

RESOLUTION NO. 05-15

RESOLUTION DETERMINING THAT ALTERATION OF THE RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES IS LAWFULLY AUTHORIZED AND DIRECTING RECORDING OF AMENDED NOTICE OF SPECIAL TAX LIEN

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

WHEREAS, in proceedings heretofore conducted by this Board pursuant to the Mello-Roos Community Facilities Act of 1982, Section 53311 et seq. of the California Government Code (the "Law"), on July 8, 2005, this Board adopted Resolution No. 05-8 entitled "Resolution Calling Special Election Regarding Alteration of Rate and Method of Apportionment of Special Taxes" (the "Resolution Calling Election"), calling for a special election of the qualified electors within the Fort Ord Reuse Authority Basewide Community Facilities District (the "District"); and

WHEREAS, pursuant to the terms of the Resolution Calling Election, which are by this reference incorporated herein, the special election was held on October 7, 2005, and the Clerk to the Board has on file a Canvass and Statement of Results of Election Regarding Alteration of Rate and Method of Apportionment of Special Taxes, a copy of which is attached hereto as Exhibit A; and

WHEREAS, this Board has reviewed the canvass and hereby approves it.

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

1. The issue presented at the special election was the alteration of the rate and method of apportionment of the special taxes to be levied within the District, as described in the Resolution Calling Election.

2. Pursuant to the canvass of the special election on file with the Clerk to the Board, the issue presented at the special election was approved by the qualified electors of the District by more than two-thirds of the votes cast at the special election.

3. This Board hereby determines that the alteration of the rate and method of apportionment of the special taxes to be levied within the District, as described in the Resolution Calling Election, is lawfully authorized.

4. It is hereby found that all prior proceedings and actions taken by this Board with respect to the District were valid and in conformity with the Law.

5. The Clerk to the Board is hereby directed to execute and cause to be recorded in the office of the County Recorder of the County of Monterey an amended notice of special tax lien in the form required by the Law and as provided by District formation counsel Quint & Thimmig LLP, said recording to occur no later than fifteen days following adoption by this Board of this Resolution.

6. 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 14th day of October, 2005, by the following vote:

AYES: 10 Board Members Mettee-McCutchon, Morrison, Smith, Pendergrass, McCloud, Russell, Rubio, Mancini, Albert, and Sanchez

NOES: -0-

ABSTAIN: -0-

ABSENT: -3- Board Members Potter, Calcagno, and Costello

I, ILA METTEE-McCUTCHON, 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 under Item 6f, page 3 of the board meeting minutes of October 14, 2005 thereof, which are kept in the Minute Book resident in the offices of the Fort Ord Reuse Authority.

DATED: 12-9-05

By: 
ILA METTEE-MCCUTCHON,
Chair, Board of Directors
Fort Ord Reuse Authority

DATED: Dec 9 2005

By: 
GERALD BOWDEN,
Authority Counsel
Fort Ord Reuse Authority

EXHIBIT A

**CANVASS AND STATEMENT OF RESULT OF SPECIAL ELECTION
REGARDING ALTERATION OF
RATE AND METHOD OF APPORTIONMENT OF SPECIAL TAXES**

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

I hereby certify that on October 10, 2005, I canvassed the returns of the special election held on October 7, 2005, in the Fort Ord Reuse Authority Basewide Community Facilities District and the total number of ballots cast in said District and the 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:

	Number of Eligible Voters	Votes Cast	YES	NO
Fort Ord Reuse Authority Basewide Community Facilities District Special Election Regarding Alteration of Rate and Method of Apportionment of Special Taxes, October 7, 2005.	278	<u>17</u>	<u>17</u>	<u>0</u>

BALLOT MEASURE: Shall the rate and method of apportionment of the special taxes levied within the Fort Ord Reuse Authority Basewide Community Facilities District be altered as described in the Resolution of the Board of Directors of the Fort Ord Reuse Authority adopted on July 8, 2005, entitled "Resolution Calling Special Election Regarding Alteration of Rate and Method of Apportionment of Special Taxes"?

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this tenth (10th) day of October, 2005.

By: _____ /s/
Clerk to the Board,
Fort Ord Reuse Authority