

RESOLUTION NO. 12 - 2016

**A RESOLUTION CALLING AN ELECTION TO CONTINUE
THE EXISTING SPECIAL PARCEL TAX SUBJECT TO THE SAME
ADJUSTMENT METHODOLOGY FOR
COMMUNITY FACILITIES DISTRICT (CFD) 2007-1
"CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT"
FOR TEN YEARS**

**THE CITY COUNCIL
City of Clayton, CA
Community Facilities District 2007-1
[Citywide Trails and Landscape Operation and Maintenance District]**

WHEREAS, the City of Clayton has established Community Facilities District 2007-1 [Citywide Trails and Landscape Operations and Maintenance District] ("CFD") within the City of Clayton, authorized the levy of a special parcel tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, on January 19, 2016, the City Council adopted Resolution No. 07-2016, a Resolution of Consideration, to continue the existing special parcel tax within the CFD for ten years from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027); and

WHEREAS, the City Council scheduled a public hearing on such proposed special parcel tax continuance for March 1, 2016; and

WHEREAS, at the DULY-NOTICED public hearing, less than a majority of affected property owners protested the extension of the special parcel tax; and

WHEREAS, the City Council wishes to submit the proposed special parcel tax continuance to the voters as required by Government Code section 53338.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds that the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Determinations. It is hereby determined by this City Council that:

- A. All prior proceedings pertaining to the formation of the CFD and continuation of the special parcel tax proposed herein were valid and taken in conformity with the requirements of the law, and specifically the provisions of the Community Facilities District Law.

- B. The written protests received, if any, do not represent a majority protest as defined by the applicable provisions of the Community Facilities District Law and, therefore, the special parcel tax proposed to be extended has not been precluded by majority protest pursuant to Section 53337 of the Government Code.
- C. The City Council now submits the question of whether to continue the special parcel tax within the CFD as set forth herein to the registered voters of the CFD as required by Government Code section 53326. Each registered voter within the CFD shall be entitled to one vote. The Special Parcel Tax will be approved if two-thirds of the votes cast upon the question of levying the special parcel tax are in favor of levying the special parcel tax.
- D. The City of Clayton boundaries are the same as those in the previous City election.

SECTION 3. Election. The City Council hereby calls an election on June 7, 2016 and submits the extension of the levy of the existing special parcel tax within the CFD to the qualified electors of the CFD. As set forth in the Resolution of Consideration, Resolution No. 07-2016, the City Council proposes continuing the existing special parcel tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 ("Special Tax"). As such, all references to the expiration or term of the Special parcel Tax in the rate and method of apportionment shall reflect the new expiration date of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Parcel Tax, subject to the continued term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007.

SECTION 4. Election Consolidation. The City requests the Contra Costa County Board of Supervisors consolidate the election on the Special Parcel Tax with the Statewide election on June 7, 2016. The City requests and authorizes the Contra Costa County elections official to provide the services necessary to implement the election and to consolidate the election on the June 7, 2016 Election Ballot for the County of Contra Costa. The elections official is hereby authorized to take any and all steps necessary for holding the above election. The elections official shall perform and render all services and proceedings incidental to and connected with the conduct of the election, including but not limited to, the following:

- A. Prepare and furnish the necessary election supplies for the conduct of the election.
- B. Cause to be printed the requisite number of official ballots, tally sheets and other necessary forms.
- C. Furnish official ballots for the qualified electors of the CFD.

- D. Cause the official ballots to be presented to the qualified electors, as required by law.
- E. Receive the returns of the election and supplies.
- F. Sort and assemble the election material and supplies in preparation for the canvassing of the returns.
- G. Canvass the returns of the election.
- H. Furnish a tabulation of the number of votes given in the election.
- I. Conduct and handle all other matters relating to the proceedings and conduct of the election in the manner and form as required by law

SECTION 5. Ballot Measure. Pursuant to Elections Code section 10403, the ballot forms shall have printed on them the following words with regard to the measure:

CITY OF CLAYTON - MEASURE: ____.		
CITYWIDE TRAILS AND LANDSCAPE MAINTENANCE DISTRICT CONTINUATION OF EXISTING SERVICES AND SPECIAL PARCEL TAX Shall the existing Community Facility District 2007-1 (Trails and Landscape Maintenance District) be continued, with a Citizens Oversight Committee, for ten years to fund on-going operations and maintenance of the trails system, roadway landscape, open space weed abatement, and related expenses at the current annual special tax's rate and methodology (presently \$234.84/year per residential and non-residential parcel or fraction thereof), for FYs 2017-2027?	YES	
	NO	

SECTION 6. Impartial Analysis. Pursuant to Government Code section 53327 and Elections Code section 9280, the City Clerk shall transmit a copy of the measure to the City Attorney, who shall prepare an impartial analysis of the measure showing the effect of the measure on existing law and the operation of the measure. The impartial analysis shall be filed with the City Clerk by March 18, 2016.

