

## STOCKTON CITY COUNCIL

### RESOLUTION DECLARING RESULTS OF SPECIAL ELECTION AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN

#### Community Facilities District No. 2001-1 (Downtown Parking)

**WHEREAS**, on this date, the City Council has adopted a resolution entitled "A Resolution of Formation of Community Facilities District, Determining to Incur Bonded Indebtedness Therefor and Calling Special Election Therein" (the "Resolution of Formation"), ordering the formation of the City's Community Facilities District No. 2001-1 (Downtown Parking) (the "CFD"), authorizing the levy of a special tax on property within the CFD preliminarily establishing an appropriations limit for the CFD and determining to incur bonded indebtedness 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 as supplemented by its charter (the "Act"); and

**WHEREAS**, under the provisions of the Resolution of Formation, the propositions of the levy of the special tax, the establishment of the appropriations limit, and the incurring of the bonded indebtedness were submitted to the qualified electors of the CFD as required by the Act, and a special election has been held, and the City Clerk has on file a Canvass and Statement of Results of Election (the "Canvass"), a copy of which is attached hereto as Exhibit "A"; and

**WHEREAS**, the City Council has reviewed the Canvass, finds it appropriate, and wishes to complete its proceedings for the CFD; now, therefore

BE IT RESOLVED BY THE COUNCIL OF THE CITY OF STOCKTON, AS FOLLOWS:

1. **Recitals.** The foregoing recitals are all true and correct.
2. **Issues Presented.** The issues presented at the special election were the levy of a special tax within the CFD, the incurring of a bonded indebtedness in the maximum aggregate principal amount of \$60,000,000, and the approval of an annual appropriations limit of not to exceed \$30,000,000, all pursuant to the Resolution of Formation and the Resolution of Necessity.
3. **Canvass and Issues Approved.** The City Council hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the CFD. Pursuant to the Canvass, the issues presented at the special election were approved by the qualified electors of the CFD by more than two-thirds (2/3) of the votes cast at the special election.

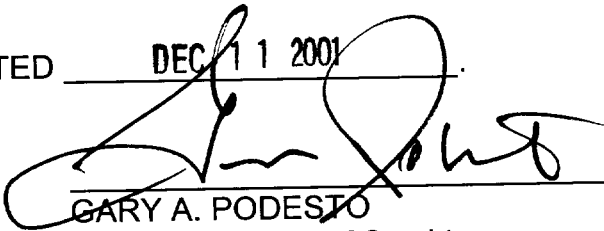
City Atty  
Review GOP  
Date December 5, 2001

4. **Proceedings Approved.** Pursuant to the voter approval, the CFD is hereby declared to be fully formed with the authority to levy the special taxes, to incur the approved bonded indebtedness, and to have the established an appropriations limit, all as heretofore provided in these proceedings and in the Act. It is hereby found that all prior proceedings and actions taken by this Council with respect to the CFD were valid and in conformity with the Act.

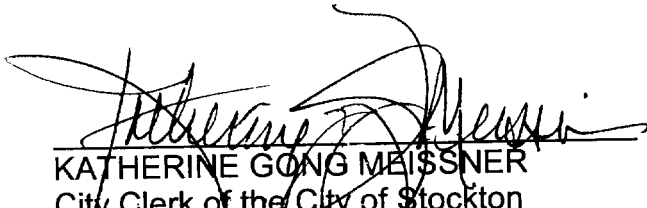
5. **Notice of Tax Lien.** The City Clerk is hereby directed to complete, execute, and cause to be recorded in the Office of the County Recorder of the County of San Joaquin a Notice of Special Tax Lien in the form required by the Act, such recording to occur no later than fifteen (15) days following adoption by the City Council of this Resolution.

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

PASSED, APPROVED, and ADOPTED DEC 11 2001.

  
\_\_\_\_\_  
GARY A. PODESTO  
Mayor of the City of Stockton

ATTEST:

  
\_\_\_\_\_  
KATHERINE GONG MEISSNER  
City Clerk of the City of Stockton

::ODMA\GRPWISE\COS.CA.CA\LIBRARY\15965.1

EXHIBIT A

CANVASS AND STATEMENT OF RESULT OF ELECTION

CITY OF STOCKTON  
Community Facilities District No. 2001-1  
(Downtown Parking)

I hereby certify that on December 11, 2001, I canvassed the returns of the election held on the same date in the City of Stockton, Community Facilities District No. 2001-1 (Downtown Parking) (the "CFD"), and the total number of ballots cast in the CFD and total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true, and correct:

	<u>Qualified Landowner Votes</u>	<u>Votes Cast</u>	<u>YES</u>	<u>NO</u>
Community Facilities District No. 2001-1 (Downtown Parking) of the City of Stockton Special Tax Election, December 11, 2001.	1	2	2	0

**BALLOT MEASURE:** Shall the City of Stockton incur an indebtedness and issue bonds in the maximum aggregate principal amount of not to exceed \$60,000,000 with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of Community Facilities District No. 2001-1 (Downtown Parking) (the "CFD"), the proceeds of which bonds will be used only for the specific purpose of acquiring and/or constructing certain facilities and services and paying for the costs of issuing the bonds and related expenses, subject to guaranteed annual audit; shall a special tax payable solely from lands within the CFD be levied annually, commencing in the City's fiscal year 2002-2003 upon lands within the CFD to pay for the principal and interest upon such bonds and pay the costs of the City in administering the CFD, and the annual appropriations limit of the CFD shall be established in the amount of \$30,000,000?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 11th day of December 2001.

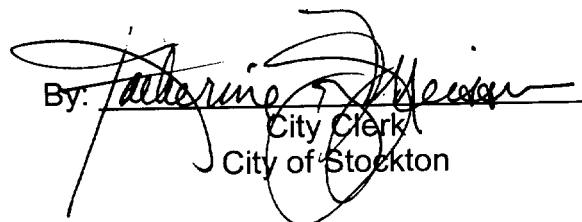
By:   
City Clerk  
City of Stockton

Exhibit A

01-0652