

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

October 7, 2015 — Agenda Item X

Resolution No. 15-152

RESOLUTION OF THE GOVERNING BOARD OF THE MOUNTAINS RECREATION AND CONSERVATION AUTHORITY DECLARING RESULTS OF SPECIAL TAX ELECTION, DETERMINING VALIDITY OF PRIOR PROCEEDINGS, AND DIRECTING RECORDING OF NOTICE OF SPECIAL TAX LIEN FOR COMMUNITIES FACILITIES DISTRICT 2015-1 (STERLING WEST HILLS), DAYTON CANYON, CITY OF LOS ANGELES.

RESOLVED by the Governing Board (the "Board") of the Mountains Recreation and Conservation Authority (the "Authority"), County of Los Angeles, State of California, that:

WHEREAS, in proceedings heretofore conducted by the Board pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), has previously undertaken proceedings to create and did establish the Mountains Recreation and Conservation Authority Community Facilities District No. 2015-1 (Sterling West Hills) (the "CFD") pursuant to the terms and provisions of the "Mello-Roos 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"); and

WHEREAS, the Board has heretofore adopted a resolution calling a special election of the qualified electors in the territory of land of the CFD as authorized by and accordance with the Act; and

WHEREAS, the Board did call for and order to be held an election to submit to the qualified electors within the CFD a proposition relating to the levy of special taxes within the CFD; and

WHEREAS, all requirements, including but not limited to any time limit, pertaining to the conduct of the special election have been waived by unanimous consent of the qualified electors of the CFD as authorized by the Act, which executed Landowner Petition, Waiver and Consent from each qualified elector is on file with the Secretary to the Board ("Board Secretary"), and with the concurrence of the Board Secretary as the designated election official (the "Election Official") conducting the election; and

WHEREAS, as authorized by the unanimous waiver of special election requirements by all qualified electors pursuant to the Act (California Government Code section 53326(a)), the special election is by ballot mailed with the Notice of Public Hearing to all of the property owners within the CFD by the Election Official, to be tabulated by the Election Official at 2:00 p.m. or as soon thereafter at the close of the public hearing on October 7, 2015; and

WHEREAS, the Election Official has certified that a ballot in the form set forth in Exhibit A hereto was caused to be delivered to each of the qualified electors in the CFD, that each ballot indicated the number of votes to be voted by the respective landowner to which it pertains, that each ballot was accompanied by all supplies and written instructions necessary for the use and return of the ballot, and that the envelopes to return the ballot were enclosed with the ballot, 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

WHEREAS, the Board Secretary accepted the ballots of the qualified electors in his office upon and prior to 2:00 p.m. on October 7, 2015, or as soon thereafter as the matter could be heard, which is the special election date, whether said ballots be personally delivered or received by mail. The Board Secretary also made available ballots to be marked at his office on the election day by said qualified electors; and

WHEREAS, the Board Secretary has on file a Canvass and Statement of Results of Election, a copy of which is attached hereto as Exhibit B; and

WHEREAS, the Board has reviewed that canvass and hereby approves it; and

WHEREAS, at this time said election has been held and the measure voted upon such measure did receive the favorable votes of at least two-thirds the qualified electors within the CFD, and this Board desires to declare the results of the election in accordance with the provisions of the Elections Code of the State of California.

NOW, THEREFORE, the Mountains Recreation and Conservation Authority Governing Board of Directors, acting as the legislative body of the Mountains Recreation and Conservation Authority Community Facilities District No. 2015-1 (Sterling West Hills), does hereby resolve, declare, find, determine and order as follows:

1. Recitals. The foregoing recitals are all true and correct.
2. Issues Presented. The issues presented at the special election were the levy of a special tax within the CFD pursuant to Resolution No. 15-150 (the "Resolution of Formation").
3. Canvass and Issues Approved. The Board hereby approves the Canvass and finds that it shall be a permanent part of the record of its proceedings for the CFD. Pursuant to the Canvass and Statement of Results of

Election, the ballot proposition presented at the special election was approved by the qualified electors of the CFD by more than two-thirds of the votes cast at the special election. The Board Secretary is hereby directed, pursuant to the provisions of the Elections Code of the State of California, to enter in the minutes the results of the election as set forth in said Canvass and Statement of Results of Election.

