

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA

and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 07/12/2022 by the following vote:

AYE:	<input type="text" value="5"/>	John Gioia, Candace Andersen, Diane Burgis, Karen Mitchoff, Federal D. Glover
NO:	<input type="text" value="0"/>	
ABSENT:	<input type="text" value="0"/>	
ABSTAIN:	<input type="text" value="0"/>	
RECUSE:	<input type="text" value="0"/>	



Resolution No. 2022/244

IN THE MATTER OF: Resolution Calling Special Election Within Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance)

WHEREAS, on this date, this Board of Supervisors (the “Board”) of the County of Contra Costa (the “County”) adopted a Resolution entitled “Resolution of Formation of County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance), and Authorizing the Levy of a Special Tax Within the CFD”(the “Resolution of Formation”), ordering the formation of the County of Contra Costa Community Facilities District No. 2022-1 (Contra Costa Centre Area – Park Maintenance) (the “CFD”), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of said 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, BE IT RESOLVED, by the Board of Supervisors of the County of Contra Costa as follows:

Section 1. Pursuant to Sections 53325.7 and 53326 of the Law, the issues of the levy of said special tax and the establishment of said appropriations limit shall be submitted to the qualified electors of the CFD at an election called therefor as provided below.

Section 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, the form of which is attached hereto as Exhibit A and by this reference incorporated herein. The form of ballot is hereby approved.

Section 3. This Board hereby 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 heretofore conducted and concluded by this Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, this Board finds that for purposes of these proceedings the qualified elector for the CFD is the sole landowner within the CFD and that the vote shall be by said landowner or its authorized representative, having one vote for each acre or portion thereof the landowner owns in the CFD as of the close of the public hearing.

Section 4. This 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 this Board. The Clerk of the Board (the “Clerk”) is hereby designated as the official to conduct said election. It is hereby acknowledged that the Clerk has on file the Resolution of Formation, a map of the proposed boundaries of the CFD, and a sufficient description to allow the Clerk to determine the boundaries of the CFD.

The voted ballot shall be returned to the Clerk no later than immediately following the adoption of this Resolution; and when the qualified voter has voted, the election shall be closed.

Section 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.

Section 6. This Board acknowledges that the Clerk has caused to be delivered to the only qualified elector of the CFD a ballot in the form set forth in Exhibit A hereto. The ballot indicated the number of votes to be voted by the landowner.

The ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. An envelope to

be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained 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 pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the Clerk.

Analysis and arguments with respect to the ballot measures were waived by the landowner in its petition to form the CFD and in its voted ballot, as permitted by Section 53327(b) of the Law.

Section 7. The Clerk shall accept the ballot of the qualified elector upon and prior to the adoption of this Resolution, whether the ballot be personally delivered or received by mail. The Clerk shall have available a ballot which may be marked in the Board of Supervisors meeting room on the election day by the qualified elector.

Section 8. This Board hereby 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 said special election is for the protection of the qualified elector of the CFD. The petition of the landowner to form the CFD and the voted ballot of the sole qualified elector of the CFD each 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, this Board finds and determines that the qualified elector has been fully apprised of and has agreed to the shortened time for the election and waiver of ballot analysis and arguments, and has thereby been fully protected in these proceedings. This Board also finds and determines that the Clerk has concurred in the shortened time for the election.

Section 9. Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. 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) there shall be created by the Auditor-Controller of the County an account into which proceeds of the special tax levies will be deposited, and (d) the Auditor-Controller of the County is hereby directed to provide an annual report to this Board as required by Section 50075.3 of the California Government Code.

Section 10. The Clerk is hereby directed to cause to be published in a newspaper of general circulation circulating within the CFD a copy of this Resolution as soon as practicable after the date of adoption of this Resolution.

Section 11. This Resolution shall take effect immediately upon its adoption.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

Contact: Jocelyn LaRocque (925)313-2315

ATTESTED: July 12, 2022

Monica Nino, County Administrator and Clerk of the Board of Supervisors

By  Deputy

cc: Timothy Ewell - CAO, Laura Strobel, County Administrator, CAO, Robert Campbell, Auditor Controller, Maryann Mason, County Counsel, Gus Kramer, County Assessor, Warren Lai - Deputy, Jocelyn LaRocque- Engineering Services, Larry Gossett- Engineering Services, Carl Roner- Special Districts, Rochelle Johnson - Special Districts, Joshua Laranang- Engineering Services, Jennifer Cruz- DCD, Hanover Company, Paul Thimmig - Quint & Thimmig LLP, James Kennedy - JK2 & Associates, Brian Brown, Francisco & Associates, Inc.