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OAKLAND

M. Mordern
City Attorney

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OAKLAND CITY COUNCIL

REVISED

RESOLUTION NO. _____ C.M.S.

Introduced by Councilmember _____

RESOLUTION OF THE CITY COUNCIL OF THE CITY OF OAKLAND CALLING AND GIVING NOTICE FOR THE HOLDING OF A SPECIAL DISTRICT MAIL-BALLOT ELECTION FOR CITY OF OAKLAND COMMUNITY FACILITIES DISTRICT NO. 2013-1 (WILDFIRE PREVENTION DISTRICT) ON WEDNESDAY, NOVEMBER 13, 2013

WHEREAS, the City Council of the City of Oakland has adopted a resolution entitled "Resolution of Formation of City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)" (the "Resolution of Formation"), ordering the formation of the "City of Oakland Community Facilities District No. 2013-1 (Wildfire Prevention District)" (the "CFD"), defining the public services (the "Services") to be provided by the CFD and authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the proposed action is not a Project as defined by CEQA Guidelines sections 15378(b)(4) and 15378(b)(5), and would not independently result in a significant physical effect on the environment; and

WHEREAS, 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 shall be submitted to the qualified electors residing within the boundaries of the CFD as required by the provisions of the Act; now, therefore be it

RESOLVED:

1. **Issues Submitted.** Pursuant to 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 (as defined below) of the CFD at an election called therefore as provided below.
2. **Qualified Electors.** This Council hereby finds that more 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 Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Council finds

that, for these proceedings, the qualified electors are the registered voters within the CFD and that the votes shall be by such registered voters.

3. **Conduct of Election.** The City Council hereby calls a special election to consider the issues described in section 2, above, which election shall be held on Wednesday, November 13, 2013, which date is at least 90 days, but not more than 180 days, following adoption of this Resolution. The City Clerk is hereby designated as the official to oversee the conduct of the election and to receive all ballots until 8:00 p.m. on the election date. It is hereby acknowledged that the Clerk has on file the Resolution of Formation, a map of the boundaries of the CFD, and a sufficient description to allow the determination of the electors of the CFD. Pursuant to Section 53327 of the Act, the election shall be conducted by mail-delivered ballot pursuant to Section 4000 of the California Elections Code, provided, however, that for purposes of setting the date for the election, Sections 53326 and 53327 of the Act shall govern. The Council also hereby directs the City Clerk to do all things necessary and proper for the conduct of this special election including, but not limited to, the hiring of a third party election firm experienced in the conduct of registered voter elections under the Act to perform duties including, but not limited to, the publication of all required notices; receipt and printing of ballot arguments; solicitation of an impartial analysis from the City Auditor and the City Attorney; distribution of sample ballots, and printed arguments for and against the measure; the conduct of the mail-ballot election; the counting of ballots; and the canvassing and certification of the election results. This Council hereby finds and determines that the City Clerk has concurred in the holding of the election less than 125 days following adoption of this Resolution.

4. **Ballot.** As authorized by Section 53353.5 of the Act, the issues described in section 1 above shall be combined into a single ballot measure, the form of which as attached hereto as ***Exhibit 1*** is hereby approved. The City Clerk is hereby authorized and directed to cause a ballot, in substantially the form of ***Exhibit 1***, to be delivered to each of the qualified electors of the CFD. Each ballot shall be accompanied by all supplies and written instructions necessary for the use and return of the ballot.

5. **Impartial Analysis.** The City Council hereby directs each of the City Attorney and City Auditor to prepare an impartial analysis of the ballot measures (the "Impartial Analysis"), not to exceed 500 words, in accordance with Elections Code Section 9280 and the Oakland Municipal Code, and establishes August 21, 2013, as the deadline for submitting the Impartial Analyses.

6. **Arguments in Favor.** The Mayor, or her designee, is hereby authorized to prepare a written Argument in favor of the proposed measures, not to exceed 300 words in length, on behalf of the City Council, in accordance with Elections Code Sections 9282-9287. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

7. **Argument For and Against; Rebuttal Measures.** The City Council hereby authorizes arguments for and against the ballot measures and rebuttal arguments to be filed in accordance with Sections 9282-9287, and establishes August 16, 2013, as the deadline to file arguments for

and against the ballot measures, and August 26, 2013, as the deadline to file rebuttal arguments.

8. **Public Examination Periods.** The City Council hereby establishes August 27, 2013, through September 5, 2013, as the 10-calendar day examination period required by the Elections Code with respect to the arguments for and against the ballot measures and any rebuttal arguments. Voters may examine the ballot measures, the Impartial Analysis, the argument for the ballot measures, the argument against the ballot measures and any rebuttal arguments in the office of the City Clerk at One Frank H. Ogawa Plaza, Oakland, CA, between the hours of 8:30 a.m. and 5:00 p.m., Monday through Friday during such period.

9. **Accountability.** Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the provision and/or acquisition of the Services and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose; (b) the proceeds 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 shall be deposited; (d) there shall be a citizens' oversight committee of the CFD, and (e) there shall be caused to be prepared an annual audit and report of the CFD.

10. **Effective Date.** This Resolution shall take effect upon its adoption.

IN COUNCIL, OAKLAND, CALIFORNIA, _____

PASSED BY THE FOLLOWING VOTE:

AYES - BROOKS, GALLO, GIBSON MCELHANEY, KALB, KAPLAN, REID, SCHAAF and PRESIDENT KERNIGHAN

NOES -

ABSENT -

ABSTENTION -

ATTEST: _____
LaTonda Simmons
City Clerk and Clerk of the Council
of the City of Oakland, California