

RESOLUTION NO. 01-10-24

A RESOLUTION OF THE BOARD OF DIRECTORS OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT, RECITING THE FACTS OF THE SPECIAL DISTRICT ELECTION HELD ON DECEMBER 19, 2023, DECLARING THE RESULTS AND SUCH OTHER MATTERS

RECITALS

- A. A Special District Parcel Tax Election was held and conducted in the Capistrano Bay Community Services District, on Tuesday, December 19, 2023, pursuant to Resolution No. 9-5-23.
- B. Notice of the election was given in the time, form and manner as provided by law; Measure A was properly noticed; the voting precincts was properly established; every eligible voter was issued a Vote-By-Mail ballot, and that in all respects the election was held and conducted and the votes were cast, received and canvassed and the returns made and declared in the time, form and manner as required by the provisions of the California Constitution Section 2 of Article XIII, Government Code Sections 50075 and 5077 and Elections Code of the State of California for the holding of elections in Special Districts.
- C. On December 19, 2023, and December 22, 2023, the Election Official and Deputized Election Officials canvassed and manually counted the ballots in a properly noticed setting and certified the results of the Special District Election.

THE BOARD OF DIRECTORS OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT, CALIFORNIA, DOES RESOLVE AS FOLLOWS:

SECTION 1. The whole number of ballots cast in Precinct 4115800A was 93 by Vote-By-Mail, and 0 were in-person voting. Voter registration was 150 and voter turnout was 62.0%.

SECTION 2. The total votes cast for Measure A is declared to be the results of the Special District Parcel Tax Election (required 2/3 of the votes cast) are as follows:

**Measure A** – ‘For the purpose of protecting Beach Road and the shoreline from erosion, shall the Capistrano Bay Community Services District adopt an ordinance that would levy a special tax that would collect a total of \$18,857.14 from each property owner in the District over the seven-year period that the special tax would be in effect?’

69	Yes (In Favor)	74.19%
24	No (Opposed)	25.81%

SECTION 3. The Election Official Certificate of Canvass (Exhibit A) includes the following information and is attached hereto:

- Number of vote-by-mail votes by precinct
- Number of votes given in favor and opposition to Measure A.
- Number of ballots cast in the District.

SECTION 4. The Board of Directors does declare and determine that: Measure A was approved by 74.19% of registered voters of the Capistrano Bay Community Services District, exceeding the minimum two-thirds requirement set forth under Ordinance No. 24-207 (attached as Exhibit B) is adopted and shall be codified pursuant to State law.

SECTION 5. The President shall sign, and the Secretary shall attest to the adoption of Ordinance No. 24-207 (Measure A) - 'AN ORDINANCE OF THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT ENACTING A SPECIAL TAX ON PROPERTIES LOCATED IN THE CAPISTRANO BAY COMMUNITY SERVICES DISTRICT FOR INFRASTRUCTURE PROTECTION' by the people of Capistrano Bay Community Services District.

SECTION 6. The Secretary shall provide certified copies of this Resolution and Ordinance No. 24-207 to the County Assessor's Office, and the County Tax-Treasurer Collector.

SECTION 7. The Secretary shall certify passage and adoption thereof.

APPROVED AND ADOPTED this 10th day of JANUARY 2024, by the following vote:

AYES:  
NOES:

  
Patrick D. McNulty, President  
Capistrano Bay Community Services District

ATTEST:

  
Donal S. Russell, Secretary

(District Seal)

Exhibit A – Certificate of Election & Statement of Votes  
Exhibit B – Ordinance No. 24-207

## EXHIBIT A

### ELECTION OFFICIAL'S CERTIFICATE OF CANVASS AND COMPLETION OF MANUAL TALLY AND STATEMENT OF VOTE

I, Donal S. Russell, Election Official of the Capistrano Bay Community Services District, do certify that I have canvassed the returns of the Special District Parcel Tax Election held on December 19, 2023, and find that the number of votes given at each precinct and the number of votes given in support or opposition of Measure A were as follows:

<b>Canvass Results Report</b>          Run Date: 12/22/2023	<b>CAPISTRANO BAY COMMUNITY SERVICES DISTRICT</b>   SPECIAL PARCEL TAX ELECTION   12/19/2023  Page 1	<b>Official Results</b>  Registered Voters 93 of 150 = 62.00%  Precincts Reporting 1 of 1 = 100.00%
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**MEASURE A: - Vote for One**

Precinct	YES	NO	Cast Votes	Undervotes	Overvotes	Vote by Mail Ballots Cast	In-Person Voting Ballots Cast	Total Ballots Cast	Registered Voters	Turnout Percentage
4115800A	69	24	93	0	0	93	0	93	150	62.00%
<b>Totals</b>	<b>69</b>	<b>24</b>	<b>93</b>	<b>0</b>	<b>0</b>	<b>93</b>	<b>0</b>	<b>93</b>	<b>150</b>	<b>62.00%</b>

The entire ballot count was conducted 100% by manual tally. Measure A passed by 74.19% of the registered voters of Capistrano Bay Community Services District.

  
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 Donal S. Russell, Secretary, Election Official

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 1-10-24  
 Date