

CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT

RESOLUTION NO. 2022/6

RESOLUTION CALLING SPECIAL ELECTION WITHIN THE CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2022-1 (ANTIOCH FIRE PROTECTION AND EMERGENCY RESPONSE SERVICES)

Recitals

- A. On this date, April 26, 2022, the Board of Directors (the “Board”) of the Contra Costa County Fire Protection District (the “District”), adopted Resolution No. 2022/5 (the “Resolution of Formation”) ordering the formation of the Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services) (the “CFD”), authorizing the levy of a special tax on property within the CFD, and preliminarily establishing an appropriations limit for the CFD.
- B. Pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit are to be submitted to the qualified electors of the CFD as required by the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the “Law”).

NOW, THEREFORE, the Board of Directors of the Contra Costa County Fire Protection District resolve as follows:

1. Pursuant to Sections 53325.7 and 53326 of the Law, 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 at an election called therefor as provided below. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Law.
2. As authorized by Section 53353.5 of the Law, the two propositions described in Section 1 above shall be combined into a single ballot measure with a separate ballot for each owner of property in the CFD, the forms of which are attached hereto as Exhibit A, and by this reference incorporated herein. The forms of the ballots are approved.
3. The Board finds that fewer than 12 persons have been registered to vote within the territory of the CFD for each of the ninety (90) days preceding the close of the public hearing previously conducted and concluded by the Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, the Board finds that for purposes of these proceedings, the qualified electors for the CFD are the landowners within the CFD and that the vote shall be by the landowners or their authorized representatives, having one vote for each acre or portion thereof each landowner owns in the CFD as of the close of the public hearing.

4. The Board hereby calls a special election to consider the measure described in Section 2 above, which election shall be held immediately following adoption of this Resolution in the regular meeting place of the Board. The Clerk of the Board (the "Clerk") is hereby designated as the official to conduct the election. It is acknowledged that the Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD (a copy of which was attached as Exhibit A to the Resolution of Intention described in the Resolution of Formation), and a sufficient description to allow the Clerk to determine the boundaries of the CFD. The voted ballots shall be returned to the Clerk no later than immediately following the adoption of this Resolution; and when the qualified voters have voted, the election shall be closed.
5. Pursuant to Section 53327 of the Law, the election shall be conducted by mail or hand delivered ballot pursuant to the California Elections Code.
6. The Board acknowledges that the Clerk has caused to be delivered to the respective qualified electors of the CFD a ballot in the applicable form set forth in Exhibit A hereto. Each ballot indicated the number of votes to be voted by the respective landowner.

Analysis and arguments with respect to the ballot measures were waived by the landowners in their petitions to form the CFD and in their voted ballots, as permitted by Section 53327(b) of the Law.

7. The Clerk shall accept the ballots of the qualified electors upon and prior to the adoption of this Resolution, whether the ballots be personally delivered or received by mail. The Clerk shall have available ballots which may be marked in the Board of Directors meeting room on the election day by the qualified electors.
8. The Board further finds that the provision of the Law requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election is for the protection of the qualified electors of the CFD. The petition of the landowners to form the CFD and the voted ballots of the only qualified electors of the CFD contain an acknowledgment of a waiver of any time limit pertaining to the conduct of the election and of a waiver of any requirement for analysis and arguments in connection with the election. Accordingly, the Board finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of ballot analysis and arguments, and have thereby been fully protected in these proceedings. The Board also finds and determines that the Clerk has concurred in the shortened time for the election.
9. Pursuant to Section 50075.1 of the California Government Code, (a) the ballot measure referred to in Sections 2 and 4 above contains a statement indicating the specific purposes of the special tax, (b) the proceeds of the special tax will be applied only to the purposes specified in the ballot measure, (c) the Fire Chief of the District shall create or cause to be created an account into which proceeds of the special tax levies will be deposited, and (d) the Fire Chief, or his or her designee, is directed to prepare and provide an annual report to the Board as required by Section 50075.3 of the California Government Code.

10. This Resolution shall take effect immediately upon its adoption.

PASSED AND ADOPTED on April 26, 2022, by the following vote:

AYES:

NOES:

ABSTAIN:

ABSENT:

Board Chair

ATTEST:

Clerk of the Board

Attachments: Exhibit A Official Ballot

EXHIBIT A

**CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
Community Facilities District No. 2022-1
(Antioch Fire Protection and Emergency Response Services)**

OFFICIAL BALLOT

Special Tax Election
(April 26, 2022)

**CONTRA COSTA COUNTY FIRE PROTECTION DISTRICT
Community Facilities District No. 2022-1
(Antioch Fire Protection and Emergency Response Services)**

OFFICIAL BALLOT

Special Tax Election
(April 26, 2022)

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the Clerk of the Board of Directors of the Contra Costa County Fire Protection District no later than immediately after adoption of the resolution of the Board of Directors calling said election, either by mail or in person.

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 Clerk of the Board of Directors of Contra Costa County Fire Protection District and obtain another.

BALLOT MEASURE: Shall the measure authorizing the Contra Costa County Fire Protection District (the "District") to annually levy a special tax solely on lands within the Contra Costa County Fire Protection District Community Facilities District No. 2022-1 (Antioch Fire Protection and Emergency Response Services) (the "CFD") in accordance with the rate and method contained in the Resolution of Formation establishing the CFD adopted by the District Board of Directors on April 26, 2022, commencing in the District's fiscal year 2021/22, to pay for the services authorized to be funded by the CFD, and establishing the annual appropriations limit of the CFD in the initial amount of \$1,000,000, be adopted?

Yes: _____

No: _____

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.

Contra Costa County
APN of land owned
in the CFD:

Number of Votes: 554

057-010-002
057-010-003
057-021-003

Landowner:

American Superior Land, LLC,
a Delaware limited liability company

By: _____
John C. Troutman
Vice President

Landowner:

EPC Holdings 820 LLC,
a Washington limited liability company

By: _____
John C. Troutman
Vice President