4. Proceedings Approved. Pursuant to the voter approval, the CFD is hereby declared to be fully formed with the authority to levy the special taxes in accordance with the approved Rate and Method of Apportionment of Special Tax as heretofore provided in these proceedings and in the Act. It is hereby found that all prior proceedings and actions taken by this Board with respect to the CFD were valid and in conformity with the Act.
5. Notice of Special Tax Lien. The Board Secretary is hereby directed to complete, execute and cause to be recorded in the office of the County Recorder of the County of Los Angeles a notice of special tax lien in the form required by the Act, such recording to occur no later than 15 days following adoption by the Board of this resolution.

Chair

AYES:

NOS:

ABSTAIN:

ABSENT:

I HEREBY CERTIFY that the foregoing resolution was adopted at a regular meeting of the Governing Board of the Mountains Recreation and Conservation Authority, duly noticed and held according to law, on the 7th day of October, 2015.

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Date:

Executive Officer

EXHIBIT A

**MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Community Facilities District 2015-1 (STERLING WEST HILLS)**

**OFFICIAL BALLOT
SPECIAL TAX ELECTION**

This ballot is for the special landowner election. You must return this ballot in the enclosed postage paid envelope to the office of the Executive Officer for the Mountains Recreation and Conservation Authority no later than 2:00 p.m. on October 7, 2015, either by mail or in person. The office of the Executive Officer is located at Los Angeles River Center and Gardens, 570 West Avenue 26, Suite 100, Los Angeles 90065.

To Vote, mark a cross (X) in the voting square 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 Executive Officer for the Mountains Recreation and Conservation Authority and obtain another.

BALLOT MEASURE: Shall special taxes be levied annually on taxable property within the Mountains Recreation and Conservation Authority (the "Authority") Community Facilities District No. 2015-1 (Sterling West Hills), County of Los Angeles, State of California, to pay the costs of services more particularly described in Exhibit "A" to Resolution No. 15-131 adopted by the Authority Governing Board of Directors on September 2, 2015, and to pay expenses incidental thereto and to the levy and collection of the special taxes, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B" to Resolution No. 15-131.

YES: _____

NO: _____

By execution in the space provided below, you also confirm your waiver of the 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: 157.19

CENTEX HOMES
Southern California/Southern Nevada Division
27101 Puerta Real, Ste. 300
Mission Viejo, CA 92691
Attn: Darren Warren, Director of Land

By: _____

Title: _____

EXHIBIT B

**MOUNTAINS RECREATION AND CONSERVATION AUTHORITY
Community Facilities District 2015-1 (Sterling West Hills)**

CANVASS AND STATEMENT OF RESULT OF ELECTION

I hereby certify that on this date, I canvassed the returns of the election held on this date, in Community Facilities District No. 2015-1 (Sterling West Hills) of the Mountains Recreation and Conservation Authority which election is designated as the Special Tax Election, and the total number of ballots cast and the total number of votes cast for and against the measure are as follows and the totals as shown for and against the measure are full, true and correct:

	Landowner Ballots			Qualified Landowner Votes		
	Ballots	Cast	Votes	Cast	YES	NO
Mountains Recreation and Conservation Authority Community Facilities District No. 2015-1 Special Tax Election October 7, 2015	_____	_____	_____	_____	_____	_____

BALLOT MEASURE: Shall special taxes be levied annually on Taxable property within the Mountains Recreation and Conservation Authority ("the Authority") Community Facilities District No. 2015-1 (Sterling West Hills) (the "CFD"), County of Los Angeles, State of California, to pay for the cost of facilities and services described in Exhibit "A" to Resolution No. 15-131 adopted by the Authority Board of Directors on September 2, 2015, and to pay expenses incidental thereto and to levy the collection of the special taxes, at the special tax rates and pursuant to the method of apportioning the special taxes set forth in Exhibit "B" to Resolution No. 15-131.

IN WITNESS WHEREOF, I HAVE HEREUNTO SET MY HAND this 7th day of October, 2015.

MOUNTAINS RECREATION AND CONSERVATION AUTHORITY

Secretary to the Board of Directors