

**RESOLUTION NO. 11501**

**A RESOLUTION SUBMITTING ANNEXATION OF TERRITORY AND LEVY OF  
SPECIAL TAXES TO QUALIFIED ELECTORS OF CITY OF CAMPBELL  
Community Facilities District No. 1**

**Annexation No. 1**

**RESOLVED** by the City Council (the "Council") of the City of Campbell (the "City"), County of Santa Clara, State of California, that:

**WHEREAS**, this Council, acting as legislative body of the City's Community Facilities District No. 1 (the "CFD") has adopted "A Resolution of Intention to Annex Territory to Community Facilities District No. 1 and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention to Annex") stating its intention to annex certain territory (the "Annexation Territory") to the CFD pursuant to the Mello Roos Community Facilities Act of 1982, Sections 53311 and following of the California Government Code (the "Act"); and,

**WHEREAS**, a copy of the Resolution of Intention to Annex, incorporating a description and map of the proposed boundaries of the Annexation Territory and stating the services (the "Services") to be provided and the rate and method of apportionment (the "Rate and Method") of the special tax (the "Special Taxes") to be levied within the Annexation Territory to pay for the Services, is on file with the City Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and,

**WHEREAS**, the Rate and Method was attached to the Resolution of Intention to Annex as Exhibit A and is also attached to this Resolution as Exhibit A; and,

**WHEREAS**, on the date hereof, this Council held a noticed public hearing as required by the Act and the Resolution of Intention to Annex relative to the proposed annexation of the Annexation Territory to the CFD and the levy of special taxes in the Annexation Territory; and,

**WHEREAS**, at such hearing all interested persons desiring to be heard on all matters pertaining to the annexation of the Annexation Territory to the CFD and the levy of the Special Taxes within the Annexation Territory were heard and a full and fair hearing was held; and,

**WHEREAS**, written protests have not been filed against the proposed annexation of the Annexation Territory to the CFD by (i) 50% of more of the registered voters, or six registered voters, whichever is more, residing in the existing CFD, or (ii) 50% or more of the registered voters, or six registered voters, whichever is more, residing in the Annexation Territory, (iii) owners of one-half or more of the area of land in the CFD or (iv) owners of one-half or more of the area of land in the Annexation Territory; and,

**WHEREAS**, the Annexation Map of the captioned annexation was filed with the City Clerk and recorded in the Santa Clara County Recorder's Office as Document No. 21994198 on December 10, 2012, in Book 48 at Page 32 of Maps of Assessment and Community Facilities Districts, which map shows the Annexation Territory.

**NOW, THEREFORE, IT IS HEREBY ORDERED**, as follows:

1. **Prior Proceedings.** All prior proceedings taken by this Council with respect to the CFD and the proposed annexation of the Annexation Territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the CFD has been validly established pursuant to the Act.

2. **Prior Resolutions.** The provisions of the Resolution of Intention and the Resolution of Formation previously adopted by this Council for the CFD are by this reference incorporated herein, as if fully set forth herein.

3. **Voter Approval.** Pursuant to the provisions of the Act, the propositions of (i) the annexation of the Annexation Territory and (ii) the levy of the Special Taxes within the Annexation Territory shall be submitted to the voters of the Annexation Territory at an election called therefor as hereinafter provided. The ballot measures to be voted upon by the voters shall be the following:

**BALLOT MEASURE A:** *Subject to the voters approving Ballot Measure B, to finance public services described in the City Council's Resolution No. \_\_\_\_, "A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors," shall the City of Campbell be authorized to annex to the City of Campbell Community Facilities District No. 1 the territory described in such resolution?"*

YES: \_\_\_\_\_ NO: \_\_\_\_\_

**BALLOT MEASURE B:** *Subject to the voters approving Ballot Measure A, to finance public services described in the City Council's Resolution No. \_\_\_\_, "A Resolution Submitting Annexation of Territory and Levy of Special Taxes to Qualified Electors," shall the City of Campbell be authorized to levy special taxes within the territory proposed for annexation to the City of Campbell Community Facilities District No. 1 according to the rate and method of apportionment attached as Exhibit A to such resolution?"*

YES: \_\_\_\_\_ NO: \_\_\_\_\_

**4. Electors Determined.** This Council hereby finds that more than 12 persons have been registered to vote within the Annexation Territory for each of the 90 days preceding the close of the hearing heretofore conducted and concluded by this Council for the purposes of these annexation proceedings. Accordingly, and pursuant to the Act, this Council finds that for purposes of these proceedings the qualified electors are the registered voters within the Annexation Territory and that the vote shall be by said registered voters.

