

RESOLUTION NO. 43-15

A RESOLUTION OF THE GOVERNING BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT DECLARING THE RESULTS OF THE SPECIAL ELECTION ON THE QUESTION OF LEVYING A SPECIAL TAX WITHIN AN AREA PROPOSED TO BE ANNEXED TO COMMUNITY FACILITIES DISTRICT NO. 2 HELD ON MAY 12, 2015, CERTIFYING THE CANVASS OF ELECTION RESULTS, AND ORDERING THE ANNEXATION

WHEREAS, in proceedings heretofore conducted by the Board of Education (the “Board”) of the Davis Joint Unified School District (the “District”), Yolo County, California, pursuant to the Mello-Roos Community Facilities Act of 1982, as amended (the “Act”), this Board on April 23, 2015, adopted Resolution No. 38-15, which resolution called a special election in the area proposed to be annexed into the Davis Joint Unified School District Community Facilities District No. 2 (“CFD No. 2”); and

WHEREAS, pursuant to the terms of that resolution, a special election was held on May 12, 2015, and the Superintendent of the District has duly canvassed the returns of the election as required by the resolution and has filed with this Board a statement of all votes cast at the election showing the whole number of votes cast within the territory to be annexed into CFD No. 2 and the whole number of votes cast for and against the measure and also filed, attached to the statement, his certificate as to the correctness of the statement (the “Statement of Election Results”), a copy of which is attached hereto as Exhibit A.

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

- 1. Approval of Canvass.** The canvass by the Superintendent of the District, as shown by the Statement of Election Results, is hereby ratified, confirmed, approved, and entered upon the minutes of this meeting.
- 2. Statement of the Measure.** At the election, the following measure was submitted to the qualified electors of the territory proposed to be annexed to CFD No. 2:

BALLOT 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?"

3. **Votes Cast.** The total number of votes cast in the boundaries of CFD No. 2 at the election and the number of votes cast for and against the measure were as follows:

<i>Qualified Landowner Votes Eligible to be Cast</i>	<i>Total Number of Votes Cast</i>	<i>Total Number of "YES" Votes</i>	<i>Total Number of "NO" Votes</i>
5	5	5	0

4. **Measure Passed.** The Board hereby declares that more than two-thirds of all the votes cast at the election were in favor of the measure and the measure passed.

5. **Validity of Procedures.** The Board hereby finds and determines that all prior proceedings and actions taken by this Board pursuant to the Act were and are valid and in conformity with the Act.

6. **Order of the Annexation.** The Board hereby determines and orders that the territory proposed to be annexed to CFD No. 2 as depicted 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," or as subsequently modified by the District in the manner described at Section 8 below, is added to and made a part of CFD No. 2 with full legal effect.

7. **Amendment to Notice of Special Tax Lien.** The Superintendent, or his or her designee, is hereby directed to record, or cause to be recorded, an amendment to the Notice of Special Tax Lien with the County Recorder of Yolo County, in accordance with the provisions of Section 3117.5 of the California Streets and Highways Code within fifteen (15) days of the adoption of this resolution.

8. **Amendment to Annexation Map #8.** The Board acknowledges that further processing by the County of Yolo of the development entitlement and mapping process for that development project commonly referred to as "El Mo Villas" or "El Macero Villas" (the Project) remains to be completed. In the event the completion of such entitlement and mapping process results in a modification of the boundaries of any assessor parcel to accurately reflect the final approved boundaries of the Project, District staff is hereby authorized to prepare, sign, and submit for recording an amendment to the "Annexation Map #8 of Community Facilities District No. 2 of the Davis Joint Unified School District, City of Davis, Yolo County, California" ("Amended Map #8"). Following recording of Amended Map #8, such amended map shall for all intents and purposes constitute the boundaries of the territory annexed pursuant to these proceedings, in accordance with the Act.

9. **Proposed Ordinance Levying the Special Tax.** The Board hereby conducts the first reading of the proposed ordinance levying the special tax, entitled "An Ordinance of the

Governing Board of the Davis Joint Unified School District Levying and Apportioning the Special Tax in Territory Annexed to the Davis Joint Unified School District Community Facilities District No. 2 as Provided in Resolution No. ____,” attached hereto in substantially final form as Exhibit B. The Board unanimously agrees to waive further reading of the proposed ordinance.

APPROVED, PASSED AND ADOPTED by the Governing Board of the Davis Joint Unified School District this 21st day of May, 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

STATEMENT OF ELECTION RESULTS

I, Winfred Roberson, Superintendent of the Davis Joint Unified School District (the "District"), hereby certify that:

1. On May 13, 2015, at the offices of the District, 526 B Street, Davis, California, I canvassed the returns of the election called for April 23, 2015, in Davis Joint Unified School District Community Facilities District No. 2 on the following measure:

BALLOT 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?"

