

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, AUTHORIZING THE ANNEXATION OF TERRITORY INTO A COMMUNITY FACILITIES DISTRICT, AUTHORIZING THE LEVY OF A SPECIAL TAX, AND SUBMITTING THE LEVY OF SPECIAL TAX TO QUALIFIED ELECTORS

TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2013-3
(TRANSIT SERVICES)
ANNEXATION NO. 7

WHEREAS, under the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”), the Town Council of the Town of Mammoth Lakes (the “Town”) previously conducted proceedings to establish the Town of Mammoth Lakes Community Facilities District No. 2013-3 (Transit Services) (the “District”), and

WHEREAS, this Town Council on January 18, 2023, adopted its Resolution No. 23-03 entitled “A Resolution of the Town Council of the Town of Mammoth Lakes, State of California, Declaring its Intention to Annex Territory into a Community Facilities District and to Authorize the Levy of Special Taxes” (the “Resolution of Intention”) stating its intention to annex the territory to the District pursuant to the Act; and

WHEREAS, a copy of the Resolution of Intention, incorporating a description and map of the proposed boundaries of the territory to be annexed to the District and stating the services to be funded by the District and the rate and method of apportionment of the special tax to be levied within the District to pay for the services is on file with the Town Clerk and the provisions thereof are fully incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on the date hereof, this Town Council held a noticed public hearing as required by the Act and the Resolution of Intention relative to the proposed annexation of territory to the District; and

WHEREAS, at the hearing all interested persons desiring to be heard on all matters pertaining to the annexation of territory to the District and the levy of special taxes within the area proposed to be annexed were heard and a full and fair hearing was held; and

WHEREAS, prior to the closing of the hearing, no written or oral protests had been made against the proposed annexation of territory to the District by (i) any registered voter residing in the existing District, or (ii) any registered voter residing in the territory proposed to be annexed to the District, or (iii) any of the owners of land in the existing District, or (iv) any of the owners of land in the territory proposed to be annexed to the District; and

WHEREAS, Annexation Map No. 7 to the District has been filed with the County Recorder of the County of Mono, which map shows the territory to be annexed in these proceedings, and a copy of the map is on file with the Town Clerk.

NOW, THEREFORE, the Town Council of the Town of Mammoth Lakes, DOES HEREBY RESOLVE as follows:

1. The foregoing recitals are true and correct.
2. All prior proceedings taken by this Town Council with respect to the District, prior annexations, and the proposed seventh annexation of territory thereto have been duly considered and are hereby determined to be valid and in conformity with the Act, and the District has been validly established pursuant to the Act.
3. The boundaries of the territory to be annexed to the District, as set forth in the map entitled "Annexation Map No. 7 of Town of Mammoth Lakes Community Facilities District No. 2013-3 (Transit Services)" on file with the Town Clerk and heretofore recorded in the Mono County Recorder's Office on January 24, 2023, in Book 2 at Page 76 of Maps of Assessment and as Document No. 2023000172 and Community Facilities Districts are hereby finally approved, are incorporated herein by this reference, and shall be included within the boundaries of the District, and said territory is hereby ordered annexed to the District, subject to voter approval of the levy of the special taxes therein as hereinafter provided.
4. The provisions of the Resolution of Intention are, by this reference incorporated herein, as if fully set forth herein.
5. Pursuant to the provisions of the Act, the proposition of the levy of the special tax within the territory to be annexed to the District shall be submitted to the qualified electors of the area to be annexed to the District at an election called therefor as hereinafter provided.
6. This Town Council hereby finds that fewer than 12 persons have been registered to vote within the territory proposed to be annexed to the District for each of the 90 days preceding the close of the public hearing heretofore conducted and concluded by this Town Council for the purposes of these annexation proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Town Council finds that the qualified electors for purposes of the annexation election are the landowners within the territory proposed to be annexed to the District and that the vote shall be by said landowners, each having one vote for each acre or portion thereof such landowner owns in the territory proposed to be annexed to the District.
7. This Town Council hereby calls a special election to consider the measure described in Section 5 above, which election shall be held in the meeting room of the Town Council immediately following adoption of this Resolution. The Town Clerk is hereby designated as the official to conduct said election. It is hereby acknowledged that the Town Clerk has on file the Resolution of Intention, a certified map of the proposed boundaries of the territory to be annexed to the District, and a sufficient description to allow the Town Clerk to determine the boundaries of the territory to be annexed to the District.
8. The voted ballots shall be returned to the Town Clerk no later than immediately following the adoption of this Resolution; and when the qualified electors have voted the election shall be closed.
9. Pursuant to Section 53327 of the Act, the election shall be conducted by hand-delivered ballot pursuant to the California Elections Code.

