

## **RESOLUTION NO. 2002-82**

### **A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF ELK GROVE DETERMINING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS FOR EAST FRANKLIN COMMUNITY FACILITIES DISTRICT NO. 2002-1 AND ORDERING A SPECIAL ELECTION**

**WHEREAS**, the City Council on May 15, 2002, duly adopted its Resolution No. 2002-81 (the "Resolution of Formation") establishing East Franklin Community Facilities District No. 2002-1 (the "District") pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, Part 1, Division 2, Title 5 (commencing with Section 53311) of the California Government Code) (the "Act"), for the purpose of providing for the financing of the construction and acquisition of certain public capital facilities (the "Facilities") described in Exhibit A to the Resolution of Formation;

**WHEREAS**, pursuant to the Resolution of Formation, the City Council determined to submit to the qualified electors of the District the levy of the special tax described in Exhibit B thereto and the establishment of an appropriations limit for the District;

**WHEREAS**, the Board on March 6, 2002, duly adopted Resolution No. 2002-41 (the "Resolution Declaring Necessity") (1) declaring the necessity to incur a bonded indebtedness, secured by special taxes, in the amount of \$125,000,000 to finance the Facilities and (2) calling a public hearing on the proposed bonded indebtedness;

**WHEREAS**, a notice of the hearing was duly published as required by the Act, as evidenced by the affidavit of publication on file with the City Clerk;

**WHEREAS**, pursuant to the Act and the Resolution Declaring Necessity, a public hearing was convened by the City Council on April 10, 2002, not earlier than 6:30 p.m. at City Hall, 8400 Laguna Palms Way, Elk Grove, California, relative to the proposed bonded indebtedness;

**WHEREAS**, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the District, desiring to appear and present any matter material to the questions set forth in the Resolution Declaring Necessity was heard and considered, and a full and fair hearing was held thereon;

**WHEREAS**, the Sacramento County Registrar of Voters has certified that fewer than twelve persons were registered to vote within the territory of the District as of March 21, 2002, which date is within the 90-day period preceding the close of the hearing;

**WHEREAS**, the City Council has received a written instrument from each landowner in the District consenting to the shortening of election time requirements, waiving analysis and arguments, and waiving all notice requirements relating to the conduct of the election;

**WHEREAS**, the City Clerk has concurred in the election date set forth herein;

**WHEREAS**, the City Council did, in the Resolution of Formation, and in accordance with Government Code sections 53351(h) and 53353.5, determine to consolidate the election on the levy of the special tax and the establishment of an appropriations limit for the District with the election on the incurrence of a bonded indebtedness for the District;

**NOW, THEREFORE, BE IT RESOLVED** by the City Council of the City of Elk Grove that:

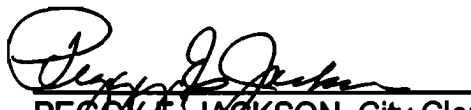
1. **Recitals.** The foregoing recitals are true and correct.
2. **Necessity.** The City Council deems it necessary to incur the bonded indebtedness.
3. **Purpose of Debt.** The indebtedness will be incurred for the purpose of financing the construction and acquisition of the Facilities described in Exhibit A to the Resolution of Formation.
4. **Territory to be Taxed.** The whole of the District shall pay for the bonded indebtedness.
5. **Amount of Debt.** The amount of bonded indebtedness to be incurred is \$125,000,000.
6. **Maximum Term of the Debt.** The maximum term of the bonds of any series shall not exceed thirty-five years from their date.
7. **Maximum Interest Rate on the Bonds.** The bonds shall bear interest at rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued, payable annually or semiannually or in such other manner as the City Council shall determine, the actual rate or rates and times of payment of such interest to be determined by the City Council at the time or times the bonds are issued.
8. **Submission to Voters.** The City Council hereby submits to the qualified electors within the District the question of incurring the bonded indebtedness together with the questions of levying the special tax and the establishment of the annual appropriations limit for the District in a combined ballot at a consolidated election to be held on May 15, 2002. The consolidated special election shall be conducted as provided for in the Resolution of Formation.
9. **Vote Required.** If the combined proposition on the questions of levying the special tax, establishing an appropriations limit, and incurring the bonded indebtedness receives the approval of more than two-thirds of the votes cast on the proposition, then the City Council may levy the special tax within the District in the amount and for the purposes specified in the Resolution of Formation, the

appropriations limit shall be established in the proposed amount for the District, and bonds in the approved amount may be issued and sold for the purposes for which authorized.

**PASSED AND ADOPTED** by the Elk Grove City Council on May 15, 2002.

  
\_\_\_\_\_  
MICHAEL P. LEARY, Mayor

ATTEST:

  
\_\_\_\_\_  
PEGGY E. JACKSON, City Clerk

APPROVED AS TO FORM:

  
\_\_\_\_\_  
ANTHONY MANZANETTI, City Attorney

**AYES:** Leary, Scherman, Cooper,  
Soares, Briggs  
**NOES:** None  
**ABSTAIN:** None  
**ABSENT:** None