

## RESOLUTION NO. 2024-XX

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF BRENTWOOD DETERMINING TO ANNEX TERRITORY TO COMMUNITY FACILITIES DISTRICT NO. 5, CITY OF BRENTWOOD, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AND CALLING A SPECIAL ELECTION TO SUBMIT TO THE LANDOWNERS IN THE TERRITORY PROPOSED FOR ANNEXATION TO THE COMMUNITY FACILITIES DISTRICT THE QUESTION OF SUCH ANNEXATION.**

(Annexation #16)

**WHEREAS**, the City Council (the "Council") of the City of Brentwood (the "City"), has duly adopted Resolution No. 2024-71, on June 25, 2024 (the "Resolution"), determined, under the terms and provisions of the "Community Facilities Act of 1982," being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California (the "Act"), that the public convenience and necessity require that certain territory more particularly described in the Resolution (the "Territory") be annexed to the existing Community Facilities District No. 5, City of Brentwood, County of Contra Costa, State of California ("CFD No. 5"); and

**WHEREAS**, the Resolution fixed Tuesday, the 13th day of August 2024, at the hour of 7:00 p.m., or as soon thereafter as the Council may reach the matter, at the regular meeting of the City Council, has been fixed as the time and place for a public hearing to be held by the Council to consider the proposed annexation of the Territory to CFD No. 5 and all other matters set forth in the Resolution, and notice of such public hearing was duly given as provided in the Resolution; and

**WHEREAS**, the Annexation #16 Boundary Map was recorded in the office of the County Recorder of the County of Contra Costa on July 2, 2024 in Book 90 of Maps of Assessment and Community Facilities Districts at Page 47; and

**WHEREAS**, pursuant to the Resolution, such public hearing was duly convened by the Council at the time and place appointed; therefore, and at such public hearing the Council considered the proposed annexation of the Territory to CFD No. 5 and any other matters set forth in the Resolution, and at such public hearing all persons interested, including all taxpayers, property owners and registered voters within CFD No. 5 and within the Territory, were given an opportunity to appear and be heard, and the testimony of all interested persons or taxpayers for or against such proposed annexation or any other matters set forth in the Resolution was heard and considered; and

**WHEREAS**, the Council is fully advised in this matter.

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Brentwood as follows:

Section 1. The above recitals are true and correct, and the Council so finds and determines.

Section 2. The Council hereby accepts the Certificate of the Clerk that 100% of the voters eligible to vote in this election have delivered to the Clerk properly executed waivers in the form approved.

Section 3. The Council hereby determines to call a special election to submit to the landowners in the Territory (which landowners are the electors qualified to vote at such special election) the question of annexing the Territory to CFD No. 5, and in connection with such election, the Council finds and determines that all landowners in the Territory have waived any and all time periods relative to such election pursuant to California Government Code Section 53326(a), and they have waived the preparation and distribution of an impartial analysis of the ballot proposition, as well as arguments in favor and against such proposition, pursuant to California Government Code Section 53327(b), and they have waived the requirement to publish notice of the election pursuant to California Government Code Section 53352, and they have waived the requirements regarding the time to mail ballots pursuant to California Elections Code Section 4101, and they have agreed to accept either mailed service or personal service of the ballots, and they have waived the requirements regarding identification envelopes for the return of mailed ballots pursuant to California Government Code Section 53327.5, and they have requested that the election be expedited.

Section 4. The Council finds and determines that written protests to such proposed annexation are insufficient in number and in amount under the Act and that such proposed annexation has not been precluded by a majority protest as provided in the Resolution; and accordingly the Council hereby orders that all protests to such proposed annexation are hereby overruled.

Section 5. The Council hereby incorporates the Resolution, and reconfirms all of its findings and determinations contained therein, and if such proposed annexation is approved at the election called by this resolution, the Territory shall be annexed to and shall become a part of CFD No. 5; and upon recordation of a notice of special tax lien pursuant to Section 3117.5 of the Streets and Highways Code of the State of California, a continuing lien to secure each levy of such special tax shall attach to all nonexempt real property in CFD No. 5 (as constituted after such election), which lien shall continue in force and effect until the special tax obligation is prepaid and permanently satisfied and the lien cancelled in accordance with law or until collection of such special tax by the Council ceases, or until June 30, 2107, whichever is earlier.