**5. Applicable Laws.** Pursuant the Act, the election shall be conducted by mail ballot under Section 4000 of the California Elections Code, provided, however, that for purposes of setting the date for the election, Sections 53326 and 53327 of the Act shall govern.

**6. Special Election Called.** This Council hereby calls a special election to consider the measures described in Section 3 above, which election shall be held on April 16, 2013, which date is at least 90 days, but not more than 180 days, following adoption of this Resolution, and the results thereof canvassed at the meeting of this Council on May 7, 2013 (or as soon as possible thereafter). The City Clerk is hereby designated as the official to conduct the election and to receive all ballots until 8:00 p.m. on the election date. It is hereby acknowledged that the City Clerk has on file the Resolution of Intention to Annex, a certified map of the Annexation Territory, and a sufficient description to allow the City Clerk to determine the electors of the Annexation Territory. Pursuant to Sections 53326(d) and 53327 of the Act, the election shall be conducted by messenger or mail-delivered ballot pursuant to Section 4000 et seq. of the California Elections Code. This Council hereby finds and determines that the City Clerk has concurred in the holding of the election less than 125 days following adoption of this Resolution.

**7. Election Official.** The City Clerk is hereby appointed as the election official to conduct the election and shall cause to be provided to each qualified elector in the Annexation Territory a ballot in the form required by law. The City Clerk shall accept mailed or hand delivered ballots of the qualified electors received prior to 8:00 o'clock p.m. on the date fixed above for the election.

**8. Impartial Analysis.** The City Council hereby directs the City Attorney to prepare an impartial analysis of the ballot measures (the "Impartial Analysis"), not to exceed 500 words, in accordance with Elections Code Section 9280, and establishes January 16, 2013 as the deadline for submitting the Impartial Analysis.

**9. Arguments in Favor.** The Mayor, or his designee, is hereby authorized to prepare a written Argument in favor of the proposed measures, not to exceed 300 words in length, on behalf of the City Council, in accordance with Elections Code Sections 9282-9287. At the Mayor's discretion, the argument may also be signed by bona fide associations or by individual voters who are eligible to vote.

**10. Argument For and Against; Rebuttal Measures.** The City Council hereby authorizes arguments for and against the ballot measures and rebuttal arguments to be filed in accordance with Sections 9282-9287, and establishes January 29, 2013, as the deadline to file arguments for and against the ballot measures, and February 8, 2013, as the deadline to file rebuttal arguments.

**11. Public Examination Periods.** The City Council hereby establishes January 30, 2013 through February 8, 2013, as the 10-calendar day examination period required by the Elections Code with respect to the arguments for and against the ballot measures. Voters may examine the ballot measures, the Impartial Analysis, the argument for the ballot measures and the argument against the ballot measures in the office of the City Clerk at 70 N. First Street, Campbell, California 95008, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday during such period.

The City Council hereby establishes February 9, 2013 through February 18, 2013 as the 10-calendar day examination period required by the Act with respect to any rebuttal arguments. Voters may examine the ballot measures, the Impartial Analysis, the argument for the ballot measures, the argument against the ballot measures and any rebuttal arguments in the office of the City Clerk at 70 N. First Street, Campbell, California 95008, between the hours of 8:00 a.m. and 5:00 p.m., Monday through Friday during such period.

**12. Accountability.** Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the Services and the incidental costs thereof, all as defined in the Resolution of Intention to Annex, 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 if required by Section 50075.3 of the Government Code.

**13. Effective.** This resolution shall take effect upon its adoption.

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**PASSED AND ADOPTED** this 15<sup>th</sup> day of January, 2013 by the following roll call vote:

AYES : Councilmembers: Kotowski, Cristina, Baker, Waterman, Low

NOES : Councilmembers: None

ABSENT : Councilmembers: None

ABSTAIN: Councilmembers: None

APPROVED:



\_\_\_\_\_  
Evan D. Low, Mayor

ATTEST:



\_\_\_\_\_  
Anne Bybee, City Clerk

**EXHIBIT A**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

**CITY OF CAMPBELL**

**COMMUNITY FACILITIES DISTRICT NO. 1**

**RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAX**

**CITY OF CAMPBELL  
COMMUNITY FACILITIES DISTRICT NO. 1**

A Special Tax shall be levied and collected in City of Campbell Community Facilities District No. 1 (the "District") each Fiscal Year, in an amount determined by the application of the procedures described below. All of the real property in the District, unless exempted by the provisions hereof, shall be taxed for the purposes, to the extent and in the manner herein provided.