2. The total number of qualified landowner votes eligible to be cast, the total number of votes actually cast at the election, and the total number of votes cast for and against the measure are set forth below. The totals as shown for and against the measure are full, true, and correct. More than two-thirds of all the votes cast at the election on the measure were in favor of the measure and the measure passed.

<i>Qualified Landowner Votes Eligible to be Cast</i>	<i>Total Number of Votes Cast</i>	<i>Total Number of "Yes" Votes</i>	<i>Total Number of "No" Votes</i>
5	5	5	0

Dated: May ____, 2015.

Winfred Roberson, Superintendent and Secretary of the Board of Education

EXHIBIT B

PROPOSED ORDINANCE

ORDINANCE NO. _____

**AN ORDINANCE OF THE GOVERNING BOARD OF THE DAVIS JOINT
UNIFIED SCHOOL DISTRICT LEVYING AND APPORTIONING THE
SPECIAL TAX IN TERRITORY ANNEXED TO THE DAVIS JOINT
UNIFIED SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT
NO. 2 AS PROVIDED IN RESOLUTION NO. 43-15**

WHEREAS, the Board of Education (the “Board”) of the Davis Joint Unified School District (the “District”) has established the Davis Joint Unified School District Community Facilities District No. 2 (“CFD No. 2”) pursuant to Resolution No. 36-90, duly adopted on May 3, 1990, for the purpose of providing for the financing of certain school facilities in and for the District, the levying of the special tax in CFD No. 2 at the rate and according to the method of apportionment described in Resolution No. 36-90; and the authority to incur bonded indebtedness;

WHEREAS, the Board duly adopted Resolution No. 38-15 (the “Resolution”) on April 23, 2015, wherein the Board submitted the question of levying a special tax in territory proposed to be annexed to CFD No. 2 at the rate and according to the method of apportionment described therein;

WHEREAS, at an election held in the territory proposed to be annexed to CFD No. 2 on May 12, 2015, the qualified electors (landowners) of such territory authorized the levy of the special tax described in the Resolution; and

WHEREAS, the Board duly adopted Resolution No. 43-15 on May 21, 2015, wherein the Board declared the results of the election and determined that the territory proposed to be annexed was duly added to CFD No. 2.

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

1. **Recitals.** The foregoing recitals are true and correct.
2. **Levy of Special Tax.** Pursuant to Section 53340 of the Government Code of the State of California, the special tax is hereby levied at the maximum rates specified in the Resolution and is hereby apportioned in the manner specified in the Resolution on all parcels annexed to CFD No. 2 as described in the Resolution.
3. **Collection of the Special Tax.** Pursuant to Section 53340 of the Government Code of the State of California, the special tax shall be collected by the Tax Collector of the County of Yolo in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes.

4. **Claims for Refund of the Special Tax.** Claims for refund of the tax shall comply with the following and any additional procedures as established by the Board:

(a) All claims shall be filed with the Superintendent of the Davis Joint Unified School District no later than one year after the date the tax was paid. The claimant shall file the claim within this time period and the claim shall be finally acted upon by the Board as a prerequisite to bringing suit thereof.

(b) Pursuant to Government Code Section 935(b), the claim shall be subject to the provisions of Government Code Sections 945.6 and 946.

(c) The Board shall act on a timely claim within the time period required by Government Code Section 912.4.

(d) The procedure described in this Ordinance, and any additional procedures established by the Board, shall be the exclusive claims procedure for claimants seeking a refund of the tax. The decision of the Board shall be final.

5. **Effective Date of Ordinance.** This Ordinance shall take effect 30 days after its adoption.

6. **Publication of Ordinance.** The Secretary of the Board is hereby directed to cause this Ordinance to be published in *The Davis Enterprise*, a newspaper of general circulation in CFD No. 2, within fifteen (15) days after its adoption.

[Remainder of this page intentionally left blank.]

APPROVED, PASSED AND ADOPTED by the Governing Board of the Davis Joint Unified School District this 4th day of June, 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

CERTIFICATION

I, Winfred Roberson, Secretary of the Board of Education of the Davis Joint Unified School District, do hereby certify that the foregoing is a full, true and correct copy of an ordinance duly approved and adopted by the Board at a regular meeting thereof held on June 4, 2015, of which meeting all the members of the Board had due notice and at which a majority thereof was present. At the meeting the ordinance was adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

The agenda for the meeting was posted at least seventy-two (72) hours before the meeting at the Community Chambers, 23 Russell Boulevard, Davis, California, a location freely accessible to members of the public, and a brief description of the ordinance appeared on the agenda.

I have carefully compared the foregoing copy of the ordinance with the original minutes of the meeting on file and of record in my office and the foregoing is a full, true and correct copy of the original ordinance adopted at the meeting and entered in the minutes.

Date: _____, 2015

Winfred Roberson, Secretary of the
Board of Education
Davis Joint Unified School District