

RESOLUTION NO. 01-14

**RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION
FORT ORD REUSE AUTHORITY
BASEWIDE COMMUNITY FACILITIES DISTRICT**

Final Board Adopted Version

WHEREAS, reference is made to Resolutions No. 01-10 and No. 01-11 of this Board of Directors (this "Board") of the Fort Ord Reuse Authority ("FORA") adopted September 21, 2001 for the preliminary scope of the authorized public improvements and financing contemplated by these proceedings; and

WHEREAS, on November 9, 2001 at the time set for the public hearing by this Board's Resolution No. 01-10 the public hearing was conducted, and at the close of the public hearing this Board determined that a majority protest under Section 53324 of the Government Code was not made at the hearing;

WHEREAS, at the conclusion of the public hearing, this Board adopted its Resolution of Formation No. 01-12 (the "Resolution of Formation") pursuant to Section 53325.1 of the Government Code, thereby completing its proceedings for formation of proposed Fort Ord Reuse Authority Basewide Community Facilities District (the "CFD"); and

WHEREAS, this Board has determined that to provide the financing of the authorized public improvements as contemplated, it is necessary to reserve the entitlement to incur bonded indebtedness, and this Board adopted Resolution No. 01-13 Deeming It Necessary To Reserve the Entitlement To Incur Bonded Indebtedness;

WHEREAS, to proceed with the levy of the special tax and establishment of an appropriations limitation for the CFD, as provided by the Resolution of Formation, and with the reservation of the entitlement to incur bonded indebtedness as provided by the Resolution

Deeming It Necessary To Reserve the Entitlement To Incur Bonded Indebtedness, the three matters must be submitted to an election of the qualified electors of the CFD; and

WHEREAS, the three ballot questions just described may be combined into a single ballot measure pursuant to Section 53353.5 of the Government Code, as provided in the form of special election ballot attached hereto as Exhibit A and by this reference incorporated herein; and

WHEREAS, a Revised Certificate Re Landowners dated November 1, 2001, has been filed with the Clerk to this Board (the "Clerk") and submitted to this Board, certifying that at no time during the ninety days preceding the close of the protest hearing on November 9, 2001, were there ever twelve or more persons registered to vote within the territory of the CFD, with the result that, pursuant to Section 53326 of the Government Code, the qualified electors of the CFD for the proposed special election shall be the landowners of the CFD;

NOW, THEREFORE, BE IT RESOLVED by the Board as follows:

1. This Board finds and determines that the foregoing recitals are true and correct.
2. This Board accepts the Revised Certificate Re Landowners dated November 1, 2001 heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days just past there have been fewer than twelve registered voters residing within the boundaries of the CFD. Accordingly, under Section 53326 of the Government Code, the qualified electors of the CFD for the proposed special election shall be the landowners of the CFD.
3. This Board further finds and determines that the landowners of record owning property within the CFD are the landowners set forth in the attachment to the Revised Certificate Re Landowners dated November 1, 2001 and that the attachment correctly sets forth the amount

of property owned by each such landowner, the number of votes to which each such landowner is entitled pursuant to said Section 53326 being said number of acres rounded up to the nearest whole integer.

4. Pursuant to Sections 53326 and 53351 of the Government Code, this Board hereby calls an election, to be held and conducted no later than February 8, 2002 as the election date. Pursuant to Section 53326 of the Government Code, Clerk to the Board who is the election official shall conduct the election by mailed ballot or by personal service. The Clerk to the Board is directed to either mail or make personal service of the ballots, in the form of the attached Exhibit A, to an authorized representative of each landowner-voter.

5. The measure to be submitted to the qualified electors of the CFD shall be as set forth in the form of special election ballot attached hereto as Exhibit A.

6. The Clerk to the Board shall accept personal or mail delivery of the completed ballots at any time up to 4:00 p.m. on February 8, 2002; provided that upon receipt of all eligible ballots, the Clerk shall immediately close the election and declare the results to this Board.

7. 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 9th day of November 2001, by the following vote:

AYES: 10 - Board Members Perrine, McCloud, Lendergrass, Johnson, Potter, Callegno, Barnes, Rubio, Mancini, & Russell

NOES: 0 - Board Members 0

ABSTAIN: 0 - Board Members 0

ABSENT: 3 - Board Members Albert, Koffman, & Gustafson

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 thereof in Item 5d, pages 2-5 of the duly approved minutes dated Nov. 9, 2001.

DATED: 2/8/02


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

EXHIBIT A

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

SPECIAL ELECTION BALLOT

(Mailed-Ballot Election)

This ballot is for the use of the authorized representative of _____, as an owner of land within the Fort Ord Reuse Authority Basewide Community Facilities District (the "CFD"). According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Governing Board of the Fort Ord Reuse Authority ("FORA"), the above-named landowner is entitled to cast _____ votes on this ballot.

To be counted this ballot must be executed and certified below and be returned, either by mail or in person, prior to 4:00 p.m. on February 8, 2002, or as soon thereafter as the matter of the special election for the CFD shall be considered by the Governing Board of FORA at its meeting on said date, to:

Michael A. Houlemard, Jr.
Executive Officer and Clerk to the Board
Fort Ord Reuse Authority
100 12th Street
Marina, CA 93933

Mailing by February 8, 2002, will not be sufficient. The Clerk to the Board must physically receive the ballot by prior to the deadline for the ballot to be counted.

AN "X" OR OTHER MARK WILL CAST ALL VOTES ASSIGNED TO THIS BALLOT.

BALLOT MEASURE

Shall the Governing Board of the Fort Ord Reuse Authority be authorized to levy a special tax, finance prescribed basewide public facilities and incidental expenses, and if later deemed necessary to assure timely completion of required facilities, issue up to \$300 million of indebtedness, by and through its Basewide Community Facilities District (the "CFD"), all as specified in its Resolutions No. 01-12 and No. 01-13; and shall the appropriations limit for the CFD for fiscal year 2001-2002 be established?

MARK "YES" OR "NO"
WITH AN "X":

YES

NO

Certification for 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 of 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)