SECTION 7. Ballot Arguments. Arguments in favor of and in opposition to the ballot measure and rebuttal arguments shall be permitted, and the City hereby adopts the provisions of Elections Code sections 9282 and 9285(a), regarding the acceptance of arguments relating to ballot measures. Primary arguments shall be filed with the City Clerk by March 23, 2016. Rebuttal arguments shall be filed with the City Clerk by March 28, 2016.

SECTION 8. Special Parcel Tax Accountability Measures. Pursuant to and in compliance with the provisions of Government Code Section 50075.1, this Board hereby establishes the following accountability measures pertaining to the levy by the CFD of the proposed Special Tax:

- A. The Special Parcel Tax shall be levied for the specific purposes set forth in the Resolution of Consideration and Section 9 below.
- B. The proceeds of the levy of each such special parcel tax shall be applied only to the specific applicable purposes set forth in the Resolution of Consideration (Resolution No. 07-2017) and Section 9 below.
- C. The City shall establish a separate account into which the proceeds of the Special Parcel Tax shall be deposited.
- D. The City Manager or his or her designee, acting for and on behalf of the CFD, shall annually file a report with the City Council as required pursuant to Government Code Section 50075.3.

SECTION 9. Additional Actions. The City Manager and City Clerk are hereby authorized and directed to take all necessary and appropriate steps to place the measure on the ballot. The City may recover the costs of the election and related procedures to place the Special Parcel Tax on the ballot from the proceeds of such Special Parcel Tax or the existing special parcel tax as an incidental expense of the CFD. The City Council hereby amends Exhibit "A" of Resolution No. 06-2007 to clarify that the election expenses set forth in this Section as permissible costs of the operation and maintenance of the Citywide Trails and Landscape District.

SECTION 10. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular public meeting thereof held on March 1, 2016 by the following vote:

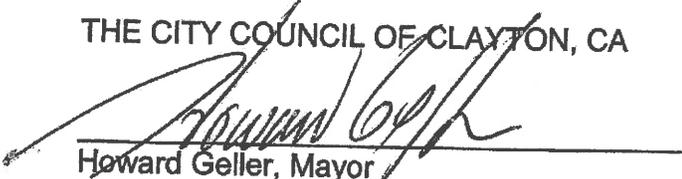
AYES: Mayor Geller, Vice Mayor Diaz, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

ABSENT: None.

ABSTAIN: None.

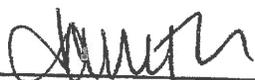
THE CITY COUNCIL OF CLAYTON, CA


Howard Geller, Mayor

ATTEST:


Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City Clayton at a regular meeting held on March 1, 2016.



Janet Brown, City Clerk

RESOLUTION NO. 07 -2016

**A RESOLUTION OF CONSIDERATION TO EXTEND FOR TEN YEARS
THE EXISTING SPECIAL TAX SUBJECT TO THE
SAME ADJUSTMENT METHODOLOGY FOR COMMUNITY
FACILITIES DISTRICT 2007-1**

**CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance District)**

WHEREAS, the City of Clayton established Community Facilities District 2007-1 (“CFD”) within the City of Clayton, authorized the levy of a special tax on real property within the CFD and established an initial appropriations limit for the CFD; and

WHEREAS, the special tax levied within the CFD is set to expire in Fiscal Year 2016/2017; and

WHEREAS, pursuant to the Mello-Roos Community Facilities Act of 1982 (“Act”), Chapter 2.5 (commencing with Section 53311) of Part 1 of Division 2 of Title 5 of the Government Code, the City Council of the City of Clayton has determined the public convenience and necessity require that an extension of the existing special tax should be proposed within the CFD to extend the existing special tax for ten years, from Fiscal Year 2017/2018 (i.e., beginning July 1, 2017) through Fiscal Year 2026/2027 (i.e., ending June 30, 2027), subject to the same adjustment methodology and that it should, therefore, adopt a Resolution of Consideration pursuant to Sections 53331 and 53334 of the Act to initiate proceedings for the consideration of such special tax levy; and

WHEREAS, the City Council wishes to schedule a public hearing on such proposed tax extension for March 1, 2016.

NOW, THEREFORE, BE IT RESOLVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON THAT:

SECTION 1. Findings and Background. The City Council finds the preceding recitals are correct and are incorporated into this Resolution.

SECTION 2. Affected Area. The affected area is the Community Facilities District 2007-1 (Citywide Landscape Maintenance District) (“CFD”). The territory within the District is generally shown and described on the map of the boundaries of the CFD which was recorded in the Contra Costa Recorder’s Office on January 23, 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts.