10. This Town Council acknowledges that the Town Clerk has caused to be delivered to the qualified electors of the District a ballot in the form set forth in Exhibit "A" hereto. The ballot indicated the number of votes to be voted by each landowner.

11. The ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot. The envelope to be used to return the ballot was enclosed with the ballot, had the return postage prepaid, and contained the following: (a) the name and address of the landowner, (b) a declaration, under penalty of perjury, stating that the voter is the owner of record or authorized representative of the landowner entitled to vote and is the person whose name appears on the envelope, (c) the printed name, signature and address of the voter, (d) the date of signing and place of execution of the declaration pursuant to clause (b) above, and (e) a notice that the envelope contains an official ballot and is to be opened only by the canvassing board.

12. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.

13. The Town Clerk shall accept the ballot of the qualified electors in the Town of Mammoth Lakes Town Council meeting room upon and prior to the adoption of this Resolution, whether the ballot is personally delivered or is received by mail. The Town Clerk shall have ballots available which may be marked by the qualified electors at said location on the election day.

14. This Town Council hereby further finds that the provision of Section 53326 of the Act requiring a minimum of 90 days following the adoption of this Resolution to elapse before said special election is for the protection of the qualified electors of the territory to be annexed to the District. The ballots to be executed by the qualified electors of the area to be annexed to the District contains a waiver of any time limit pertaining to the conduct of the election and a waiver of any requirement for ballot measure analysis and arguments in connection with the election. Accordingly, this Town Council finds and determines that, to the extent that the qualified elector submits its ballot, the qualified elector will have been fully apprised of and have agreed to the shortened time for the election and waiver of ballot measure analysis and arguments and will have thereby been fully protected in these proceedings. This Town Council also finds and determines that the Town Clerk has concurred in the shortened time for the election.

15. This Resolution shall take effect upon its adoption.

APPROVED AND ADOPTED this 1st day of March 2023.

JOHN WENTWORTH, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT A
TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2013-3
(TRANSIT SERVICES)
ANNEXATION NO. 7
OFFICIAL BALLOT
SPECIAL TAX ELECTION

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Town Clerk of the Town of Mammoth Lakes no later than the hour of 4:00 p.m. on Wednesday, March 1, 2023, either by mail or in person. The Town Clerk's office is located at 437 Old Mammoth Road, Suite 230, Town of Mammoth Lakes, California.

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 Town Clerk of the Town of Mammoth Lakes and obtain another.

The estimated maximum amount of money raised annually by this measure is expected to be \$50,453, in 2022/23 special tax rates, upon full build out of the territory to be annexed to the District, based on the rate and duration of the special tax and subject to the tax escalation factor, as set forth in the rate and method of apportionment of special taxes for the District.

BALLOT MEASURE: Shall the Town of Mammoth Lakes, by and for its Community Facilities District No. 2013-3 (Transit Services) (the "District"), be authorized to levy special taxes within the territory annexed to the District pursuant to and as described in the Resolution of Intention to Annex Territory, adopted by the Town Council of the Town of Mammoth Lakes on January 18, 2023, and shall the annual appropriations limit of the District be increased by the amount of \$50,453?

Yes: _____

No: _____

By execution in the space provided below, you also confirm your written waiver of any time limit pertaining to the conduct of the election and any requirement for notice of election and analysis and arguments with respect to the ballot measure, as such waivers are described and permitted by Section 53326(a) and 53327(b) of the California Government Code.

Number of Votes: 11

Property Owner: _____

By: _____