**I. DEFINITIONS**

The terms used herein shall have the following meanings:

**"Acreage" or "Acre"** means that acreage shown on the Assessor's Parcel Map or in the Assessor's Data for each Assessor's Parcel. In the event that the Assessor's Parcel Map or Assessor's Data shows no acreage, the Acreage for any Assessor's Parcel shall be determined by the District Administrator based upon the applicable condominium plan, final map or parcel map.

**"Act"** means the Mello-Roos Community Facilities Act of 1982, as amended, being Chapter 2.5, Division 2 of Title 5 of the Government Act of the State of California.

**"Administrative Expenses"** means the following actual or reasonably estimated costs directly related to the administration of the District: the costs of computing the Annual Special Tax Requirement and the annual Special Tax and of preparing the annual Special Tax collection schedules; the costs of collecting the Special Taxes; the costs of the City or designee in complying with the disclosure requirements of applicable federal and state securities laws and the California Government Code (including the Act), including public inquiries regarding the Special Taxes; the costs of the City or designee related to an appeal of the Special Tax; the costs of commencing and pursuing to completion any foreclosure action arising from delinquent Special Taxes in the District; the costs of the City (including its legal counsel) related to the administration of any letter of credit or other security provided for the payment of Special Taxes, and any fees or expenses related to any such letters of credit. Administrative Expenses shall also include amounts advanced by the City for any administrative purposes of the District and an allocable share of the salaries and an allocable portion of City overhead costs relating to the foregoing.

**"Annual Services Costs"** means the amounts required to fund services listed on Exhibit A.

**"Annual Special Tax Requirement"** means (A) that amount with respect to the District determined by the Council or designee as required in any Fiscal Year to pay: (1) the Administrative Expenses, (2) the Annual Services Costs, (3) any amount required to replenish any reserve fund established in connection with the District, (4) reasonably anticipated delinquent Special Taxes based on the delinquency rate for Special Taxes levied in the previous Fiscal Year, and (B) less available funds.

**"Assessor's Data"** means Acreage or other Parcel information contained in the records of the County Assessor.

**"Assessor's Parcel"** means a lot or parcel shown in an Assessor's Parcel Map with an assigned Assessor's Parcel number.

**"Assessor's Parcel Map"** means an official map of the Assessor of the County designating parcels by Assessor's Parcel number.

**"City"** means the City of Campbell, County of Santa Clara.

**"Council"** means the City Council of the City, acting as the legislative body of the District.

**"County"** means the County of Santa Clara, California.

**"Developed Property"** means, for each Fiscal Year, all Taxable Property, for which a building permit was issued prior to the June 1 preceding the Fiscal Year for which the Special Tax is being levied.

CITY OF CAMPBELL  
COMMUNITY FACILITIES DISTRICT NO. 1

**"District"** means the City of Campbell Community Facilities District No. 1.

**"District Administrator"** means an official of the City, or designee or agent or consultant, responsible for determining the Annual Special Tax Requirement and providing for the levy and collection of Special Taxes each Fiscal Year.

**"Exempt Property"** means all property located within the boundaries of the District which is exempt from the Special Tax pursuant to Section V below.

**"Finance Director"** means the official of the City who is the chief financial officer or other comparable officer of the City or designee thereof.

**"Fiscal Year"** means the period from July 1<sup>st</sup> of any calendar year through June 30<sup>th</sup> of the following calendar year.

**"Maximum Special Tax Rate"** means the maximum Special Tax authorized for levy in any Fiscal Year that may apply to Taxable Property as described in Section III.

**"Non-Residential Property"** means all property other than Single Family Detached Property or Public Property.

**"Parcel"** means a lot or parcel with a parcel number assigned by the assessor of the County.

**"Proportionately"** means that the ratio of the actual Special Tax levied in any Fiscal Year to the Maximum Special Tax Rate authorized to be levied in that Fiscal Year is equal for all Assessor's Parcels.

**"Public Property"** means property within the boundaries of the District owned by, irrevocably offered or dedicated to, or for which an easement for purposes of public or private road right-of-way has been granted to the federal government, the State of California, the County, the City, or any local government or other public agency.

**"Single Family Detached Property"** means all parcels of Developed Property with a single residential structure on a single parcel where the dwelling unit does not share a common wall with another unit.

