

RESOLUTION NO. 05-02

A RESOLUTION CALLING SPECIAL ELECTION IN THE COMMUNITY FACILITIES DISTRICT

SANTA CLARA COUNTY LIBRARY DISTRICT JOINT POWERS AUTHORITY Community Facilities District No. 2005-1

RESOLVED, by the Board of Directors (the "Board") of the Santa Clara County Library District Joint Powers Authority (the "Authority"), State of California, that

WHEREAS, on this date, this Board adopted a resolution entitled "A Resolution of Formation of Community Facilities District" (the "Resolution of Formation"), ordering the formation of the Santa Clara County Library District Joint Powers Authority Community Facilities District No. 2005-1 (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act");

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 of the CFD at a special election as required by the Act;

WHEREAS, this Board desires that the special election be held on May 3, 2005 as a special mail ballot election, with the ballot prepared by the officers charged with the duty of conducting elections for the County of Santa Clara, such official being the Registrar of Voters of the County of Santa Clara (the "Election Official"); and

WHEREAS, Section 9160 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9162 *et seq.* of said code authorize the filing of written arguments for or against any ballot proposition, and rebuttal arguments.

NOW THEREFORE, IT IS HEREBY ORDERED as follows:

1. Issues Submitted. Pursuant to the Act, the issues of the levy of said 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 the form of which is attached hereto as Exhibit A and by this reference incorporated herein. Said form of ballot measures are hereby approved.

2. Qualified Electors. The Board 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 hearings heretofore conducted and concluded by the Board for the purposes of these proceedings. Accordingly, and pursuant to section 53326 of the Act, the Board finds that for purposes of these proceedings the qualified electors are the registered voters within the CFD and that the vote shall be by said voters, with each voter having one vote. Each ballot measure shall be approved only if two-thirds (2/3rds) of the qualified electors voting cast votes in favor of each ballot measure.

3. Conduct of Election. This Authority hereby calls a special election (the "Election") to consider the measures described in paragraph 1 above, which election shall be held on May 3, 2005 and conducted by the Election Official. For purposes of mail ballot election, this Board hereby finds that Section 53326 of the Act shall apply to the fixing of the date of the mail ballot election, notwithstanding any provisions to the contrary in the California Elections Code and, specifically, Section 4000 thereof.

The Election is hereby ordered consolidated with any other mailed ballot election held on the same day within the same territory as the boundaries of the CFD. The Election shall be held and conducted, election officers appointed, ballots printed, mailed ballots returned by 8:00 p.m. on the date of election, counted, returns canvassed, results declared, and all other proceedings incidental to and connected with the Election shall be regulated and done in accordance with the provisions of law regulating the mail ballot election and specified herein. The Board of Supervisors of the County of Santa Clara is hereby requested to order the conduct of the Election hereby called and to permit the County Elections Official and the County Election Department to render services relating to the conduct of said Election, which services will be determined by the Authority and the County Election Department, and said Election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the Election need not be canvassed by the Board. The Authority shall declare the results of the Election, based on the certified statement of results submitted for that purpose from the Election Official.

4. Ballot Materials. There shall be two measures, "Measure A" and "Measure B" on the same ballot, as set forth in Exhibit A hereto. Measure A shall seek approval of an annual special tax of \$33.66 for a single family residence and corresponding amounts for other classifications of property and an appropriations limit of \$5,980,000. Measure A shall be approved only if it receives approval by 2/3rds of the qualified electors voting at the Election. Measure B shall seek approval of an annual special tax of \$12.00 and an appropriations limit of \$2,131,900; provided, however, that Measure B shall not be effective unless; (a) Measure A is approved; and (b) Measure B receives approval of 2/3rds of the qualified electors voting at the Election. The Authority Counsel is hereby authorized and directed to prepare and to provide to the Election Official the ballot material described in Section 53327 of the Act. Any and all members of this Board or their designees are hereby authorized to act as an author of any ballot argument prepared in connection with the election, including a rebuttal argument. The Chair of the Board, County Librarian, or their designees, are hereby authorized to execute any document and to perform all acts necessary to place the parcel tax measure on the ballot.

5. Materials Transmitted to Election Official. Pursuant to section 53326 of the Act, and within three business days of the adoption of the Resolution of Formation, the Clerk of the Board shall cause to be provided to the Election Official a certified copy of the Resolution of Formation, and of this Resolution Calling Special Election, together with a certified copy of said map of the boundaries of the CFD, as filed in the Office of the Recorder of the County of Santa Clara.

6. Accountability. Under Sections 50075.1 and 53410 of the Government Code, the following accountability measures shall apply to the special taxes: (a) the provision of the Services, 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; and (d) there shall be caused to be prepared an annual report as required by Section 50075.3 or 53411 of the Government Code.

7. Effective Date. This Resolution shall take effect upon its adoption.

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PASSED AND ADOPTED at a regular meeting of the Board of Directors of the Santa Clara County Library District Joint Powers Authority, State of California, on this 27th day of January, 2005, by the following vote to wit:

LIBRARY JPA REPRESENTATIVES: Chair Don Gage, Board members Dan Furtado, Richard Lowenthal, Bob Dillon, Curtis Cole, Jean Mordo, Debbie Giordano, Barbara Nesbet, Steve Tate, Norman Kline and Liz Kniss.

AYES: Ten (10)

NOES: None

ABSENT: Liz Kniss

SIGNED: _____
Donald F. Gage, Chair

ATTEST:

Melinda Cervantes, County Librarian

APPROVED AS TO FORM AND LEGALITY:

Kathryn A. Berry
Deputy County Counsel

Stephen R. Casaleggio
Special Counsel

EXHIBIT A

**SANTA CLARA COUNTY LIBRARY DISTRICT JOINT POWERS AUTHORITY
Community Facilities District No. 2005-1**

**BALLOT MEASURE
SPECIAL TAX ELECTION**

BALLOT MEASURE A: To replace an expiring assessment with the same amount and continue existing library hours and services, shall the Santa Clara County Library District Joint Powers Authority levy a special tax of \$33.66 per year for single family residences and corresponding amounts for other properties within Community Facilities District No. 2005-1? **All funds stay local** benefiting libraries serving Campbell, Cupertino, Gilroy, Los Altos, Los Altos Hills, Milpitas, Monte Sereno, Morgan Hill, Saratoga and unincorporated areas including Alum Rock. This measure automatically expires in ten years and has a \$5,980,000 annual appropriations limit.

YES: _____

NO: _____

BALLOT MEASURE B: If Measure A is approved by the voters, shall the Santa Clara County Library District Joint Powers Authority levy an additional special tax of \$12 per year on single family residences and corresponding amounts for other properties in Community Facilities District No. 2005-1 (the communities described in Measure A) **to restore library hours, books and access** to research materials needed for education and learning, maintain literacy programs and continue bookmobile services? This measure automatically expires in ten years and has a \$2,131,900 annual appropriations limit.

YES: _____

NO: _____