SECTION 3. Extended Special Tax. The City Council proposes that an extension of the existing special tax should be levied within the CFD to extend the existing special tax, at its current and existing rate and method of apportionment, for ten years from Fiscal Year 2017/2018 through Fiscal Year 2026/2027 (“Special Tax”). As such, all references to the expiration or term of the Special Tax in the rate and method of apportionment shall reflect the new expiration date

of Fiscal Year 2026/2027. The rate and method of apportionment for the Special Tax, subject to the extended term set forth in this section, is more particularly described and set forth in Resolutions No. 06-2007 and 07-2007. True and correct copies of these Resolutions are attached as Exhibit A and incorporated by this reference and are on file with the Clayton City Clerk.

SECTION 4. No Changes to Services. This Resolution does not propose any changes to the services or facilities provided by the CFD. The CFD would continue to provide operation and maintenance services for the Citywide Landscape Maintenance District through the extended term of Fiscal Year 2026/2027 as it currently does without any amendments or modifications.

SECTION 5. Appropriations Limit. The previously approved appropriations limit for the CFD shall not be effected by this Resolution and shall be adjusted by the City as permitted by applicable law.

SECTION 6. Public Hearing. Notice is given that on March 1, 2016, at 7:00 p.m. or as soon thereafter as the matter may be heard, at Hoyer Hall, Clayton Community Library, 6125 Clayton Road, Clayton, CA 94517, a public hearing will be held where the City Council will consider the extension of the Special Tax as proposed herein. At the above-mentioned time and place for public hearing any persons interested, including taxpayers and property owners may appear and be heard. The testimony of all interested persons for or against the Special Tax will be heard and considered. Any protests may be made orally or in writing. However, any protests pertaining to the regularity or sufficiency of the proceedings shall be in writing and clearly set forth the irregularities and defects to which the objection is made. All written protests shall be filed with the City Clerk on or before the time fixed for the public hearing. Written protests may be withdrawn in writing at any time before the conclusion of the public hearing. If a written majority protest is filed against the Special Tax, the proceedings shall be abandoned.

SECTION 7. Election. If, following the public hearing described in the Section 6 above, the City Council determines to approve the extension of the existing Special Tax, the City Council shall then submit the amendment to the qualified electors of the CFD. As at least twelve (12) persons have been registered to vote within the CFD for each of the ninety (90) days preceding the close of the public hearing, the vote shall be by registered voters of the CFD, with each voter having one (1) vote. Approval of the Special Tax shall require two-thirds approval of those voting on the measure.

SECTION 8. Notice. The City Clerk shall provide notice of the public hearing identified in Section 6 as required by Government Code sections 53322 and 53335. The City Council elects not to provide the optional notice permitted by Government Code section 53322.4.

SECTION 9. Effective Date. This Resolution shall become effective immediately upon its adoption.

PASSED, APPROVED, AND ADOPTED by the City Council of the City of Clayton, California, at a regular meeting thereof held on January 19, 2016 by the following vote:

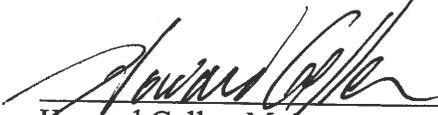
AYES: Mayor Geller, Councilmembers Haydon, Pierce and Shuey.

NOES: None.

ABSENT: Vice Mayor Diaz.

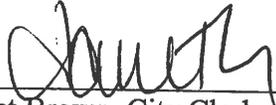
ABSTAIN: None.

THE CITY COUNCIL OF CLAYTON, CA



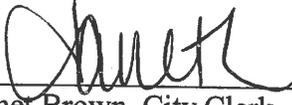
Howard Geller, Mayor

ATTEST:



Janet Brown, City Clerk

I certify that the foregoing resolution was duly and regularly passed by the City Council of the City of Clayton at a regular meeting held on January 19, 2016.



Janet Brown, City Clerk

EXHIBIT A

RESOLUTION NO. 06-2007

**A RESOLUTION OF FORMATION OF A COMMUNITY FACILITIES DISTRICT
(CITYWIDE LANDSCAPE MAINTENANCE DISTRICT) FOR A PERIOD OF TEN
YEARS, AND AUTHORIZING THE LEVY OF A SPECIAL TAX THEREIN AND
PRELIMINARILY ESTABLISHING AN APPROPRIATIONS LIMIT THEREFOR**

**The City Council
City of Clayton, California
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on 16 January 2007 this City Council adopted Resolution No. 04 - 2007 entitled "A Resolution of Intention to Establish a Community Facilities District to Fund the Annual Operation and Maintenance of a Citywide Landscape Maintenance District for a Time Period of Ten Years, and to Authorize the Levy of Special Taxes Therein" (the "Resolution of Intention"), stating its intention to form the City of Clayton, Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (the "Act"); and

