RD:EEH
11/8/2019

RESOLUTION NO. _____

A RESOLUTION OF THE COUNCIL OF THE CITY OF SAN JOSE CALLING A SPECIAL MAILED-BALLOT ELECTION REGARDING THE ALTERATION OF COMMUNITY FACILITIES DISTRICT NO. 8 (COMMUNCATIONS HILL)

WHEREAS, on October 29, 2019, the City Council (the "Council") of the City of San Jose (the "City") adopted Resolution No. 79284 (Alteration 1A) and Resolution No. 79285 (Alteration 1B), both entitled "A Resolution of Consideration of the Council of the City of San José to Alter Community Facilities District No. 8 (Communications Hill)" (the "Resolutions of Consideration"), stating its intent to alter the list of authorized services and work financed by and amend the rate and method of apportionment for Community Facilities District No. 8 (Communications Hill) ("CFD 8"); and

WHEREAS, on November 19, 2019, Council held a public hearing to consider the changes proposed in Alteration 1A and Alteration 1B; and

WHEREAS, pursuant to the Resolutions of Consideration, the proposed alterations to the authorized services and work financed by CFD 8 and amendments to the rate and method of apportionment for CFD 8 shall be submitted to the qualified electors of CFD 8 pursuant to Chapter 14.27 of the City's Municipal Code, which incorporates and modifies the Mello-Roos Community Facilities Act of 1982, as amended, Chapter 2.5 of Part 1 of Division 2 of Title 5 of the California Government Code (together, the "Act");

NOW, THEREFORE, BE IT RESOLVED BY THE COUNCIL OF THE CITY OF SAN JOSE AS FOLLOWS:

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

1. Pursuant to the Act, the proposed alterations to CFD 8 as set forth in the Resolutions of Consideration shall be submitted to the qualified electors of the CFD at an election called therefor as provided below.

2. This Council hereby calls a special election pursuant to the Act to consider the propositions described in paragraph 1 above. The election shall be conducted by mailed ballot in accordance with the provisions of the Act and there shall be no polling places for the special election. The City Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the City Clerk has on file the Resolutions of Consideration, a certified map of the CFD boundaries, and a sufficient description to allow the City Clerk to determine the boundaries of the CFD.

3. The Council requests the Board of Supervisors of the County of Santa Clara, California permit the Registrar of Voters of Santa Clara County to render to the City of San José such services as the City Clerk may request related to the above-described special election. The Clerk is authorized to reimburse the County of Santa Clara in full for any services which may be performed by the Registrar of Voters, upon presentation of a bill to the City, with funds already appropriated to the City Clerk for election purposes.

4. For purposes of these proceedings, the qualified electors shall be the registered voters within CFD 8, with each voter having one vote. Each proposition shall be approved if two-thirds of the qualified electors voting on the proposition vote to approve.

5. The City Clerk is hereby directed to cause to be delivered to each of the qualified electors of the CFD, a ballot in the form set forth in Exhibit "A" hereto

and incorporated herein, in accordance with the requirements of the Act and the Elections Code. Said form of ballot is hereby approved, however, the City Clerk is authorized to make any changes to the form of the ballot as may be required by law.

6. The City Clerk shall prepare and mail the ballot and materials to the qualified electors pursuant to the Act and Sections 3010, 3011, and 4101 of the Elections Code. Each ballot shall be accompanied by all materials required by Section 53327 of the Act and all supplies and written instructions necessary for the use and return of the ballot.

7. Each qualified elector desiring to vote in favor of any proposition submitted at the special election shall mark a cross ("X") or similar mark in the box next to the word "YES" on the ballot to the right of the proposition; and each qualified elector desiring to vote against any proposition shall mark a cross ("X") or similar mark in the box next to the word "NO" on the ballot to the right of the proposition. The cross ("X") may be marked with either pen or pencil, and shall cast all of the votes assigned to that ballot.

