

RESOLUTION NO. 2016-43

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF NEWMAN, CALIFORNIA
CALLING A SPECIAL ELECTION TO BE HELD ON NOVEMBER 8, 2016, WITH THE
PRESIDENTIAL GENERAL ELECTION TO BE HELD ON THE SAME DATE PURSUANT
TO §10403 OF THE ELECTIONS CODE.**

**CITY OF NEWMAN
COMMUNITY FACILITIES DISTRICT NO. 2016-1
(COMMUNITY POOL)**

WHEREAS, the Newman City Council (“City Council”) has adopted a Resolution entitled “Resolution of Formation of Community Facilities District” (the “Resolution of Formation”), ordering the formation of the “City of Newman, Community Facilities District No. 2016-1 (Community Pool)” (the “District”), authorizing the levy of a special tax on property within the District and establishing an appropriations limit for the District, pursuant to the Mello-Roos Community Facilities Act of 1982, codified in California Government Code section 53311 *et seq.* (the “Act”), for the purpose of financing the cost of construction of a community pool complex and appurtenances (the “Facilities”), maintenance thereof, and related services, as further provided in the Resolution of Formation; and

WHEREAS, the City Council has also adopted a Resolution entitled “Resolution Determining the Necessity to Incur Bonded and Other Indebtedness” (the “Resolution Determining Necessity”), determining the necessity to incur bonded indebtedness and other debt, as defined in the Act, in the maximum aggregate principal amount of \$6,500,000 upon the security of the special tax to be levied within the District pursuant to the Act; and

WHEREAS, pursuant to the provisions of the Resolution of Formation and the Resolution Determining Necessity, the propositions of the levy of the special tax, incurrence of indebtedness and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the provisions of the Act; and

WHEREAS, the City Council desires a Special Municipal Election be held on November 8, 2016; and

WHEREAS, it is desirable that the Special Municipal Election be consolidated with the Presidential General Election to be held on the same date and that within the city, the precincts, polling places and election officers of the two elections be the same, and that Stanislaus County canvass the returns of the Special Municipal Election and that the election be held in all respects as if there were only one election.

NOW, THEREFORE, the City Council of the City of Newman, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. Pursuant to the Act, the issues of the levy of the special tax, the incurrence of indebtedness and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the District at an election called therefor as provided below: (i) levy of the special tax, (ii) incurring of bonded indebtedness and (iii) establishment of the appropriations limit.
3. Under the Act, the propositions described above in section 2 shall be submitted to the voters of the District at an election called therefor as hereinafter provided. The ballot measure to be voted upon by the voters must be approved by two-thirds of the votes cast and shall be the following:

BALLOT MEASURE:

To finance construction of community pool and splash pad, creating access to quality recreational opportunities for children, youth, adults, and seniors, including swimming lessons, water safety classes, and health and fitness programs; shall City of Newman Community Facilities District 2016-1 incur indebtedness not exceeding \$6,500,000, levy a special tax annually on taxable parcels (described in Resolution 2016-25), with discounts for low-income seniors, requiring audits, no increases to tax rate and establishing appropriations limit for Fiscal Year 2017/18 at \$750,000?

YES: _____

NO: _____

4. This City Council finds that more than 12 persons have been registered to vote within the District for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this City Council for the purposes of these formation proceedings. Accordingly, and pursuant to the Act, this City Council finds that for purposes of these proceedings the qualified electors are the registered voters within the District and that the vote shall be by said registered voters within the District, with each voter having one vote.

5. This City Council hereby calls a special election to consider the issues described in Section 2 above, which shall be held on November 8, 2016 (the "Election Day"), during which the polls shall be open between the hours of 7:00 a.m. and 8:00 p.m., inclusive.