**"Special Tax"** means the amount levied in each Fiscal Year on each Assessor's Parcel of Taxable Property to fund the Annual Special Tax Requirement.

**"Taxable Property"** means all property located within the boundaries of the District which is not exempt from the Special Tax pursuant to Section V below.

**"Unit"** means, for Single Family Detached Property, an individual single family residential unit..

**II. DETERMINATION OF TAXABLE PARCELS**

On July 1 of each Fiscal Year, the District Administrator shall determine the valid Assessor's Parcel Numbers for the current Fiscal Year for all property within the District. If any Parcel numbers are no longer valid from the previous Fiscal Year, the District Administrator shall determine the new Parcel number or numbers that are in effect for the current Fiscal Year. To the extent a Parcel or Parcels are subdivided, consolidated or otherwise reconfigured, the Special Tax rates shall be assigned to the new Assessor's Parcels pursuant to Section III.

**CITY OF CAMPBELL  
COMMUNITY FACILITIES DISTRICT NO. 1**

**III. ANNUAL SPECIAL TAX - METHOD OF APPORTIONMENT**

All property shall be subject to a Special Tax defined as follows, except as provided in Section V.

The Special Tax shall be levied each Fiscal Year by the District Administrator. The Annual Special Tax Requirement shall be apportioned to each parcel within the District by the method shown below.

- First. Determine the Annual Special Tax Requirement.
  
- Second. Levy the Special Tax on each Parcel of Taxable Property Proportionately, up to the Maximum Special Tax Rate described in Table 1 to satisfy the Annual Special Tax Requirement.

**TABLE 1  
MAXIMUM SPECIAL TAX RATES**

<u>Property Type</u>	<u>Rate</u>	<u>Per</u>
Single Family Detached Property	\$325.00	Unit
Non-Residential Property	600.00	Parcel

The above rates shown in Table 1 are effective for the 2013/14 Fiscal Year and shall not increase.

**IV. FORMULA FOR PREPAYMENT OF SPECIAL TAX OBLIGATIONS**

The Special Tax may not be prepaid.

**V. EXEMPTIONS**

Notwithstanding any other provision of this Rate and Method of Apportionment of Special Tax, no Special Taxes shall be levied on Public Property, except as otherwise provided in this Section. Any property acquired by a public entity for non-public use development shall be subject to the Special Tax. Until such time as another Parcel is annexed to the District, Assessor's Parcel No. 412-28-049 shall be considered Taxable Property. Upon annexation of another Parcel to the District, Assessor's Parcel No. 412-28-049 will no longer be subject to the Special Tax. The City expects to add additional properties to the District as a result of annexation proceedings.

**VI. INTERPRETATION OF RATE AND METHOD OF APPORTIONMENT**

The Council reserves the right to make minor administrative and technical changes to this document that do not materially affect the rate and method of apportioning the Maximum Special Tax Rates. In addition, the interpretation and application of any section of this document shall be at the Council's discretion.

**VII. MANNER AND DURATION OF SPECIAL TAX**

The Special Tax shall be collected in the same manner and at the same time as ordinary ad valorem property taxes, provided that the City may directly bill the Special Tax, may collect the Special Tax at a different time or in a different manner if needed to meet the financial obligations of the District, and may collect delinquent Special Taxes through foreclosure or other available methods.

A Special Tax shall continue to be levied and collected within the District to fund the Annual Special Tax Requirement for a forty year term, beginning with the 2013/14 Fiscal Year through and including the 2052/53 Fiscal Year.

**CITY OF CAMPBELL  
COMMUNITY FACILITIES DISTRICT NO. 1**

**EXHIBIT "A"**

The City of Campbell Community Facilities District No. 1 will levy an Annual Special Tax for the purposes of providing funding for the following services. The services include all related administrative costs, expenses and related reserves for replacement of vehicles, equipment and facilities:

Fire Services - suppression and prevention, rescue services and equipment, land and buildings, cost of personnel and professional contract services and services related thereto.

Law Enforcement - public protection and equipment, land and buildings, cost of personnel and professional contract services and services related thereto.

Flood and Storm Protection – operation and maintenance of storm drainage systems, cost of personnel and professional contract services and services related thereto.

Street Maintenance - periodic maintenance and service of streets within the District, including street sweeping, cost of personnel and professional contract services and services related thereto.

Recreation Programs – recreation program services, operation and maintenance of museums and other cultural facilities, cost of personnel and professional contract services and services related thereto.