WHEREAS, the Resolution of Intention, incorporating a map of the proposed boundaries of the CFD and stating the Services (as described herein) to be provided, the estimated maximum cost of providing such Services, and the rate and method of apportionment of the special tax to be levied within the CFD to pay for the Services (as hereafter defined) with respect to the CFD, is on file with the City Clerk and the provisions thereof are incorporated herein by this reference as if fully set forth herein; and

WHEREAS, on 20 February 2007 this City Council held a duly noticed public hearing as required by the Act on the Resolution of Intention relative to the proposed formation of the CFD; and

WHEREAS, at said public hearing all interested persons desiring to be heard on all matters pertaining to the formation of the CFD, the Services to be provided therein and the levy of said special tax were heard and a full and fair hearing was held; and

WHEREAS, at said hearing evidence was presented to this Council on said matters before it, including a report by the City Manager (the "Report") as to the Services to be provided through the CFD and the costs thereof, a copy of which is on file with the City Clerk; and this City Council at the conclusion of said hearing is fully advised in the premises; and

WHEREAS, written protests with respect to the formation of the CFD, the furnishing of specified types of Services and the rate and method of apportionment of the special taxes have not been filed with the City Clerk by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or property owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax; and

WHEREAS, the special tax proposed to be levied in the CFD to pay for the proposed Services to be provided therein, as set forth in Exhibit A hereto, has not been eliminated by protest by fifty percent (50%) or more of the registered voters residing within the territory of the CFD or the owners of one-half (1/2) or more of the area of land within the CFD and not exempt from the special tax.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. **Recitals**. The foregoing recitals are true and correct.
2. **No Majority Protest**. The proposed special tax to be levied within the CFD has not been precluded by majority protest pursuant to Section 53324 of the Act.
3. **Prior Proceedings**. All prior proceedings taken by this City Council in connection with the establishment of the CFD and the levy of the special tax have been duly considered and are hereby found and determined to be valid and in conformity with the requirements of the Act. This City Council hereby finds and determines that the CFD is in conformity with the goals and policies heretofore adopted by this City Council with respect to the formation of the CFD.
4. **CFD Established**. The community facilities district designated "City of Clayton, Community Facilities CFD No. 2007-1 (Citywide Landscape Maintenance)" is hereby established pursuant to the Act.
5. **Boundaries Described**. The boundaries of the CFD, as set forth in the map of the CFD heretofore recorded in the Contra Costa County Recorder's Office on 23 January 2007 in Book 81 at page 15 of Maps of Assessment and Community Facilities Districts, are hereby approved and incorporated herein by reference and shall be the boundaries of the CFD.
6. **Services**. The type of public Services proposed to be financed by the CFD and pursuant to the Act shall consist of those items listed as Services on Exhibit A attached hereto and by this reference incorporated herein (the "Services").
7. **Special Taxes**. Except to the extent that funds are otherwise available to the CFD to pay for the Services, a special tax sufficient to pay the costs thereof, secured by a continuing lien against all non-exempt real property in the CFD, will be levied annually within the CFD, and collected in the same manner as ordinary *ad valorem* property taxes or in such other manner as this City Council or its designee shall determine, including direct billing of the affected property owners. The proposed rate and method

of apportionment of the special tax among the parcels of real property within the CFD, in sufficient detail to allow each landowner within the proposed CFD to estimate the probable maximum amount such owner will have to pay, are described in Exhibit B attached hereto and by this reference incorporated herein.

8. Tax Collector For City. The City Manager, 6000 Heritage Trail, Clayton, California, 94517 telephone number (925) 673-7300 is the officer of the City who will be responsible for preparing annually a current roll of special tax levy obligations by assessor's parcel number and who will be responsible for estimating future special tax levies pursuant to Section 53340.2 of the Act.

9. Tax Lien. Upon recordation of a notice of special tax lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in the CFD and this lien shall continue in force and effect until the special tax obligation ceases and the lien canceled in accordance with law or until collection of the tax by the City ceases.

10. Appropriations Limit. In accordance with Section 53325.7 of the Act, the annual appropriations limit, as defined by subdivision (h) of Section 8 of Article XIII B of the California Constitution, of the CFD is hereby preliminarily established at \$850,550.00 and said appropriations limit shall be submitted to the voters of the CFD as hereafter provided. The proposition establishing said annual appropriations limit shall become effective if approved by the qualified electors voting thereon and shall be adjusted in accordance with the applicable provisions of Section 53325.7 of the Act.