6. Pursuant to the requirements of §10403 of the Elections Code, the Board of Supervisors of the County of Stanislaus is hereby requested to consent and agree to the consolidation of a Special Municipal Election with the Presidential General Election on Tuesday, November 8, 2016. The official of the County responsible for the conduct of elections (the "Election Official") is hereby designated as the official to conduct said election. The Board of Supervisors of the County and the Election Official are hereby requested to provide such services as may be necessary to properly and lawfully hold and conduct the special election pursuant to the provisions hereof and applicable provisions of the California Elections Code, including coordination with all appropriate election officials in the County, and the consolidation of said special election with other elections being held on the Election Day.

7. Pursuant to section 53326 of the Act, and within three business days of the adoption of the Resolution of Formation, but in no event later than the date specified by the Election Official for receipt, the City Clerk shall cause to be provided to the Election Official a certified copy of the Resolution of Formation, the Resolution Determining Necessity, and this Resolution Calling Special Election, together with a certified copy of the map of the boundaries of the District, as filed in the Office of the Recorder of the County. The City Clerk is hereby authorized and directed to enter into an agreement with the Election Official for the services of such official and to provide for the reimbursement by the City of the costs of the Election Official in conducting the election. The City Clerk and all the members of the City Council and officers of the City, and their designees, are hereby authorized and directed to execute and deliver any documents and to perform all acts necessary to place the measure on the ballot including making any revisions, correction or alternations to the language of the ballot measure to comply with requirements of law and Election Official and to ensure that the applicable requirements of the Elections Code are met, including without limitation the preparation and provision to the voters of all documents and instructions required by and specified in the Elections Code.

8. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes:

- (a) the Facilities and Services and the incidental costs thereof, all as defined in the Resolution of Formation, shall constitute the specific single purpose;
- (b) the proceeds of special taxes shall be applied only to the specific purposes identified in (a) above;

(c) there shall be created one or more special accounts or funds into which the proceeds of special taxes shall be deposited; and

(d) there shall be caused to be prepared an annual report if required by Section 50075.3 of the Government Code

9. The Board of Supervisors is requested to issue instructions to the Election Official to take any and all steps necessary for the holding of the consolidated election.

10. Arguments in favor or against the above ballot measure shall be filed with the City Elections Official before 5:00 p.m. on July 12, 2016, after which no arguments for or against the City measure may be submitted to the City Elections Official.

11. As provided in Elections Code section 9282, the City Council, or any member or members of the City Council authorized by the City Council, or any individual voter who is eligible to vote, or bona fide association of citizens, or any combination of voters and associations, may file a written argument in favor of or against the proposed ballot measure. Each argument in favor of or against the measure shall not exceed 300 words and shall not exceed five (5) authors. If more than one argument is submitted in favor of or against the ballot measure by the above date and time, the City Elections Official shall give preference and priority to those arguments in the manner provided by Elections Code section 9287.

12. Rebuttal arguments, if any, shall be filed with the City Elections Official before 5:00 p.m. on July 19, 2016, and shall not exceed 250 words in length.

13. In accordance with Elections Code section 9280, the City Elections Official is hereby directed to transmit a copy of the ballot measure to the City Attorney, who shall prepare an impartial analysis of the measure, not to exceed 500 words in length, showing the effect of the measure on the existing law. The City Attorney is instructed to provide the impartial analysis by June 23, 2016.

14. The Board of Supervisors is further requested to order the Election Official or other such authorized person or department to set forth the full text of the ballot measure in the voter information portion of all sample ballots to be mailed to the qualified electors of the City, and to mail printed copies of the full text of the ballot measure with the sample ballots to be mailed to the qualified electors, together with the arguments and rebuttal arguments (if any) for and against the measure.

15. The City Clerk is hereby directed to file a certified copy of this Resolution with the Board of Supervisors prior to June 24, 2016.

The foregoing resolution was introduced at a regular meeting of the City Council of the City of Newman held on the 14th day of June, 2016 by Council Member Graham, who moved its adoption, which motion was duly seconded and it was upon roll call carried and the resolution adopted by the following roll call vote:

AYES: Graham, Candea, Day and Mayor Martina.

NOES: None.

ABSENT: Davis.

ABSTAIN: None.

APPROVED:



Bob Martina
Mayor

ATTEST:



Mike Maier
City Clerk