

RESOLUTION NO. 02-2

RESOLUTION CALLING SPECIAL ELECTION

**FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

WHEREAS, on this date, this Board adopted Resolution No. 02-1 entitled "Resolution of Formation of the Fort Ord Reuse Authority Basewide Community Facilities District" (the "Resolution of Formation"), ordering the formation of the Fort Ord Reuse Authority Basewide Community Facilities District (the "District"), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District; and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the proposition of the levy of said special tax and the establishment of the appropriations limit is to be submitted to the qualified electors of the District as required by the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 et seq. of the California Government Code (the "Law").

NOW, THEREFORE, BE IT RESOLVED by the Board of Directors of the Fort Ord Reuse Authority as follows:

1. Pursuant to Sections 53325.7 and 53326 of the Law, the issues of the levy of said special tax and the establishment of said appropriations limit shall be submitted to the qualified electors of the District at an election called therefore as provided below.

2. As authorized by Section 53353.5 of the Law, the two propositions described in paragraph 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A and by this reference incorporated herein. The form of the ballot is hereby approved.

3. The Board hereby finds that fewer than 12 persons have been registered to vote within the territory of the District for each of the ninety (90) days preceding the close of the public hearing heretofore conducted and concluded by the Board for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, the Board finds that for purposes of these proceedings the qualified electors are the landowners within the District and that the vote shall be by said landowners or their authorized representatives, each having one vote for each acre or portion thereof such landowner owns in the District as of the close of the public hearings.

4. The Board hereby calls a special election to consider the ballot measure described in Section 2 above, which election shall be held on April 19, 2002; provided that the election may be concluded and canvassed on such earlier date as the election official has received ballots from all of the eligible landowner electors. The Clerk to the Board is hereby designated as the official to conduct said election. It is hereby acknowledged that the Clerk to the Board has on file the Resolution of Formation, a map of the proposed boundaries of the District, and a sufficient description to allow the Clerk to the Board to determine the boundaries of the District.

The voted ballots shall be returned to the Clerk to the Board no later than 5:30 p.m. on April 19, 2002; provided that if all of the qualified electors have voted, the election shall be closed.

5. Pursuant to Section 53327 of the Law, the election shall be conducted by mail or hand delivered ballot pursuant to the California Elections Code.

6. The Board hereby directs the Clerk to the Board to take all actions necessary under the Law and the California Elections Code, including publication of a notice of time limit to submit ballot arguments, to conduct the election. The Clerk to the Board shall mail the ballots to the qualified electors along with return envelopes and the election materials, in accordance with Section 53327.5 of the Law, and shall certify as to the proper mailing of the ballots by affidavit, pursuant to Section 53326(d) of the Law.

Unless otherwise waived by the qualified electors, Special Counsel to the Fort Ord Reuse Authority, Quint & Thimmig LLP, is hereby directed to prepare an impartial analysis of the ballot measure, and MuniFinancial is hereby directed to prepare a tax rate statement, to be included with the ballot materials along with any arguments and rebuttals with respect to the ballot measure.

7. The Clerk to the Board shall accept the ballots of the qualified electors upon and prior to 5:30 p.m. on April 19, 2002, whether the ballots be personally delivered or received by mail. The Clerk to the Board shall have available ballots, which may be marked at the Authority's offices on the election day by the qualified electors.

8. Pursuant to the Local Agency Special Tax and Bond Accountability Act, Section 50075.1 et. seq. of the California Government Code, (a) the ballot measure referred to in Sections 2 and 4 above contains a statement indicating the specific purpose of the special tax, the proceeds of the special tax will be applied only to the purpose specified in the ballot measure, there shall be created by the Executive Officer an account into which proceeds of the special tax levies will be deposited, and the Executive Officer is hereby directed to provide an annual report to the Board as required by Section 50075.3 of the California Government Code.

9. This Resolution shall take effect from and after its adoption.

PASSED AND ADOPTED at a meeting of the Board of Directors of the Fort Ord Reuse Authority this 18th day of January, 2002, by the following vote:

AYES: 13 - Board Members Perrine, Barlick, Johnson, McClaid, Gustafson, Rindergress, Calcagno, Albert, Koffman, Mancini, Potter, Smith, + Barnes

NOES: 0 - Board Members 0

ABSTAIN: 0 - Board Members 0

ABSENT: 0 - Board Members 0

I, JAMES E. PERRINE, Chair of the Board of Directors of the Fort Ord Reuse Authority of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of the said Board of Directors duly made and entered in the minutes hereof in Item 5b, pages 2-3 of the duly approved minutes dated January 18, 2002.

DATED: 2/8/02

By: James E. Perrine
JAMES E. PERRINE
Chair, Board of Directors
Fort Ord Reuse Authority

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1/10/02

EXHIBIT A

**FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

OFFICIAL BALLOT

Special Tax Mailed-Ballot Election

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the Clerk to the Board of the Fort Ord Reuse Authority no later than 5:30 p.m. on April 19, 2002, either by mail or in person.

To vote, mark a cross (X) on the voting line after the word "YES" or after the word "NO". All marks otherwise made are forbidden. All distinguishing marks are forbidden and make the ballot void.

If you wrongly mark, tear, or deface this ballot, return it to the Clerk to the Board of the Fort Ord Reuse Authority and obtain another.

BALLOT MEASURE: Shall the Board of Directors of the Fort Ord Reuse Authority (the "Authority") be authorized to levy a special tax within the boundaries of the Fort Ord Reuse Authority Basewide Community Facilities District (the "District"), the proceeds of which will be used only to fund the costs of certain public facilities as specified in Resolution No. 02-1 of the Authority forming the District as well as the costs of administering the District and incidental costs, and shall the annual appropriations limit of the District for fiscal year 2001-2002 be established in the amount of \$50,000,000?

Yes: ___

No: ___

Number of Votes:

Property Owner:

Certification of Special Election Ballot

The undersigned is the authorized representative of the above-named landowner and is legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty or perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____, 2002.

(Name)

(Title)