11. Election. Pursuant to the provisions of the Act, the proposition of the levy of the special tax and the proposition of the establishment of the appropriations limit specified above shall be submitted to the qualified electors of the CFD at an election the time, place and conditions of which election shall be as specified by a separate resolution of this Council.

12. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

William R. Walcutt
William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
Laci J. Jackson
City Clerk

####

EXHIBIT A

CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)

DESCRIPTION OF SERVICES TO BE FINANCED BY THE CFD

The Services to be financed by the special taxes of the City of Clayton Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") shall include the Maintenance of:

A. Public Roadway Landscaping – which includes but is not limited to the following improved rights-of-way:

- Atchinson Stage Road – from Pine Hollow Road to Caulfield Drive
- Black Point Place – center median island.
- Caulfield Court – center median island.
- Center Street – from Oak Street to Clayton Road.
- Clayton Road – from the western city limits to the southern Marsh Creek Road intersection.
- Cul-de-sacs: landscaped areas at end of Ahwanee Lane, Wawona Court, Tuyshtak Court, Antelope Court, Obsidian Court, Blue Oak Lane, Falcon Place, Windmill Canyon Place, Hummingbird Place, Raven Place, and Golden Eagle Place.
- Diablo Parkway – from Marsh Creek Road to El Portal Drive.
- Eagle Peak Avenue – from the east intersection with Oakhurst Drive to just west of the Ohlone Heights intersection, and including the west intersection with Oakhurst Drive.
- Indianhead Way – entrance area at Oakhurst Drive
- Indian Wells Way – both entrance areas with Oakhurst Drive, and center medians up to Anizume Court and Jalalon Place.
- Jeffry Ranch Court – center median island.
- Keller Ridge Drive – to Golden Eagle Place intersection.
- Lydia Lane – from intersection of Clayton Road to Lydia Lane Park.
- Main Street – from Clayton Road to (old) Marsh Creek Road.
- Marsh Creek Road – from the northern intersection of (old) Marsh Creek Road to the eastern city limits.
- Oakhurst Drive – from the western city limits to Clayton Road intersection.
- Peacock Creek Drive – from Clayton Road to approximately the Pebble Beach Drive intersection.
- Pine Hollow Road – from Atchinson Stage Road to Panadero Way.
- Regency Drive – median entrance from Marsh Creek Road.
- So. Mitchell Canyon Road – from approx. Del Trigo Lane to Herriman Court intersection.

B. Open Space and Trails – which include but are not limited to:

Publicly-owned creek-side, intra-community and open space trails located within the boundaries of the CFD.

C. Clayton Fountain – which includes but is not limited to:

Maintenance to the fountain itself, rock structure and all attendant appurtenances, including the geyser and water pump system as well as the surrounding public landscaped area located at east side of the intersection of Oakhurst Drive, Center Street and Clayton Road.

Definitions

“Maintenance” means the furnishing of services and materials for the ordinary and usual operation, maintenance and care of the public landscaping and appurtenant facilities, including repair, removal or replacement of all or part of any landscaping and appurtenant facilities providing for the life, growth, health and beauty of the landscaping, including cultivation, irrigation, trimming, spraying, fertilizing and treating for disease or injury; the removal of trimmings, rubbish, debris and other solid wastes; and the eradication of landscape pests, including but not limited to vermin and rodents, ground squirrels, gophers, moles and wild pigs. “Maintenance” also includes the furnishing of water for irrigation of the public landscaping, and the supply of electricity to operate the attendant irrigation systems.

The foregoing services shall be provided through and by the City of Clayton, either with its own labor forces or by contract with third parties, or any combination thereof, as determined solely by the City of Clayton.

“Costs” means the costs and expenses directly or indirectly incurred by the City in connection with the Maintenance described above. Allowable Costs payable from special taxes of the District also include the County’s imposed cost to levy and collect the District’s assessment through the annual property tax bill, the City’s shared equipment and facilities charges, City prorated overhead charges to administer and manage the District and collect the special taxes, and District reserve funds for replacement and major repairs.

EXHIBIT B

**CITY OF CLAYTON
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

RATE AND METHOD OF LEVY OF SPECIAL TAX

A special tax will be levied annually on each taxable parcel of land not defined below as an "Exempt Parcel" within the Community Facilities District 2007-1 (Citywide Landscape Maintenance) (the "CFD") and collected in the same manner as ordinary ad-valorem property taxes or in such manner as the City of Clayton City Council or its designee shall determine, including City-originated billing of the affected property owners.

Definitions

Taxable Parcels:

Parcels of land within the boundaries of the CFD that are not included in the "Exempt Parcel" category listed below.

Exempt Parcels:

Parcels of land owned by a public agency, right-of-way parcels, schools, hospitals, cemeteries, mortuaries, libraries, parks, mineral rights, private roads, pipelines, public parking facilities and common areas.

