

RESOLUTION NO.
RESOLUTION OF THE CITY COUNCIL OF THE CITY OF COTATI CALLING
SPECIAL MAILED-BALLOT ELECTION AND SUBMITTING TO THE VOTERS OF
CFD NO. 2017-01 TO FINANCE PUBLIC SERVICES

WHEREAS, at the close of the public hearing on this date with respect to its proposed City of Cotati Community Facilities District No. 2017-01 (Public Services) (“CFD No. 2017-01”), the City Council (“City Council”) of the City of Cotati (the “City”) found and determined that a majority protest was not made at the hearing, as provided by the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the “Act”) and specifically Section 53324 of the Act; and

WHEREAS, having determined that a majority protest was not made, this City Council adopted its Resolution of Formation pursuant to Section 53325.1 of the Act, thereby concluding its legal proceedings to (a) establish CFD No. 2017-01, (b) designate additional territory as Future Annexation Area, (c) conditionally authorize the levy of a special tax (the “Special Tax”) on the nonexempt parcels within CFD No. 2017-01, and (d) approve the instrument providing the rate and method of apportionment of special tax (“RMA”), attached to the Resolution of Formation as Exhibit B; and

WHEREAS, the purpose of establishing CFD No. 2017-01 (hereafter, all references to CFD No. 2017-01 shall be deemed to include additional territory later annexed to CFD No. 2017-01) is to provide financing, for, among other things, authorized CFD public services (the “Authorized CFD Public Services”); and

WHEREAS, the financing is to be provided through the levy and collection of the Special Tax on nonexempt property within CFD No. 2017-01 (the “Special Tax”) in accordance with the RMA; and

WHEREAS, in order to (1) authorize levy of the Special Tax and (2) establish an initial annual appropriations limit for CFD No. 2017-01, each as provided by the Resolution of Formation, the matters must be submitted to an election of the qualified electors of CFD No. 2017-01; and

WHEREAS, Section 53353.5 of the Act provides that the two matters may be combined into a single ballot measure, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, as set forth in the Resolution of Formation, the qualified electors for the special election shall be the landowners of the land within CFD No. 2017-01; and

WHEREAS, on the basis of the "Certificate of the Colvin Group Fund I L.P. re Ownership of Land Within the Proposed City of Cotati CFD No. 2017-01," this City Council hereby finds and determines that the Colvin Group Fund I, L.P., is the sole owner of the taxable land within CFD No. 2017-01 and that the number of acres owned is 2.57; and

WHEREAS, on the basis of the executed “Waiver and Consent Respecting Conduct of Mailed-Ballot, Landowner Election” (the “Waiver and Consent”) which has been filed with the Deputy City Clerk and presented at this meeting, this City Council hereby finds and determines as follows:

- a. the Landowner has consented to the conduct of the special mailed-ballot election on this date and have waived the requirements to (1) prepare and distribute an impartial analysis, (2) invite arguments in favor of or against the ballot measure, (3) publish a notice of the election and (4) mail the special election ballot a prescribed number of days prior to the election; and
- b. the Landowner has agreed to accept personal service of the ballot; and

WHEREAS, this City Council, by this resolution, wishes to call the special mailed-ballot election to be held on this date immediately upon adoption of this resolution, and to direct that, forthwith upon receiving an executed and completed ballot from the Landowner, the Deputy City Clerk shall close the election and declare the results to this City Council.

WHEREAS, the action of calling the special mailed-ballot election for CFD 2017-01 does not constitute a project as defined by California Environmental Quality Act Guidelines Section 15378; therefore, no further environmental review is required.

NOW, THEREFORE, BE IT RESOLVED THAT the City Council of the City of Cotati hereby finds, determines and resolves as follows:

Section 1. The foregoing recitals are true and correct, and this City Council hereby expressly so finds and determines.

Section 2. Pursuant to Sections 53326 and 53351 of the Act, this City Council hereby calls a special mailed-ballot election, to be held and conducted forthwith upon adoption of this resolution, and sets this same date as the election date.

Section 3. The measure to be submitted to the Landowner, as the qualified electors of CFD No. 2017-01, shall be as set forth in Exhibit A.

Section 4. The action of the Deputy City Clerk in providing the special election ballot to the Landowner by personal service is hereby ratified.

Section 5. The Deputy City Clerk is hereby directed, forthwith upon receiving an executed and completed ballot from the Landowner, to close the election and declare the results to this City Council.

Section 6. This resolution shall take effect immediately upon its adoption.

IT IS HEREBY CERTIFIED that the foregoing resolution was duly adopted at a regular meeting of the City Council of the City of Cotati held on the 12th day of September, 2017, by the following vote, to wit:

Approved: _____
Mayor

Attest: _____
Lauren Berges, Deputy City Clerk

Approved as to form:

City Attorney

Attachments:

EXHIBIT A - Ballot (PDF)