

RESOLUTION 2019-232

A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF LINCOLN CALLING SPECIAL MAILED-BALLOT ELECTION IN THE CITY OF LINCOLN COMMUNITY FACILITIES DISTRICT NO. 2019-1 (INDEPENDENCE AT LINCOLN)

WHEREAS, reference is made to the Resolution to Form a Community Facilities District and to Levy Special Taxes Therein (the “Resolution of Formation”) and to the Resolution Deeming it Necessary to Incur Bonded Indebtedness in and for City of Lincoln Community Facilities District No. 2019-1 (Independence at Lincoln) (the “Resolution of Necessity”), each adopted by the City Council of the City of Lincoln (the “City Council”) on October 8, 2019; and

WHEREAS, the levy of a special tax within Community Facilities District No. 2019-1

(Independence at Lincoln) (“CFD No. 2019-1”) proposed in the Resolution of Formation shall be submitted to the voters pursuant to Government Code Section 53326; and

WHEREAS, the authorization to issue bonded indebtedness proposed in the Resolution of Necessity shall be submitted to the voters pursuant to Government Code Section 53351; and

WHEREAS, the setting of the appropriations limit shall be submitted to the voters pursuant to Government Code Section 53325.7; and

WHEREAS, the three ballot questions just described shall be combined into a single ballot measure pursuant to Government Code Section 53353.5. The ballot language shall be as shown on the form of ballot attached hereto as Exhibit A, which form of ballot is hereby approved; and

WHEREAS, a certificate relative to voters and a certificate regarding landowners have been filed with the City Clerk of the City of Lincoln (the “City Clerk”);

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL, as follows:

Section 1. The City Council finds and determines that the foregoing recitals are true and correct.

Section 2. This City Council hereby accepts the certificate relative to voters heretofore filed in these proceedings and finds, in accordance therewith, that there are no registered voters residing within the boundaries of CFD No. 2019-1. Accordingly, under Government Code Section 53326(b) the qualified electors in this election shall be the landowners owning land within the District.

Section 3. The City Council hereby accepts the certificate regarding landowners heretofore filed in these proceedings and further finds, in accordance therewith, that the landowners of record owning property within CFD No. 2019-1 are those set forth in the attachment to the certificate regarding landowners and that the attachment correctly sets forth the number of acres owned by each landowner and the number of votes to which each is entitled.

Section 4. This City Council hereby approves the form of Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Proceedings and for Conducting Special Mailed-Ballot Election in the City of Lincoln Community Facilities District No. 2019-1 (Independence at Lincoln), attached hereto as Exhibit B. The City Council finds that the rights,

procedures and time periods therein waived are solely for the protection of the voters, may be waived under Government Code Section 53326(a) and Section 53327(b), and that the waiver constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods.

Section 5. The City Council accepts the Certificate of the City Clerk that 100% of the voters eligible to vote in this election have delivered to the City Clerk properly executed waivers in the form of Exhibit B.

Section 6. Accordingly, this City Council hereby calls the special election described herein and sets October 8, 2019 as the election day. Pursuant to Government Code Section 53326(d), the election shall be conducted by mailed ballot. By attesting this resolution below, the City Clerk indicates her concurrence to such date and to the waivers and consents described in Section 4 hereof.

Section 7. The City Clerk is directed to cause the ballots to be mailed or delivered, in the form of Exhibit A hereto, to the landowners shown on the attachment to the certificate regarding landowners. The City Clerk or her designee shall fill in the names of the landowners and the number of votes to be cast on each ballot, according to the certificate regarding landowners, before delivery or mailing.

Section 8. The City Clerk shall accept personal or mail delivery of the ballots at any time up to 6:00 p.m. on October 8, 2019, provided, that if all authorized ballots are received by the City Clerk prior to that time, the City Clerk shall, pursuant to Government Code Section 53326(d), immediately close the election and declare the results to the City Council.

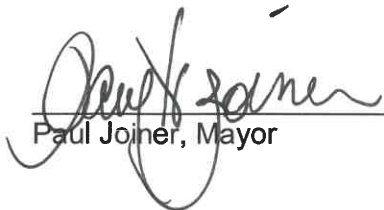
Section 9. This resolution shall take effect from and after its adoption.