Residential Parcels:

Taxable parcels of land that are classified as either single-family, condominium, townhouse, multi-family or rural residential parcels.

Non-residential Parcels:

Taxable parcels that are not classified as "Residential Parcels".

Special Tax:

The special tax allowed to be levied on property within the CFD, calculated pursuant to this Rate and Method of Apportionment of Special Tax.

Special Tax Formula

A. Residential Parcels:

An annual special tax will be levied on all Residential Parcels, as defined above, at the per parcel tax rate shown below for each fiscal year 2007-2008 through 2016-2017:

Residential Parcel Annual Special Tax Rate: \$196.77

B. Non-residential Parcels: An annual special tax will be levied on all Non-residential Parcels at the per acre rate shown below for each fiscal year 2007-2008 through 2016-2017:

Non-residential Parcel Annual Special Tax Rate: \$196.77 per acre or fraction thereof, based on parcel size as shown on the then-current County tax roll.

Duration of Special Tax Levy

The special tax will be levied annually for a period of ten (10) years commencing in fiscal year 2007-2008 through and including fiscal year 2016-2017. After the ten (10) year duration has expired the special tax may no longer be collected unless extended pursuant to applicable laws, except that a special tax that was lawfully levied in or before the final tax year and that remains delinquent may be collected in subsequent years.

