

RESOLUTION NO. _____

A RESOLUTION OF THE TOWN COUNCIL OF THE TOWN OF MAMMOTH LAKES, STATE OF CALIFORNIA, CALLING A SPECIAL ELECTION FOR A COMMUNITY FACILITIES DISTRICT

TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2023-1
(MAINTENANCE SERVICES)

WHEREAS, this Town Council (the “Town Council”) of the Town of Mammoth Lakes (the “Town”) adopted a resolution entitled “A Resolution of the Town Council of the Town of Mammoth Lakes, State of California, Establishing the Formation of a Community Facilities District” (the “Resolution of Formation”), ordering the formation of the Town of Mammoth Lakes, Community Facilities District No. 2023-1 (Maintenance Services) (the “District”), defining the public services (the “Services”) to be provided by the District, authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District, all pursuant to the Mello-Roos Community Facilities Act of 1982 (Sections 53311 and following, California Government Code; hereafter referred to as the “Act”); and

WHEREAS, pursuant to the provisions of the Resolution of Formation, the propositions of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors of the District as required by the provisions of the Act.

NOW, THEREFORE, BE IT RESOLVED, by the Town Council of the Town of Mammoth Lakes, as follows:

1. The Town Council hereby finds that the facts set forth in the recitals to this Resolution are true and correct and establish the factual basis for the Town Council’s adoption of this Resolution.
2. Pursuant to the Act, the issues of the levy of the special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the District at a special election called therefor as provided below.
3. This Town Council 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 this Town Council for the purposes of these proceedings. Accordingly, and pursuant to Section 53326 of the Act, this Town Council finds that, for these proceedings, the qualified electors are the landowners within the District and that the vote shall be by such 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 hearing.
4. This Town Council hereby calls a special election to consider the issues described in Section 2, above, which special election shall be held on April 5, 2023, and the results thereof canvassed at the meeting of this Town Council on April 5, 2023. The Town Clerk is hereby designated as the official to conduct the special election and to receive all ballots

until the close of business on the special election date. It is hereby acknowledged that the Town Clerk has on file the Resolution of Formation, a map of the boundaries of the District, and a sufficient description to allow the Town Clerk to determine the electors of the District. The special election shall be conducted by messenger or mail-delivered ballot in accordance with the Act.

5. As authorized by Section 53353.5 of the Act, the issues described in Section 2 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A is hereby approved. The Town Clerk is hereby authorized and directed to cause a ballot, in substantially the form of Exhibit A, to be delivered to each of the qualified electors of the District. Each ballot shall indicate the number of votes to be voted by the respective landowner to which the ballot pertains. Each ballot shall be 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 shall be enclosed with the ballot, have the return postage prepaid, and contain 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.
6. This Town Council hereby further finds that the provisions of Section 53326 of the Act requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before the special election are for the protection of the qualified electors of the District. There is on file with the Town Clerk a written waiver executed by all of the qualified electors of the District allowing for a shortening of the time for the special election to expedite the process of formation of the District and waiving any requirement for notice, analysis, and arguments in connection with the special election. Accordingly, this Town Council finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the special election and waiver of analysis and arguments and 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 special election. Analysis and arguments with respect to the ballot measures are hereby waived, as provided in Section 53327 of the Act.
7. If two-thirds (2/3) of the votes cast upon the question of levying such special tax and establishing the appropriations limit are cast in favor of the proposition after the canvass of the returns of such special election, the Town Council may levy such special tax within the District under the Act in accordance with the approved rate and method of apportionment of special tax. Such special tax may be levied only at the rate and may be apportioned only in the manner specified in the Resolution of Formation, subject to the Act, except that the special tax may be levied at a rate lower than that specified herein and the maximum annual tax rate may be lowered.

8. Under Section 50075.1 of the Government Code, the following accountability provisions shall apply to the special taxes: (a) the construction and/or acquisition of the Services and the incidental costs thereof including any debt, all as defined in the Resolution of Formation, shall constitute the specific purpose; (b) the proceeds shall be applied only to the specific purposes identified in (a) above; (c) there shall be created special account(s) or funds(s) into which the proceeds shall be deposited; and (d) there shall be caused to be prepared an annual report as required by Section 50075.3 of the Government Code.
9. This Resolution shall take effect immediately upon its adoption.

APPROVED AND ADOPTED this 5th day of April 2023.

JOHN WENTWORTH, Mayor

ATTEST:

JAMIE GRAY, Town Clerk

EXHIBIT A
TOWN OF MAMMOTH LAKES
COMMUNITY FACILITIES DISTRICT NO. 2023-1
(MAINTENANCE SERVICES)

**OFFICIAL BALLOT
FORMATION ELECTION
(April 5, 2023)**

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, April 5, 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 \$72,936, in 2022/23 special tax rates, upon full build out of 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 be authorized to annually levy a special tax solely on lands within the Town of Mammoth Lakes Community Facilities District No. 2023-1 (Maintenance Services) (the “District”) in accordance with the rate and method contained in the Resolution of Formation of the District adopted by the Town Council on April 5, 2023, commencing with the Town’s fiscal year 2022-23, to pay for costs of plowing and removal of snow, and maintenance of curbs/sidewalks, landscapes and streetlights and related appurtenances, and to pay the costs of the Town in administering the District, and shall the annual appropriations limit of the District be established in an amount equal to the proceeds of the special tax collected annually?

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: _____