

IN THE CITY COUNCIL OF THE CITY OF SAN LEANDRO

RESOLUTION NO. 2022-

**RESOLUTION OF THE CITY OF SAN LEANDRO CITY COUNCIL
DECLARING RESULTS OF SPECIAL MAILED-BALLOT ELECTION
WITHIN THE CITY OF SAN LEANDRO COMMUNITY FACILITIES
DISTRICT NO. 2022-1 (MONARCH BAY SHORELINE FACILITIES &
SERVICES)**

WHEREAS, on September 6, 2022, the City Council duly adopted its RESOLUTION OF FORMATION ESTABLISHING THE CITY OF SAN LEANDRO COMMUNITY FACILITIES DISTRICT NO. 2022-1 (MONARCH BAY SHORELINE FACILITIES & SERVICES), AND PROVIDING FOR THE LEVY A SPECIAL TAX IN THE COMMUNITY FACILITIES DISTRICT TO FINANCE THE ACQUISITION AND CONSTRUCTION OF PUBLIC FACILITIES AND THE PROVISION OF PUBLIC SERVICES (the “**Resolution of Formation**”) and its RESOLUTION DEEMING IT NECESSARY TO INCUR BONDED INDEBTEDNESS TO FINANCE THE ACQUISITION AND CONSTRUCTION OF PUBLIC FACILITIES FOR THE CITY OF SAN LEANDRO COMMUNITY FACILITIES DISTRICT NO. 2022-1 (MONARCH BAY SHORELINE FACILITIES & SERVICES) (the “**Resolution Deeming it Necessary to Incur Bonded Indebtedness**”) and, collectively, the “**Formation Resolutions**”), thereby (1) establishing a community facilities district within the City’s jurisdictional boundaries under the Mello-Roos Community Facilities Act of 1982, set forth at Government Code sections 53311 through 53368.3 (the “**Act**”), known and designated as the “City of San Leandro Community Facilities District No. 2022-1 (Monarch Bay Shoreline Facilities & Services)” (the “**CFD**”); (2) authorizing the levy of a special tax within the CFD to finance the provision of certain public services (the “**Services**”) and the acquisition and construction of certain public facilities, including through the financing of governmentally imposed development impact fees used to finance public facilities (the “**Facilities**”); and (3) declaring the necessity of incurring Debt (as defined in the Act) to finance the acquisition and construction of the Facilities in a maximum aggregate amount not exceeding \$91 million; and

WHEREAS, to confer on the City Council the authority contained in the Formation Resolutions, a two-thirds approving vote by the qualified electors within the CFD is required; and

WHEREAS, a special, mailed-ballot election has been conducted for the CFD, and a Certificate of Clerk Declaring Election Results (the “**Certificate of Election Results**”), executed by the City Clerk, has been filed with the City Council; and

WHEREAS, the City Council hereby accepts the Certificate of Election Results and wishes by this resolution to declare the results of the special mailed-ballot election.

NOW, THEREFORE, the City Council of the City of San Leandro does **RESOLVE** as follows:

SECTION 1. The City Council finds that the statements in the Background are true.

SECTION 2. The City Council hereby finds and determines and declares that the ballot measure submitted to the qualified electors of the CFD has been passed and approved by the qualified electors of the CFD in accordance with Government Code sections 53328 and 53355.

SECTION 3. The City Council hereby authorizes and directs the City Clerk to cause a Notice of Special Tax Lien for the CFD to be prepared and recorded with the Alameda County Clerk/Recorder in accordance with the provisions of California Streets and Highways Code section 3114.5 and California Government Code section 53328.3. The Notice of Special Tax Lien shall be recorded with the Alameda County Auditor-Controller/Clerk-Recorder within 15 days of the date of adoption of this resolution.

SECTION 4. This resolution takes effect when adopted.

Introduced by _____ and passed and adopted this 6th day of September 2022, by the following vote:

Members of the Council:

AYES:

NOES:

ABSENT:

ATTEST:

Kelly B. Clancy, Acting City Clerk

EXHIBIT A

CERTIFICATE OF CLERK DECLARING ELECTION RESULTS

**CITY OF SAN LEANDRO COMMUNITY FACILITIES DISTRICT NO. 2022-1
(MONARCH BAY SHORELINE FACILITIES & SERVICES)**

I hereby certify that on September 6, 2022, I canvassed the returns of the election held on September 6, 2022, regarding the above-referenced community facility district and the total number of ballots cast in said election, and the total number of votes cast for and against the measure are as follows, and the totals as shown for and against the measure are full, true and correct:

<u>Votes</u>	<u>Landowner</u>	<u>Qualified</u>	<u>Cast</u>	<u>Votes</u> <u>YES</u>	<u>NO</u>
(Monarch Bay Shoreline Facilities & Services)	City of San Leandro	Community Facilities District No. 2022-1	_____	_____	_____
		Special Tax Election, September 6, 2022			

BALLOT MEASURE: Shall the measure pursuant to which (i) the City of San Leandro shall incur an indebtedness and issue bonds in the maximum aggregate principal amount of not to exceed \$91 million with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the City of San Leandro Community Facilities District No. 2022-1 (Monarch Bay Shoreline Facilities & Services) (the “CFD”), the proceeds of which bonds will be used to acquire and/or construct certain facilities and pay for the costs of issuing the bonds and related expenses; (ii) a special tax payable solely from lands within the CFD shall be levied annually, commencing in the City’s fiscal year 2023-24, upon lands within the CFD to pay for the principal and interest upon such bonds, to pay the costs of the City in administering the CFD, to pay for the costs of acquiring and/or constructing certain facilities and to pay for authorized public services; and (iii) the annual appropriations limit of the CFD shall be established in the amount of \$91 million **be adopted?**

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 6th day of September, 2022.

By:
Kelly B. Clancy, Acting City Clerk