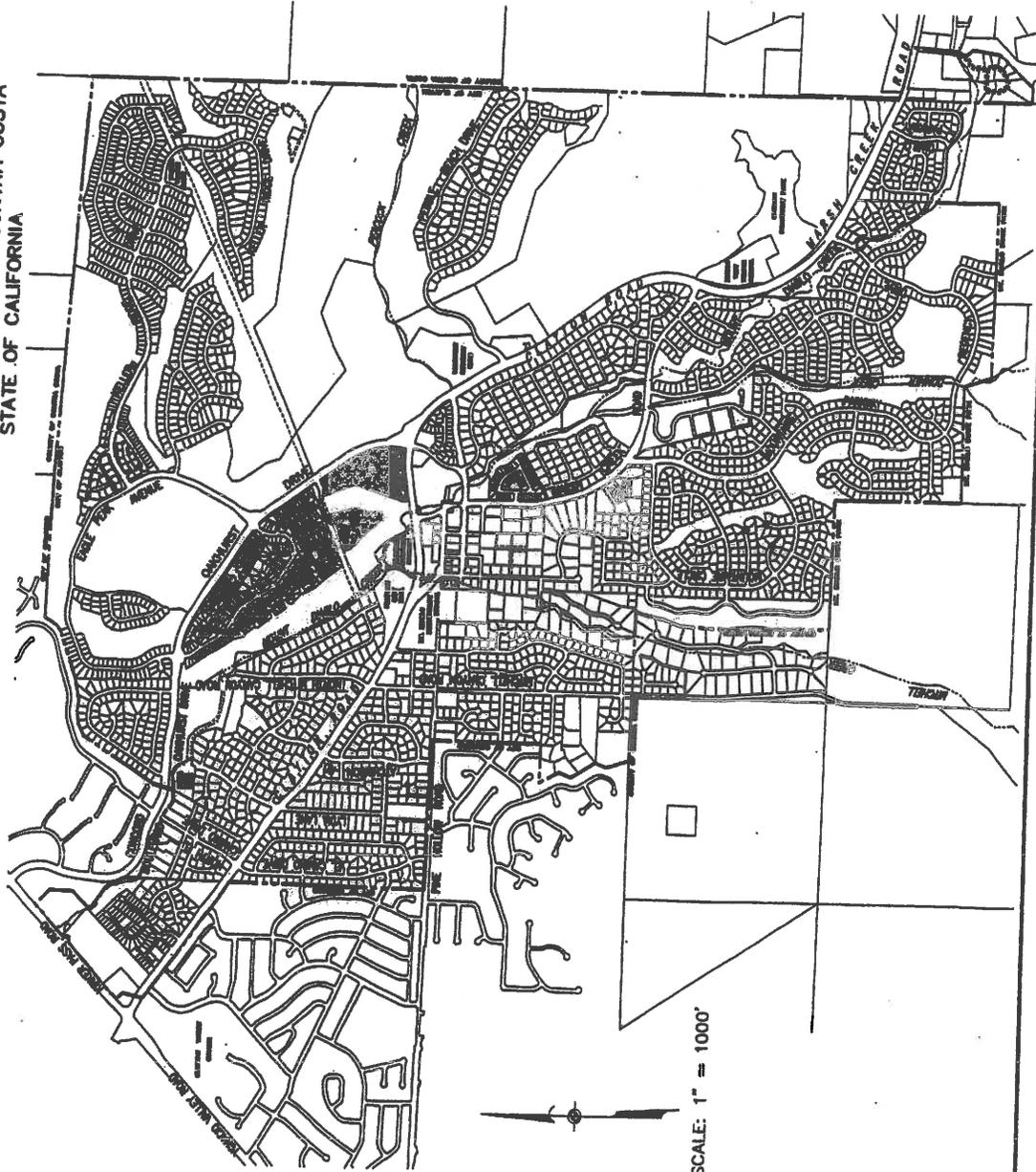
Special Tax Escalator Factor

In fiscal years 2008-2009 through 2016-2017, the special tax may be increased annually by the Clayton City Council in an amount not to exceed the full annual adjustment (April to April) in the Consumer Price Index – All Urban Consumers, San Francisco-Oakland-San Jose, CA Area (Base Period 1982-84 = 100). This escalator factor is applicable if determined to be necessary due to expected increases in the operational and maintenance expenses attributable to the CFD. Such determination shall be made by action of the Clayton City Council, which must occur at a regular public meeting thereof accompanied by a prior recommendation of the citizens' Trails and Landscaping Committee established by the City Council in February 2006 (City Resolution No. 08-2006). In no event shall each annual special tax rate in any fiscal year increase by more than three percent (3%) over the previous year.

Relationship to Special Tax of Community Facilities District 1997-1

An intent of the new Community Facilities District 2007-1 is to replace the City's Community Facilities District 1997-1 that levied an annual special tax for Citywide Landscape Maintenance purposes during the last ten years and which special tax automatically expires on June 30, 2007. No further special tax can be levied by CFD 1997-1.

**PROPOSED BOUNDARIES OF
COMMUNITY FACILITIES DISTRICT NO. 2007-1
(DOWNTOWN PARK OPERATION AND MAINTENANCE DISTRICT)**
CITY OF CLAYTON, COUNTY OF CONTRA COSTA
STATE OF CALIFORNIA



SCALE: 1" = 1000'

CITY RECORDER'S STATEMENT:

FILED IN THE OFFICE OF THE CITY CLERK OF THE CITY OF CLAYTON, THIS 15TH DAY OF JANUARY, 2007.

BY: [Signature]
CITY CLERK
CITY OF CLAYTON

CITY CLERK'S STATEMENT:

I HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF COMMUNITY FACILITIES DISTRICT NUMBER 2006-1 IN THE CITY OF CLAYTON, COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, WAS APPROVED BY THE CITY COUNCIL OF THE CITY OF CLAYTON AT A REGULAR MEETING THEREOF, HELD ON THE 11TH DAY OF JANUARY, 2007 BY ITS RESOLUTION NO. 07-2007.

BY: [Signature]
CITY CLERK
CITY OF CLAYTON

RECORDER'S CERTIFICATE:

FILED THIS 15TH DAY OF JANUARY, 2007 AT THE HOUR OF 12:00 P.M. IN BOOK 81 OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE 15, AND AS INSTRUMENT NUMBER 07-2007 IN THE OFFICE OF THE COUNTY RECORDER OF CONTRA COSTA COUNTY, STATE OF CALIFORNIA.

BY: [Signature]
COUNTY RECORDER
COUNTY OF CONTRA COSTA

BY: [Signature]
DEPUTY COUNTY RECORDER

LEGEND:

--- CITY LIMIT LINE AND
--- COMMUNITY FACILITY DISTRICT BOUNDARY

1-23-07

2:04 PM

81-15

RESOLUTION NO. 07- 2007

**A RESOLUTION CALLING SPECIAL ELECTION
IN A COMMUNITY FACILITIES DISTRICT**

**THE CITY COUNCIL
CITY OF CLAYTON, CALIFORNIA
Community Facilities District 2007-1
(Citywide Landscape Maintenance)**

WHEREAS, on this date, this City Council adopted its Resolution No. 06 -2007 entitled "A Resolution of Formation of a Community Facilities District (Citywide Landscape Maintenance District) for a Period of Ten Years, and Authorizing the Levy of a Special Tax Therein and Preliminarily Establishing an Appropriations Limit Therefor" (the "Resolution of Formation"), ordering the formation of City of Clayton Community Facilities District No. 2007-1 (Citywide Landscape Maintenance) (the "CFD"), authorizing the levy of a special tax on property within the CFD and preliminarily establishing an appropriations limit for the CFD, all pursuant to the Mello-Roos Community Facilities Act of 1982, Chapter 2.5 of Part 1 of Division 2 of Title 5, commencing with Section 53311, of the California Government Code (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 CFD at a special election as required by the Act; and

WHEREAS, this City Council desires that the special election be consolidated with any other election to occur in the City on June 5, 2007 and that the proposition be included on the ballot for such election which ballot is prepared by the officer charged with the duty of conducting the general and special elections for the County of Contra Costa, such official being the Registrar of Voters of the County of Contra Costa (the "Election Official"); and

WHEREAS, Section 9280 of the Elections Code of the State of California authorizes the filing of an impartial analysis and Sections 9281 to 9287 of said code authorize the filing of written arguments for or against any ballot proposition, and, if adopted by the City Council, rebuttal arguments.