8. Pursuant to Section 53327 of the Act, the City Council approves the submittal of direct arguments for and against each proposition not to exceed 300 words in length to be submitted to the City Clerk in accordance with the requirements of the Elections Code.

9. The Council authorizes and directs the City Attorney to prepare an impartial analysis as required by Section 53327 of the Act. The City Clerk is further directed to include the impartial analysis prepared by the City Attorney with the materials provided to each voter.

10. The City Clerk shall accept the ballots of the qualified electors in her

office until 5:00 p.m. on March 10, 2020, and after said time, the election shall be closed, whether said ballots be personally delivered or received by mail. Ballots received by the City Clerk after the close of the election shall not be counted. The City Clerk shall have available ballots which may be marked at her office on the election day by said qualified electors. This Council finds and determines that the City Clerk has concurred in the date and time set for the election.

11. The City Clerk shall commence the canvass of the returns of the special election and tabulate the ballots received by the date and time of the election beginning at 10:00 a.m. on the day after the close of the election, in open view to the public, and continue from day to day until all votes received have been counted. The City Clerk shall report the returns to the City Council at the earliest opportunity upon conclusion of the canvass at the Council's regularly scheduled meeting. The City Council may thereupon declare the results of the special election.

12. This Resolution shall take effect upon its adoption.

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ADOPTED this _____ day of _____, 2019, by the following vote:

AYES:

NOES:

ABSENT:

DISQUALIFIED:

SAM LICCARDO
Mayor

ATTEST:

TONI J. TABER, CMC
City Clerk

DRAFT--Contact the Office of the City Clerk at (408)535-1260 or CityClerk@sanjoseca.gov for final document.

CITY OF SAN JOSE
COMMUNITY FACILITIES DISTRICT NO. 8
(COMMUNICATIONS HILL)
ALTERATION NO. 1

OFFICIAL BALLOT

(Mailed Ballot Election)

Special Tax Election
March 10, 2020

This ballot is for a special registered voter election in connection with the alteration of Community Facilities District No. 8 (Communications Hill), City of San José. In order to be counted, (1) this ballot must be executed and sealed inside the Ballot Return Envelope, (2) **the certification on the outside of the Ballot Return Envelope must be completely filled out and signed**; and (3) the Ballot Return Envelope must be returned to the City Clerk, by mail or in person, to be received by the City Clerk prior to 5:00 p.m. on March 10, 2020 at the San José City Hall at 200 East Santa Clara Street, Tower, 14th Floor, San José, California, 95113.

Mailing on or before the due date will not be sufficient. Postmarks will not be accepted. This ballot must be received by the City Clerk by time stated in order to be counted.

To vote, mark a cross (X) or similar mark in the box 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 City Clerk of the City of San José and obtain another.

BALLOT MEASURE:

PROPOSITION 1A: Security Services	
"Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79284 of the Council of the City of San José?"	MARK "YES" OR "NO" WITH AN "X": YES: ☐ NO: ☐
PROPOSITION 1B: Feasibility, Planning, Design and Environmental Clearance Work	
"Shall the authorized list of services and Rate and Method of Apportionment of Community Facilities District No. 8 (Communications Hill) be revised as set forth in Resolution 79285 of the Council of the City of San José?"	MARK "YES" OR "NO" WITH AN "X": YES: ☐ NO: ☐

- Signature line on other side -

Exhibit "A"

Despite the necessary identification of the registered-voter on this ballot, the secrecy of this ballot will be strictly protected. The ballot shall not be disclosed to any person, including any City Councilmember, City officer or City employee other than the City Clerk and the City Clerk's staff that will count and tabulate the ballots and report the election results, and those persons may not reveal this ballot's contents to anyone unless ordered by a court of competent jurisdiction.

Registered Voter: [registered voter name]

Signature: _____

Tabulation of ballots will occur in open view to the public at 10:00 a.m. on the date after the election, and will continue from day to day until all votes received are counted, in the Office of the City Clerk located at the San José City Hall at 200 East Santa Clara Street, Tower, 14th Floor, San José, California, 95113.

Exhibit "A"