Section 6. A special election shall be and is hereby called and ordered to be held in the Territory on Tuesday, August 13, 2024 at 7:00 p.m., or as soon thereafter as the Council may reach the matter, in accordance with and subject to the Act and applicable law and the terms hereof, at which special election there shall be submitted to the landowners in the Territory the question of annexing the Territory to CFD No. 5, and the ballot proposition for use at such special election shall be as follows:

Shall the parcels of land as described in Resolution Nos. 2024-70 and 2024-71 adopted by the City Council of the City of Brentwood on June 25, 2024, be annexed to Community Facilities District No. 5, City of Brentwood, County of Contra Costa, State of California, and be subject to the special tax and to the obligations for bonded indebtedness to the same extent as all parcels of land already within CFD No. 5.

Section 7. The City Clerk (the "Clerk") is hereby designated as the official to conduct such special election in accordance with and subject to the Act and applicable law and the following provisions of this resolution:

(a) Such special election shall be held and conducted, and the vote thereat canvassed and the returns thereof made, and the results thereof ascertained and determined, as provided herein; and in all particulars not prescribed by this resolution such special election shall be held and conducted and the votes received and canvassed in the manner provided by law for the holding of general elections in the City that are consistent with the Act.

(b) All landowners within the Territory upon the date of such special election herein called shall be qualified to vote upon the proposition to annex the Territory to CFD No. 5 to be submitted at such special election.

(c) Such special election shall be conducted as a mailed ballot election, in accordance with the provisions of the Act and the prior proceedings of the City taken there under and there shall be no polling place for such special election. All official ballots shall be mailed or personally delivered to such landowners, and all voted ballots are required to be received at the office of the Clerk not later than 7:00 P.M. on the day of the special election in order to be counted.

(d) Each voter to vote for the proposition to be submitted at such special election shall mark a cross (+), or other symbol indicating intent, in the blank space opposite the word "YES" on the ballot to the right of such proposition, and to vote against such proposition shall mark a cross (+), or other symbol indicating intent, in the blank space opposite the word "NO" on the ballot to the right of such proposition, which cross (+), or other symbol, may be marked with either pen or pencil.

(e) The Clerk shall commence the canvass of the returns of such special election at her office at the conclusion of such special election, and at the conclusion

of such canvass shall determine the results of such special election; provided, that if all the qualified electors shall have voted on the proposition hereby submitted at any time prior to 7:00 P.M. on the date of such special election, the Clerk shall close such special election at such time and thereupon shall proceed to canvass the returns of such special election and to determine the results thereof.

(f) The Council shall meet at its regular meeting on Tuesday, August 13, 2024 and if all ballots are cast and returned to the Clerk, the Council shall declare the results of such special election as determined by the Clerk and shall cause to be spread upon its minutes a statement of the results of such special election as ascertained by such canvass.

Section 8. If two-thirds (2/3) or more of the votes cast upon the proposition to annex the Territory to CFD No. 5 are cast in favor thereof, as determined by the Council after reviewing the returns of such special annexation election, the Territory shall become annexed to CFD No. 5, and shall be subject to the special tax and to the obligations for bonded indebtedness to the same extent as all parcels of land already within CFD No. 5.

Section 9. The Director of Finance and Information Systems or designee, at 150 City Park Way, Brentwood, California 94513 (telephone (925) 516-5400) will be responsible for preparing annually a current roll of special tax levy obligations by Contra Costa County Assessor's parcel numbers, and will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Government Code of the State of California.

Section 10. This resolution shall take effect from and after its adoption.

**PASSED, APPROVED, AND ADOPTED** by the City Council of the City of Brentwood at a regular meeting held on the 13th day of August 2024 by the following vote: