

**BEFORE THE BOARD OF DIRECTORS  
OF THE THREE RIVERS LEVEE IMPROVEMENT AUTHORITY**

**In Re:**

**RESOLUTION CALLING SPECIAL ELECTION            )  
WITHIN THREE RIVERS LEVEE IMPROVEMENT        )  
AUTHORITY COMMUNITY FACILITIES                )  
DISTRICT NO. 2004-1 (SOUTH COUNTY AREA)        )        **Resolution No. 04-08****

**WHEREAS**, on this date, this Board of Directors adopted a resolution entitled "Resolution of Formation of Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area), Authorizing the Levy of a Special Tax Within the District, Preliminarily Establishing an Appropriations Limit for the District, Submitting Levy of the Special Tax and the Establishment of the Appropriations Limit to the Qualified Electors of the District" (the "Resolution of Formation"), ordering the formation of the Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area) (the "District"), authorizing the levy of a special tax on property within the District and preliminarily establishing an appropriations limit for the District;

**WHEREAS**, on this date, this Board of Directors also adopted a resolution entitled "Resolution Determining the Necessity to Incur Bonded Indebtedness Within Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area) and Submitting Proposition to the Qualified Electors of the District" (the "Resolution to Incur Indebtedness"), determining the necessity to incur bonded indebtedness in the maximum aggregate principal amount of \$33,000,000 upon the security of the special tax to be levied within the District; and

**WHEREAS**, pursuant to the provisions of said resolutions, the propositions of the levy of said special tax, the establishment of the appropriations limit and the incurring of the bonded indebtedness is to be submitted to the qualified electors of the District as required by the Mello-Roos Community Facilities Act of 1982, California Government Code Section 53311 et seq. (the "Law").

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Three Rivers Levee Improvement Authority as follows:

*Section 1.* Pursuant to Sections 53325.7, 53326 and 53351 of the Law, the issues of the levy of said special tax, the incurring of bonded indebtedness and the establishment of said appropriations limit shall be submitted to the qualified electors of the District at an election called therefor as provided below.

*Section 2.* As authorized by Section 53353.5 of the Law, the three propositions described in paragraph 1 above shall be combined into a single ballot measure, the form of which is attached hereto as Exhibit A and by this reference incorporated herein. The form of ballot is hereby approved.

*Section 3.* This Board of Directors 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 hearings heretofore conducted and concluded by this Board of Directors for the purposes of these proceedings. Accordingly, and pursuant to Section 53326(b) of the Law, this Board of Directors finds that for purposes of these proceedings the qualified electors are the landowners within the District and that the vote shall be by said 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 hearings.

*Section 4.* This Board of Directors hereby calls a special election to consider the measure described in Section 2 above, which election shall be held at 3:30p.m. on October 5, 2004 in the Yuba County Clerk's office located at 915 8th Street, Suite 115 Marysville, CA 95901-5273. The Secretary is hereby designated as the official to conduct said election. It is hereby acknowledged that the Secretary has on file the Resolution of Formation, a map of the proposed boundaries of the District, and a sufficient description to allow the Secretary to determine the boundaries of the District.

The voted ballots shall be returned to the Secretary no later than 3:30p.m. on October 5, 2004; however, when all of the qualified voters have voted, the election shall be closed.

*Section 5.* Pursuant to Section 53327 of the Law, the election shall be conducted by mail or hand delivered ballot pursuant to the California Elections Code. This Board of Directors hereby finds that paragraphs (a), (b), (c) (1) and (c)(3) of Section 4000 of the California Elections Code are applicable to this special election.

*Section 6.* The Secretary is hereby directed to deliver, or cause to be delivered, to the qualified electors of the District ballots in the form set forth in Exhibit A hereto. Each ballot indicated the number of votes to be voted by the respective landowner.

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 ballots shall be sent 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 and is to be opened only by the Secretary.

Analysis and arguments with respect to the ballot measures were waived by the landowners in their petitions to form the District, as permitted by Section 53327(b) of the Law.

*Section 7.* The Secretary shall accept the ballots of the qualified electors up to 3:30 p.m. on October 5, 2004, whether the ballots be personally delivered or received by mail. The Secretary shall have available ballots which may be marked on the election day by the qualified electors.

