as amended, Sections 53311 and following of the California Government Code (the “Act”); and

WHEREAS, pursuant to the provisions of the Act and the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD; and

WHEREAS, the Board of Directors of the East Bay Regional Park District (“District”) desires to consolidate a District Election, to consider the approval of CFD A/C-3, with the Statewide General Election being held on November 6, 2018.

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the East Bay Regional Park District as follows:

1. Pursuant to Sections 53326, 5331, and 53325.7 of the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the CFD.

2. The Board of Directors hereby finds that 12 or more persons have been registered to vote within the territory of the CFD for each of the 90 days preceding the close of public hearings conducted and concluded by this Board for purposes of these proceedings. Accordingly, pursuant to Section 53326 of the Act, this Board finds that, for these proceedings, the qualified electors are the registered voters with the CFD, with each voter having one vote.

3. A District Election, to be consolidated with the Statewide General Election is hereby ordered and called to be held on Tuesday, November 6, 2018, within the boundaries of the CFD.

4. The Boards of Supervisors of Alameda and Contra Costa Counties are hereby respectfully requested to conduct such an election on behalf of the District.

5. This Board requests that said District Election be consolidated with the Statewide General Election to be held on Tuesday, November 6, 2018, pursuant to Elections Code Section 10403.

6. The ballot proposition shall appear and be printed upon the ballots to be used at the election as follows:

Wildfire Protection, Safe Parks/Trails, Public Access, Natural Habitat

Without increasing tax rates, to protect against wildfires; enhance public safety; preserve water quality, shorelines, urban creeks; protect redwoods and parklands in a changing climate; and restore natural areas, shall East Bay Regional Park District be authorized to extend an existing parcel tax of \$1 monthly (\$12/year) per single-family parcel and 69¢ monthly (\$8.28/year) for multi-family units, raising approximately \$3.3 million annually, to expire in 20 years?

7. This Board hereby requests the Alameda County Registrar of Voters and the Contra Costa County Elections Official to (i) designate the measure on the ballot as provided in Elections Code Section 13116; and (ii) print in the Voter Information Guide mailed to all voters within the CFD the Resolution of Formation and the Resolution Adopting the Expenditure Plan and Statement Regarding CFD Appropriations Limit and Accountability Measures, which are attached as Exhibit A and Exhibit B, respectively.

8. The election to be held and all matters pertaining thereto shall be conducted in accordance with the general election laws of the State of California, as may be applicable to the District.

9. The Boards of Supervisors of Alameda and Contra Costa Counties are hereby authorized and requested to canvass the returns of said East Bay Regional Park District Election with respect to votes cast within said counties for this election and to certify the results of said election to the Board of Directors of the East Bay Regional Park District when such results are available.

10. The District Election shall be held in all respects as if there were only one election and only one ballot, and the election precincts, polling places, voting booths and election officials shall be the same as for the Statewide General Election.

11. Notice of the election called by this resolution shall be given by publication of such notice in a newspaper of general circulation published in the District, and such publication shall be deemed sufficient notice of said election (Election Code §12112).

12. Following canvass of the returns and certification of the results of the election by the Boards of Supervisors of Alameda and Contra Costa Counties, a resolution of the results of the District election shall be adopted by the District Board, giving the total votes cast for and against the proposed measure.

13. All other rules and regulations established by the Elections Code for the conduct of the Statewide General Election on Tuesday, November 6, 2018, not specifically cited in this resolution shall be applicable to the District Election.

14. The above enumerated measure shall be approved if two-thirds (2/3) of the voters who vote on the measure vote in favor of it.

15. The Board authorizes the President of the Board to file a written argument in favor of the ballot proposition with each County, on behalf of the full Board of Directors, not to exceed 300 words. At the discretion of the President of the Board, the argument may be signed by members of the Board, representatives of bona fide associations or by individual voters who are eligible to vote within the CFD.

16. In the event that an argument is filed against the measure, the President of the Board is also authorized to submit a rebuttal argument on behalf of the Board of Directors, which may also be signed by members of the Board, or by representatives of bona fide associations or by individual voters who are eligible to vote on the measure, which may be different from those who signed the primary argument.

17. Pursuant to Section 50075.1 of the California Government Code, the following accountability provisions are included in the measure: (a) the facilities and services that may be financed with the special tax and the incidental costs thereof, all as defined in the Resolution of Formation, constitute the specific purposes of the special tax; (b) the proceeds of the special tax shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds of the special tax shall be deposited; and (d) there shall be caused to be prepared an annual report regarding the special tax funds pursuant to Section 50075.3 of the California Government Code.

18. The District acknowledges that the consolidated election will be held and conducted in the manner prescribed in Elections Code Section 10418. The District recognizes that the Counties will incur additional costs because of this consolidation and agrees to reimburse the Counties for those costs. Funds to cover the District's share of the election costs are available, and the General Manager is hereby authorized to enter into an agreement with the respective Election Officials for the services of such official to provide for the reimbursement by the District of the costs of the respective Election Officials in conducting the election.

19. The Clerk of the Board is directed to cause the posting, publication, and printing of notices and all other matters pursuant to the requirements of the Elections and Government Codes of the State of California.

20. The Clerk of the Board is directed to file a copy of this Resolution with the Alameda County and Contra Costa County Boards of Supervisors and to transmit a copy of this resolution to the Alameda County Registrar of Voters and the Elections Officer of Contra Costa County upon finalization and not later than August 10, 2018.

21. The General Manager is hereby authorized to execute and deliver any documents and to perform all acts necessary to place the measure on the ballot including making any revisions, corrections or alterations to the language of the ballot measure to comply with the requirements of law and the Elections Officials and to ensure that the applicable requirements of the Elections Code are met.

22. This resolution shall be effective upon its adoption.

Moved by Director _____, seconded by Director _____, and approved this 5th day of June, 2018, by the following vote:

FOR:

AGAINST:

ABSTAIN:

ABSENT: