

## **RESOLUTION NO. 38-15**

### **A RESOLUTION OF THE GOVERNING BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT CALLING AN ELECTION TO SUBMIT THE QUESTION OF LEVYING A SPECIAL TAX WITHIN AN AREA PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2 TO THE QUALIFIED ELECTORS**

**WHEREAS**, the Board of Education (the "Board") of the Davis Joint Unified School District (the "District") on May 3, 1990, duly adopted its Resolution No. 36-90 establishing the Davis Joint Unified School District Community Facilities District No. 2 ("CFD No. 2") pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the "Act"), being Chapter 2.5, Part 1, Division 2, Title 5 of the Government Code of the State of California, for the purpose of providing for the financing of the construction and acquisition of certain public school facilities (the "Facilities") described therein;

**WHEREAS**, at an election held on May 24, 1990, more than two-thirds of the votes cast were in favor of the levy of a special tax, the establishment of an appropriations limit, and the incurrence of bonded indebtedness, all as determined by the Board in Resolution No. 42-90, duly adopted on May 24, 1990;

**WHEREAS**, the Board on March 19, 2015, duly adopted Resolution No. 36-15 declaring its intention to annex certain territory to CFD No. 2 and to levy a special tax within that territory to pay for certain public facilities;

**WHEREAS**, the territory proposed to be annexed is identified in two maps collectively entitled "Annexation Map #8 of Community Facilities District No. 2 of the Davis Joint Unified School District, City of Davis, Yolo County, California" ("Maps"), a copy of which is on file at the District's office at 526 B Street, Davis, California 95618, and is attached hereto as Exhibit A and incorporated herein;

**WHEREAS**, the Board convened a public hearing on April 23, 2015, at 7:00 p.m., at Marguerite Montgomery Elementary School, 1441 Danbury Street, Davis, California 95616, at which hearing all persons interested in the matter were given an opportunity to appear and be heard on the proposed annexation of territory to CFD No. 2 and the levy of special taxes within the territory proposed to be annexed;

**WHEREAS**, written protests have not been filed by fifty percent (50%) or more of the registered voters residing within CFD No. 2, or by fifty percent (50%) or more of the registered voters residing within the territory to be annexed, or by the owners of one-half (1/2) or more of the area within CFD No. 2, or by the owners of one-half (1/2) or more of the territory to be annexed;

**WHEREAS**, the Board has determined that there are no registered voters residing in the territory proposed to be annexed to CFD No. 2 and that the qualified electors in such territory are the landowners;

**WHEREAS**, the Board has received the written waiver of each landowner in the territory proposed to be annexed to CFD No. 2 to certain timing and other procedural requirements associated with the election;

**WHEREAS**, the qualified landowners have been instructed to prepare and submit their ballots to the District no later than 4:30 p.m. on May 12, 2015; and

**WHEREAS**, on the basis of all of the foregoing, the Board has determined to call an election to authorize the annexation of territory to CFD No. 2 and to authorize the levy of a special tax therein.

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Education of the Davis Joint Unified School District as follows:

**Section 1.** All of the above recitals are true and correct.

**Section 2.** The Board hereby approves the Maps, as amended from the March 19, 2015 Board meeting adopting Resolution No. 36-15, attached hereto as Exhibit A and incorporated herein by reference. The territory to be annexed consists of the real property commonly referred to as the "El Macero Villas Property" or "El Mo Villas Property" as depicted at page 1 of 2 of the Maps, along with the "Del Rio Live-Work Property" as depicted at page 2 of 2 of the Maps, all as depicted in the Maps attached hereto as Exhibit A. The Board hereby confirms its authorization and direction to the Secretary of the Board to endorse the certificates set forth on the Maps, as amended, and to record the Maps in accordance with the provisions of the Streets and Highways Code of the State of California.

**Section 3.** Reserved.

**Section 4.** The Board finds and determines that written protests to the proposed annexation of territory to CFD No. 2 and the levy of the special tax within such territory are insufficient in number and in amount under the Act, and the Board hereby further orders and determines that all such protests, if any, are hereby overruled.

**Section 5.** The Board finds and determines that all prior proceedings had and taken by the Board with respect to the annexation of territory to CFD No. 2 are valid and in conformity with the requirements of the Act.

**Section 6.** The Board hereby calls and orders a special election to be held on May 12, 2015, at which the following proposition shall be submitted to the qualified electors of the territory proposed to be annexed:

MEASURE: Shall the Davis Joint Unified School District Community Facilities District No. 2 be authorized to annex the territory as described in the maps entitled "Annexation Map #8 of Community Facilities District No. 2 of the Davis Joint Unified School District, City of Davis, Yolo County, California," which maps were adopted pursuant to Resolution No. 36-15 by the Board of Education on March 19, 2015, and as amended and approved by the Board of Education by way of Resolution No. 38-15

adopted April 23, 2015, and incorporated herein by reference and shall the Davis Joint Unified School District Community Facilities District No. 2 be authorized to levy a special tax at the rate and apportioned as described in Resolution 36-15 adopted by the Board of Education of the Davis Joint Unified School District on March 19, 2015, which resolution is incorporated herein by reference, within the same territory?

**Section 7.** If the proposition on the question of levying the special tax within the territory proposed to be annexed receives the approval of two-thirds (2/3) or more of the votes cast on the proposition, then the territory proposed to be annexed will be added to and become part of CFD No. 2 with full legal effect and the Board will be authorized to levy the special tax within the annexed territory.

**Section 8.** The Board hereby submits to the landowners within the territory proposed to be annexed to CFD No. 2 at the special election, the ballot proposition set forth in Section 6 of this Resolution. Pursuant to Government Code Section 53327(b), the Board hereby authorizes the Secretary of the Board to conduct the election.

**Section 9.** The Board acknowledges and ratifies the mailing to each landowner in the territory proposed to be annexed to CFD No. 2 a ballot in the form set forth in Exhibit B hereto, with return postage prepaid, as conducted prior to this hearing.

**Section 10.** The special election shall be held and conducted, the returns canvassed, and the results ascertained and determined, as herein provided:

(a) All owners of land described above as the El Mo Villas Property and the Del Rio Live-Work Property at the time of the special election on the matter as described herein, shall be qualified to vote upon the measure submitted at the special election. Each landowner shall have one vote for each acre or portion thereof that she, he, or it owns within the territory proposed to be annexed to CFD No. 2, as provided in Government Code Section 53326(b).

(b) Pursuant to Government Code Sections 53327 and 53327.5, the special election is being conducted as a mailed ballot election, in accordance with the provisions of Sections 4100 et seq. of the Elections Code. There shall be no polling places for the special election.

(c) Each voter desiring to vote for the measure to levy a special tax shall mark an "X" in the voting square opposite the word "YES". To vote against the measure, the voter shall mark an "X" in the voting square opposite the word "NO."

(d) The Secretary of the Board shall accept the ballots of the landowners received up to 4:30 p.m. on May 12, 2015, whether the ballots have been personally delivered or received by mail or electronically. Once all qualified electors have voted, the election shall be closed. The Secretary of the Board shall have available ballots that may be marked at the Secretary's office on May 12, 2015 by voters.

(e) The Secretary of the Board shall commence the canvass of the returns of the special election on Wednesday, May 13, 2015, and at the conclusion thereof shall declare the results of the election.

(f) The Board shall declare the results of the special election immediately following the determination of the results on May 20, 2015.

**Section 11.** The Board hereby finds that the provision of Government Code Section 53326(a) requiring a minimum of 90 days to elapse between the adoption of this Resolution and the election; the requirements of Government Code Section 53352, Education Code Section 5363, Elections Code Section 12113 and any other applicable law to publish notice of the election; the requirement of Elections Code Section 9401 to mail a tax rate statement; the requirements of Education Code Sections 5300 et seq. for delivery of specifications of the election order and a formal notice of election to the County Superintendent and by the County Superintendent to the County Clerk; the requirements of Government Code Section 53327(a) and the provisions of the Elections Code cited therein relating to the preparation and delivery of an impartial analysis and affording the opportunity for argument and rebuttal; and all other time limits and procedural requirements pertaining to the conduct of the election have been unanimously waived by the landowners of the territory proposed to be annexed to CFD No. 2 by way of a waiver submitted to the Board, and on file with the Secretary of the Board. The Board hereby finds that the landowners of the territory proposed to be annexed to CFD No. 2 were fully apprised of and have agreed to the shortened time for election, the waiver of notice of the election by publication, and the waiver of preparation of a tax rate statement, impartial analysis and arguments to be included in ballot materials, and have been thereby fully protected in these proceedings.

**Section 12.** The Board finds and determines that the annexation of territory to an existing community facilities district is not a "project" as defined in the California Environmental Quality Act ("CEQA"), Public Resources Code Sections 21000, et seq. (CEQA Guidelines Section 15378) and so is exempt from CEQA (CEQA Guidelines Section 15061(b)(1)).

**Section 13.** This Resolution shall take effect immediately upon its passage.

*[Remainder of this page intentionally left blank]*

APPROVED, PASSED AND ADOPTED by the Governing Board of the Davis Joint Unified School District this 23rd day of April 2015, by the following vote:

AYES: \_\_\_\_\_

NOES: \_\_\_\_\_

ABSENT: \_\_\_\_\_

ABSTAIN: \_\_\_\_\_

By: \_\_\_\_\_  
President, Governing Board of the  
Davis Joint Unified School District

ATTEST:

\_\_\_\_\_  
Secretary, Governing Board of the  
Davis Joint Unified School District

**EXHIBIT A**  
**MAPS OF TERRITORY TO BE ANNEXED TO CFD NO. 2**

SECRETARY'S MAP FILING STATEMENT  
FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD  
OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT, STATE OF  
CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

SECRETARY OF THE BOARD

SECRETARY'S MAP CERTIFICATE

I DO HEREBY CERTIFY THAT THE WITHIN MAP  
SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION  
NO. 8 TO THE COMMUNITY FACILITIES DISTRICT NO. 2,  
DAVIS JOINT UNIFIED SCHOOL DISTRICT, COUNTY OF YOLO,  
STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF  
TRUSTEES OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT  
AT A MEETING THEREOF, HELD ON THE 19TH DAY OF  
MARCH, 2015, BY ITS RESOLUTION NO. \_\_\_\_\_

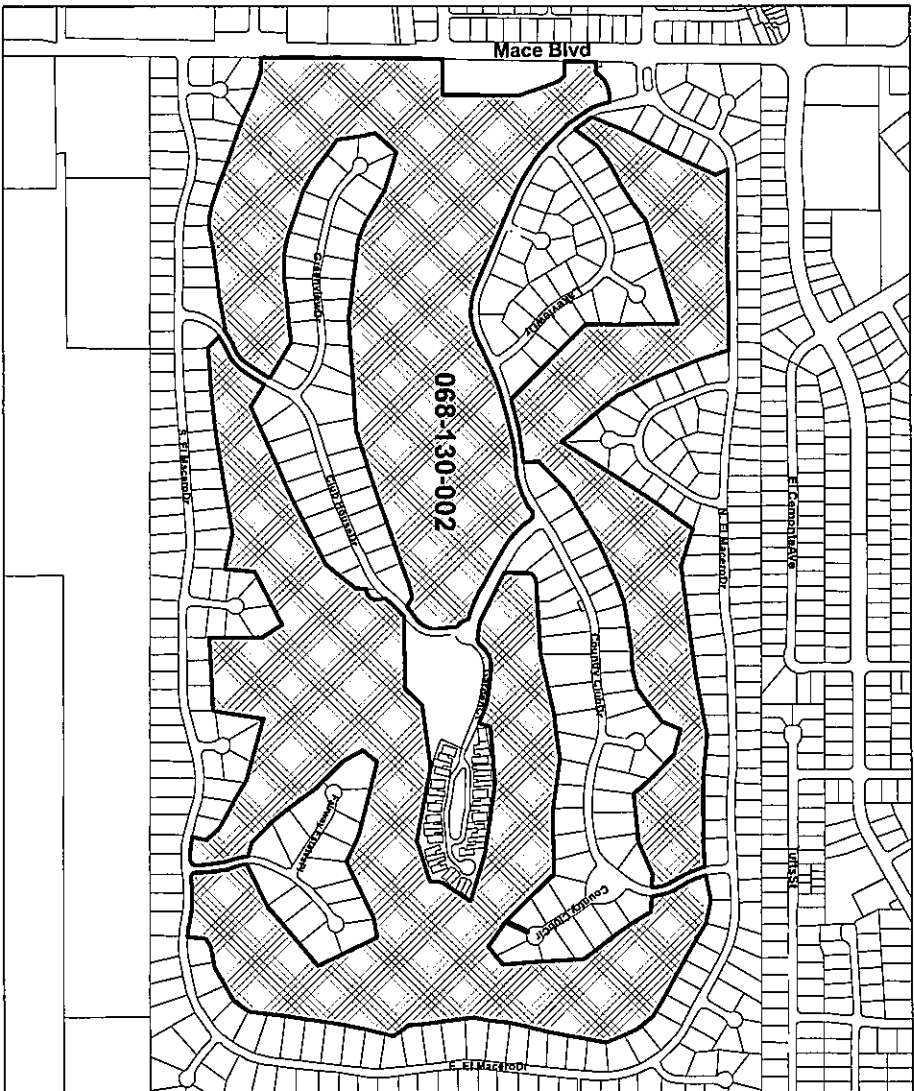
SECRETARY OF THE BOARD

RECORDERS CERTIFICATE

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT THE  
HOUR OF \_\_\_\_\_ O'CLOCK \_\_\_\_\_, IN BOOK  
OF MAPS OF ASSESSMENT AND COMMUNITY  
FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE  
OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF  
YOLO, STATE OF CALIFORNIA.

COUNTY RECORDER, COUNTY OF YOLO

NOTE:  
REFERENCE IS HEREBY MADE TO THE MAPS  
AND DEEDS OF RECORD IN THE OFFICE OF  
THE ASSESSOR OF THE COUNTY OF YOLO  
FOR A DETAILED DESCRIPTION OF THE LINES  
AND DIMENSIONS OF ANY PARCELS SHOWN  
HEREIN. THOSE MAPS SHALL GOVERN FOR  
ALL DETAILS CONCERNING THE LINES AND  
DIMENSIONS OF SUCH PARCELS. EACH  
PARCEL IS IDENTIFIED IN SAID MAPS BY  
ITS DISTINCTIVE ASSESSOR'S PARCEL  
NUMBER.



Reference is hereby made to the following  
parcel map for the lines and dimensions  
of parcels within this Assessment Diagram.

APNs:  
068-130-002

SCI Consulting Group  
4745 Mangels Blvd.  
Fairfield, CA 94534  
(707) 430-4300

**LEGEND**  
Subject Properties  
Annexation Boundary

**ANNEXATION MAP #8 OF  
COMMUNITY FACILITIES DISTRICT NO. 2 OF THE  
DAVIS JOINT UNIFIED SCHOOL DISTRICT  
CITY OF DAVIS, YOLO COUNTY, CALIFORNIA**  
ref. Map of Proposed Boundary Annexation No. 8,  
book 068, page 130, parcel 002,  
recorded \_\_\_\_\_, 2015  
**Page 1 of 2 (El Mo Villas, LLC)**

SECRETARY'S MAP FILING STATEMENT

FILED IN THE OFFICE OF THE SECRETARY OF THE BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT, STATE OF CALIFORNIA, THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015.

\_\_\_\_\_  
SECRETARY OF THE BOARD

SECRETARY'S MAP CERTIFICATE

I DO HEREBY CERTIFY THAT THE WITHIN MAP SHOWING THE PROPOSED BOUNDARIES OF ANNEXATION NO. 8 TO THE COMMUNITY FACILITIES DISTRICT (NO. 2), DAVIS JOINT UNIFIED SCHOOL DISTRICT, COUNTY OF YOLO, STATE OF CALIFORNIA, WAS APPROVED BY THE BOARD OF TRUSTEES OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT AT A MEETING THEREOF, HELD ON THE 19TH DAY OF MARCH, 2015, BY ITS RESOLUTION NO. \_\_\_\_\_

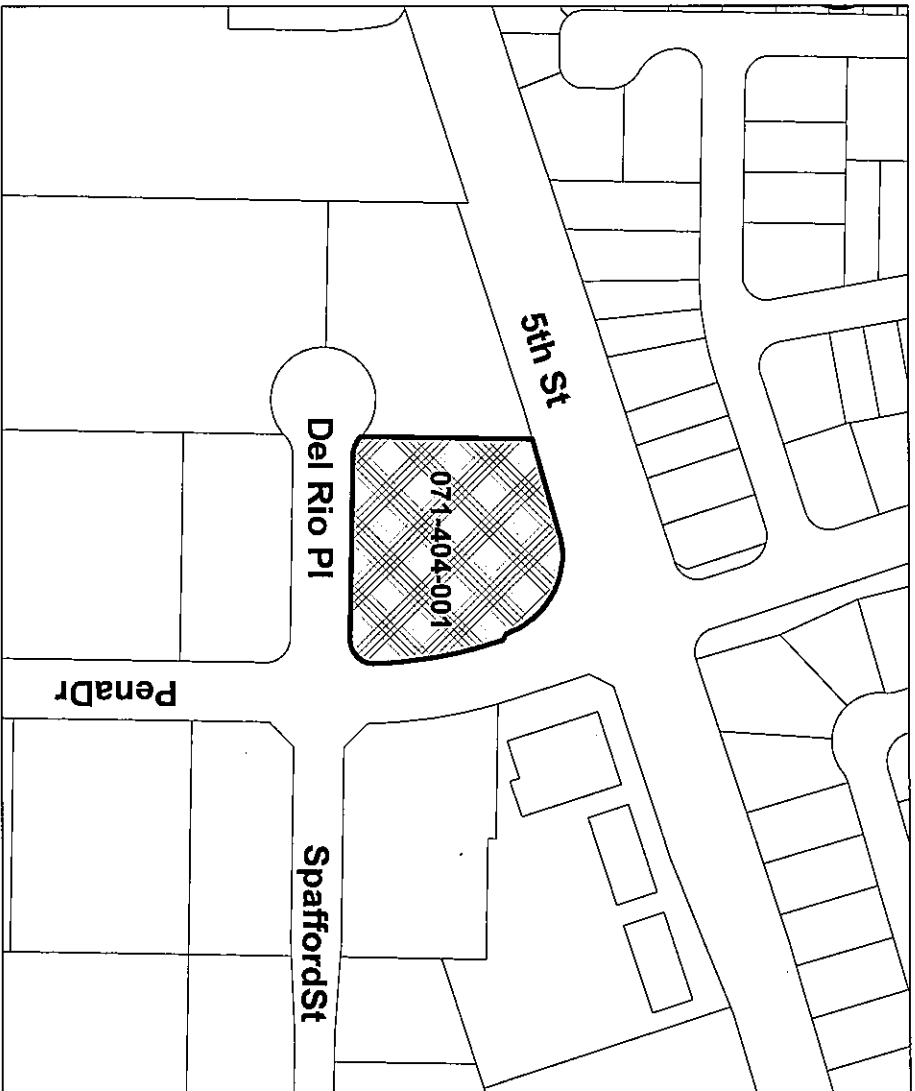
\_\_\_\_\_  
SECRETARY OF THE BOARD

RECORDERS CERTIFICATE

FILED THIS \_\_\_\_\_ DAY OF \_\_\_\_\_, 2015, AT THE HOUR OF \_\_\_\_\_ M, IN BOOK \_\_\_\_\_ OF MAPS OF ASSESSMENT AND COMMUNITY FACILITIES DISTRICTS AT PAGE \_\_\_\_\_ IN THE OFFICE OF THE COUNTY RECORDER IN THE COUNTY OF YOLO, STATE OF CALIFORNIA.

\_\_\_\_\_  
COUNTY RECORDER, COUNTY OF YOLO

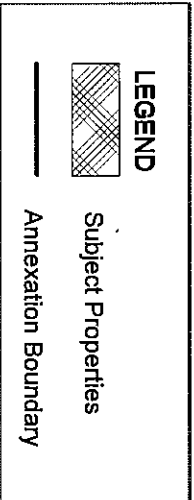
NOTE:  
REFERENCE IS HEREBY MADE TO THE MAPS AND DEEDS OF RECORD IN THE OFFICE OF THE ASSESSOR OF THE COUNTY OF YOLO FOR A DETAILED DESCRIPTION OF THE LINES AND DIMENSIONS OF ANY PARCELS SHOWN HEREIN. THOSE MAPS SHALL GOVERN FOR ALL DETAILS CONCERNING THE LINES AND DIMENSIONS OF SUCH PARCELS. EACH PARCEL IS IDENTIFIED IN SAID MAPS BY ITS DISTINCTIVE ASSESSOR'S PARCEL NUMBER.



Reference is hereby made to the following parcel map for the lines and dimensions of parcels within this Assessment Diagram.

APNs:  
071-404-001

SCI Consulting Group  
4745 Mangels Blvd.  
Fairfield, CA 94534  
(707) 430-4300



**ANNEXATION MAP #8 OF  
THE COMMUNITY FACILITIES DISTRICT NO. 2 OF THE  
DAVIS JOINT UNIFIED SCHOOL DISTRICT  
CITY OF DAVIS, YOLO COUNTY, CALIFORNIA**

ref. Map of Proposed Boundary Annexation No. 8,  
book 071, page 404, parcel 001,  
recorded \_\_\_\_\_, 2015  
**Page 2 of 2 (Del Rio Live Work)**



**EXHIBIT B**  
**FORM OF OFFICIAL BALLOT**

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**OFFICIAL BALLOT**

**SPECIAL TAX AND BOND ELECTION**

**DAVIS JOINT UNIFIED SCHOOL DISTRICT  
COMMUNITY FACILITIES DISTRICT NO. 2**

Number of votes entitled to cast: \_\_\_\_\_  
(One vote per acre or portion thereof)

**INSTRUCTIONS TO VOTERS:** To vote on the measure, mark an (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 Secretary of the Board of Education of the Davis Joint Unified School District, 526 B Street, Davis, California, to obtain another.

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**MEASURE SUBMITTED TO VOTE OF VOTERS**

<p>MEASURE: Shall the Davis Joint Unified School District Community Facilities District No. 2 be authorized to annex the territory as described in the maps entitled "Annexation Map #8 of Community Facilities District No. 2 of the Davis Joint Unified School District, City of Davis, Yolo County, California," which maps were adopted pursuant to Resolution No. 36-15 by the Board of Education on March 19, 2015, and as amended and approved by the Board of Education by way of Resolution No. 38-15 adopted April 23, 2015, and incorporated herein by reference and shall the Davis Joint Unified School District Community Facilities District No. 2 be authorized to levy a special tax at the rate and apportioned as described in Resolution No. 36-15 adopted by the Board of Education of the Davis Joint Unified School District on March 19, 2015, which resolution is incorporated herein by reference, within the same territory?</p>	<p>Yes <input type="checkbox"/></p> <p>No. <input type="checkbox"/></p>
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**NOTE:** This is a special landowner election. You must return this ballot to the Secretary of the Board of Education of the Davis Joint Unified School District at his office at 526 B Street, Davis, California 95616, by 4:30 p.m. on May 12, 2015.