NOW, THEREFORE, the City Council of Clayton, California does hereby resolve as follows:

1. Issues Submitted. Pursuant to Sections 53326 and 53325.7 of the Act, the issues of the levy of said special tax and the establishment of the appropriations limit shall be submitted to the qualified electors (as defined below) of the CFD at an election called therefor as provided below. The question to be voted upon as it shall appear on ballot shall be as follows:

Shall a new Community Facilities District 2007-1 (Citywide Landscape Maintenance District) be funded to replace the expiring District for a period of ten years to operate and maintain public roadway landscaping, trails system, open space weed abatement and related costs, with an annual levy of a special tax in the initial amount of \$196.77 per residential parcel and per non-residential acre or fraction thereof, and with an initial yearly appropriations limit of \$850,550?

The full text of the measure to be printed in the Voter Pamphlet shall include the "Description of Services to be Financed by the CFD" and the "Rate and Method of Levy of Special Tax", attached as Exhibits "A" and "B", respectively, to the Resolution of Formation of a Community Facilities District (Resolution No. 06 -2007).

2. Qualified Electors. Pursuant to Section 53326 of the Act, the vote shall be by the registered voters of the proposed CFD, with each voter having one vote.

3. Conduct of Election. This City Council hereby calls a special election (the "Election") to consider the measure described in paragraph 1 above, which election shall be held on June 5, 2007, and conducted by the Election Official. Within three business days of the adoption of this Resolution, the City Clerk shall provide to the Election Official a copy of this Resolution, a certified map of the proposed boundaries of the CFD, and a sufficient description to allow the Election Official to determine the boundaries of the CFD.

The Election is hereby ordered consolidated with any other election to be held within the City on said date, and within the territory affected by the consolidation; the election shall be held and conducted, election officers appointed, voting precincts designated, ballots printed, polls opened and closed, ballots counted and returned, returns canvassed, results declared, and all other proceedings incidental to and connected with the election shall be regulated and done in accordance with the provisions of law regulating general and special elections in the City and State and specified herein. The precincts used at the election shall be those used for citywide municipal elections, and, where necessary, the County Clerk may adjust precinct lines to coincide with the boundaries of the City. The Board of Supervisors of the County of Contra Costa is hereby requested to order the consolidation of the Election hereby called with any other election held in the City on said date, and to permit the County Clerk and the County Election Department to render services relating to the conduct of said election, which services will be determined by the City and the County Election Department, and the Board of Supervisors of the County of Contra Costa is hereby authorized to canvass the returns of said special municipal election, and said election shall be held in all respects as if there were only one election, only one form of ballot shall be used and the returns of the election need not be canvassed by the City Council. The City Clerk is hereby authorized and directed to work with the Elections Official and other appropriate officials of the County to ensure that the applicable requirements of the Elections Code are met.

4. Ballot Materials. The City Attorney is hereby requested to prepare and to provide to Election Official the ballot material described in Section 53327 of the Act.

Impartial Analysis: The City Clerk is hereby directed to submit to the City Attorney a certified copy of the measure set forth above. The City Attorney is hereby authorized and directed to prepare an impartial analysis of the measures showing the effect of the measures on the existing law and the operation of the measures, said analysis to be submitted by the City Attorney to the Election Official for printing before the arguments for and against the measure. The analysis shall not exceed 500 words in length and shall otherwise comply in all respects with the applicable provisions of the Elections Code of the State of California. The deadline date for the submittal of the analysis and primary arguments shall be March 13, 2007.

5. Filing of Primary and Rebuttal Arguments. The deadline for filing primary arguments concerning the ballot measure is March 13, 2007. Provisions for Rebuttal Arguments have been previously adopted by the Council. Rebuttal arguments must be filed by March 23, 2007.

6. Effective Date. This Resolution shall take effect upon its adoption.

PASSED, APPROVED AND ADOPTED by the City Council of Clayton, California at a regular public meeting thereof held this 20th day of February 2007 on the following vote:

AYES: Mayor Walcutt, Vice Mayor Manning, Council Members Pierce, Shuey, and Stratford

NOES: None

ABSENT: None

ABSTAIN: None

THE CITY COUNCIL OF CLAYTON, CA

W R Walcutt
William R. Walcutt, Mayor

ATTEST:

Laci J. Jackson
Laci J. Jackson
City Clerk