PASSED AND ADOPTED this 8th day of October 2019 by the following roll-call vote:

AYES: COUNCILMEMBERS: Gilbert, Karleskint, Andreatta, Joiner

NOES: COUNCILMEMBERS:

ABSENT: COUNCILMEMBERS: Silhi



Paul Joiner, Mayor

ATTEST:



Gwen Scanlon, City Clerk

EXHIBIT A

CITY OF LINCOLN
COMMUNITY FACILITIES DISTRICT NO. 2019-1
(INDEPENDENCE AT LINCOLN)

FORM OF SPECIAL ELECTION BALLOT

(Mailed-Ballot Election)

This ballot is for the use of _____, a landowner owning land within City of Lincoln Community Facilities District No. 2019-1 (Independence at Lincoln).

According to the provisions of the Mello-Roos Community Facilities Act of 1982 and the resolutions of the City Council of the City of Lincoln, the above-named landowner is entitled to cast _____ votes on this ballot.

In order to be counted, this ballot must be certified below and be returned, either by mail or in person, before 6:00 p.m. on October 8, 2019, to: Gwen Scanlon, City Clerk, City of Lincoln, 600 Sixth Street, Lincoln, CA 95648.

Mailing by that date will not be sufficient. The ballot must be physically received by the City Clerk prior to the deadline in order to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT, OR THE VOTER MAY WRITE NUMBERS IN THE SPACES PROVIDED.

BALLOT MEASURE

Shall the City of Lincoln be authorized to issue a maximum amount not to exceed \$30,000,000 in bonds that will be paid for by the City of Lincoln Community Facilities District No. 2019-1 (Independence at Lincoln) (the "District"), levy a special tax in the District and finance public facilities and services by and through the District and shall the appropriations limit for the District for fiscal year 2019-2020 be established in the amount of \$6,000,000, all as specified in the City's Resolution of Formation and Resolution Deeming it Necessary to Incur Bonded Indebtedness adopted by the City Council of the City on October 8, 2019?

Number of votes
YES

Number of votes
NO

Certification

The undersigned is or are the authorized representative(s) of the above-named landowner and is the person legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed as of October 8, 2019.

[LANDOWNER]

By: _____
Name: _____
Title: _____

EXHIBIT B

FORM OF WAIVER AND CONSENT
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR PROCEEDINGS AND FOR
CONDUCTING SPECIAL MAILED-BALLOT ELECTION
CITY OF LINCOLN
COMMUNITY FACILITIES DISTRICT NO. 2019-1
(INDEPENDENCE AT LINCOLN)

The undersigned _____, is the owner or authorized representative of the owner of Assessor's Parcel No. _____ within the above-captioned Community Facilities District (the "District").

The undersigned is (or are) the person (or persons) legally entitled and authorized to cast the ballot for the above-referenced owner in the election to be conducted within the District to determine, among other things, whether certain land, including land owned by the above-referenced owner, shall be subject to an annual special tax.

The undersigned, on behalf of the above-referenced owner, hereby waives any and all minimum time periods relative to the election pursuant to Government Code Section 53326(a).

The undersigned, on behalf of the above-referenced owner, hereby waives the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, under the authority of Government Code Section 53327(b).

The undersigned, on behalf of the above-referenced owner, hereby waives the requirement to publish notice of the election under Government Code Section 53352.

The undersigned, on behalf of the above-referenced owner, hereby waives the requirements regarding the time to mail ballots to the qualified electors under Elections Code Section 4101, and agrees to accept either mailed service or personal service of the ballot.

The undersigned, on behalf of the above-referenced owner, hereby waives the requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5.

The undersigned, on behalf of the above-referenced owner, hereby waives any right to notice and hearing and consents to authorized facilities, authorized services, expenses and rate and method of apportionment of special tax as described in the Resolution of Formation to be adopted by the City Council of the City of Lincoln on October 8, 2019.

The undersigned, on behalf of the above-referenced owner, hereby waives any and all defects in notice or procedure in the formation of the District, time periods to record the boundary map, conduct of the election, whether known or unknown (other than the right to have ballots accurately counted), and states that the election is being expedited, pursuant to this waiver and consent, at the particular instance and request of the above-referenced owner.

Further, the undersigned, on behalf of the above-referenced owner, consents to the levy and collection of the special tax on all of the parcels owned by the above-referenced owner in the District and hereby waives any entitlement to initiate or prosecute any form of legal proceedings, including judicial proceedings, to challenge any aspect of the proceedings for levy of the special tax and for issuance of special tax bonds in the District.

I declare, under penalty of perjury, under the laws of the State of California, that the foregoing is true and correct and that this declaration is executed on _____, 2019.

[LANDOWNER]

By: _____
Name: _____
Title: _____

NOTE: If this form is signed by an authorized representative other than an officer of the property owner(s) of the parcel(s), or if the name of the signing party is different from the name of the property owner, please attach evidence of authorization to sign on behalf of the property owner(s) or evidence of name change.