*Section 8.* This Board of Directors hereby further finds that the provision of the Law requiring a minimum of 90 days following the adoption of the Resolution of Formation to elapse before said special election is for the protection of the qualified electors of the District. The petitions previously submitted by the landowners in the District contained an acknowledgment of a waiver of any time limit pertaining to the conduct of the election and of a waiver of any requirement for analysis and arguments in connection with the election. Accordingly, this Board of Directors finds and determines that the qualified electors have been fully apprised of and have agreed to the shortened time for the election and waiver of analysis and arguments, and have thereby been fully protected in these proceedings. This

Board of Directors also finds and determines that the Secretary has concurred in the shortened time for the election.

*Section 9.* Pursuant to the Local Agency Special Tax and Bond Accountability Act, Sections 50075.1 et. seq. and Sections 53410 et. seq. of the California Government Code, (a) the ballot measure referred to in Sections 2 and 4 above contains a statement indicating the specific purposes of the special tax, the proceeds of the special tax will be applied only to the purposes specified in the ballot measure, there shall be created by the Treasurer of the Authority an account into which proceeds of the special tax levies will be deposited, and the Treasurer of the Authority is hereby directed to provide an annual report to this Board of Directors as required by Section 50075.3 of the California Government Code; and (b) the ballot measure contains a statement indicating the specific purposes of the bonds, the proceeds of the bonds will be applied only to the purposes specified in the ballot measure, there shall be created by the Treasurer of the Authority an account into which the proceeds of the bonds will be deposited, and the Treasurer of the Authority is hereby directed to provide an annual report to this Board of Directors as required by Section 53411 of the California Government Code.

Section 10. The Secretary is hereby directed to cause to be published in a newspaper of general circulation circulating within the District a copy of this Resolution and a copy of the Resolution to Incur Indebtedness, as soon as practicable after the date of adoption of this Resolution.

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**PASSED AND ADOPTED** this 28<sup>th</sup> day of September, 2004, by the Board of Directors of the Three Rivers Levee Improvement Authority, by the following vote:

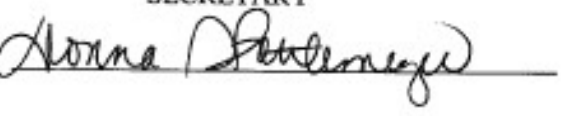
AYES: Directors Griego and Webb


NOES: None

ABSENT: None

ABSTAIN: None

  
Chairperson

ATTEST: DONNA STOTTLEMEYER,  
SECRETARY  


APPROVED AS TO FORM: COUNSEL TO  
THE AUTHORITY,  
DANIEL MONTGOMERY  


20019.01.J7778  
9/13/04

**EXHIBIT A**

**THREE RIVERS LEVEE IMPROVEMENT AUTHORITY  
COMMUNITY FACILITIES DISTRICT NO. 2004-1  
(SOUTH COUNTY AREA)**

**OFFICIAL BALLOT**

**Special Tax and Bond Election  
(\_\_\_\_\_, 2004)**

This ballot is for a special, landowner election. You must return this ballot in the enclosed postage paid envelope to the Secretary of the Three Rivers Levee Improvement Authority (who is also the Clerk of the Board of Directors of the County of Yuba) no later than 3:30 p.m. on October, 2004, either by mail or in person.

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 Secretary of the Three Rivers Levee Improvement Authority and obtain another.

**BALLOT MEASURE:** Shall the Three Rivers Levee Improvement Authority (the "Authority") incur an indebtedness and issue bonds in one or more series in the maximum aggregate principal amount of \$33,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law at the time of sale of such bonds on behalf of the Three Rivers Levee Improvement Authority Community Facilities District No. 2004-1 (South County Area) (the "District"), the proceeds of which will be used only to finance the costs of certain flood control improvements as specified in the Resolution of Formation of the District and the costs of issuing the bonds as well as the establishment of appropriate bond reserves; shall a special tax payable solely from lands within the District be levied annually upon lands within the District to be applied only to the payment of the principal and interest upon such bonds to be issued and to replenish the reserves for the bonds, to replenish a special tax stabilization fund, to pay for the costs of flood control improvements directly, to provide for reimbursements of special taxes required to be made by the District, to provide for the early retirement of the bonds and to pay the costs of the Authority and the County of Yuba in administering the District, and shall the annual appropriations limit of the District be established in the amount of \$33,000,000?

Yes: \_\_\_\_\_

No: \_\_\_\_\_

By execution in the space provided below, you also indicate your waiver of the time limit pertaining to the conduct of the election and any requirement for 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: \_\_\_\_\_

Property Owner: \_\_\_\_\_