

Please Note
This meeting is recorded.
Aviso:
Esta junta se grabará en cinta.

**LOS BANOS UNIFIED SCHOOL DISTRICT
GOVERNING BOARD OF EDUCATION
SPECIAL MEETING
Los Banos Unified School District Boardroom
1717 S. 11th Street, Los Banos, CA 93635
Thursday, August 15, 2019
5:30 P.M. Regular Meeting**

AGENDA

The District welcomes Spanish speakers to Board meetings. Anyone planning to attend and needing an interpreter should call 826-3801, 48 hours in advance of the meeting, so arrangements can be made for an interpreter.
El Distrito da la bienvenida a las personas de habla hispana a las juntas de la Mesa Directiva. Si planea asistir y necesita interpretación llame al 826-3801, 48 horas antes de la junta, para poder hacer arreglos de interpretación.

I. OPENING BUSINESS

A. Call Public Session to Order

B. Roll Call of Board Members Present

Margaret Benton Anthony Parreira
Luis M Castro Anahi Rodriguez
Ray Martinez Marlene Smith
Gary Munoz

II. OPEN REGULAR MEETING

III. PLEDGE OF ALLEGIANCE

IV. APPROVAL OF AGENDA

Motion by _____ Seconded by _____
Proposed Action: Approve Agenda

V. PUBLIC HEARING

Public Presentations:

Members of the public may request an item be placed on the agenda of a regular meeting by submitting a request in writing, with all supporting documents, if any, to the Superintendent at least two weeks before the scheduled meeting date. [BB 9322(a)]

General Public Comment:

Individuals wishing to address the Board on items not on the agenda may do so by approaching the podium. Once recognized, individuals shall identify themselves and make their statement. Speakers are limited to three (3) minutes, with the total time for public input at twenty (20) minutes per non-agenda item. [BB 9323]

Public Comment on Agenda Items:

Members of the community may address specific items on the agenda as they are taken up by the Board in open session or prior to the Board going into closed session. The Board President will recognize individuals who wish to speak. Speakers are limited to three (3) minutes, with the total time for public input at twenty (20) minutes per agenda item. Once public comment on the agenda item is concluded and the Board begins deliberations or recesses to closed session, no further public comment shall be permitted on the agenda item. [BB 9323]

VI. **NEW BUSINESS**

A. Public Hearing on Question of Annexation (Pg 4)

5 Min

It is recommended the Board conduct a public hearing on the question of annexation of Territory into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”) and the levying of a special tax.

1. Open Public Hearing
2. Close Public Hearing

Motion By _____ Seconded By _____

Proposed Action: Hold Public Hearing and Approve Annexation

B. Resolution #32-19 Ordering the Annexation of Territory to Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement)(Pg 5)

5 Min

It is recommended the Board adopt Resolution No. 32-19 (“Resolution”), ordering the annexation of territory (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

Motion By _____ Seconded By _____

Proposed Action: Adopt Resolution (ROLL CALL VOTE)

C. Resolution #33-19 Consideration of Adoption of Resolution Calling Special Mailed-Ballot Election to Submit the Question of Levying a Special Tax Within the Area Proposed to be Annexed to Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) to the Qualified Electors (Pg 21)

5 Min

It is recommended the Board adopt Resolution No. 33-19 (“Resolution”), calling a special mailed-ballot election to submit the question of levying a special tax within the area proposed to be annexed (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

Motion By _____ Seconded By _____
Proposed Action: Adopt Resolution (ROLL CALL VOTE)

D. Resolution #34-19 Consideration of Adoption of Resolution Declaring Results of Special Mailed-Ballot Election Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) (Pg 33) **5 Min**

It is recommended the Board adopt Resolution No.34-19 (“Resolution”), declaring the results of the special mailed-ballot election regarding annexation of territory (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

Motion By _____ Seconded By _____
Proposed Action: Adopt Resolution (ROLL CALL VOTE)

VII. **CONSENT CALENDAR**

The Consent Calendar represents routine items acted upon in one motion by roll call vote. The recommendation is for adoption, unless otherwise specified. Any item can be removed for discussion upon request.

A. Agreements/Contracts

1. California School Board Association (CSBA), Governance Team Workshop (Pg 36)

B. Overnight/Out-of-State Travel

1. LBHS/PHS FFA National Convention and Leadership Trip, Indiana/Washington D.C., Oct 29-Nov 6, 2019 (Pg 40)

VIII. **CLOSED SESSION**

Public Employee Appointment / Reassignment / Dismissal / Release / Retirement (Section 54957). (No Action)

IX. **REPORT OF CLOSED SESSION ACTION** (If necessary)

The Board will report if action was taken in closed session

X. **ADJOURNMENT**

Americans with Disabilities Act Assistance: Auxiliary aids and services include a wide range of services and devices that promote effective communications for individuals with disabilities. If you require such assistance, please notify the Office of the Superintendent at 826-3801 as soon as possible. Every effort will be made to give primary consideration to expressed preferences or provide equally effective means of communication to insure equal access to Los Banos Unified School District programs and events.

Board Reference Material

SUBJECT TITLE: Public Hearing on Question of Annexation

REQUESTED ACTION: Conduct Public Hearing

Action _____

Discussion/Information X

RECOMMENDATION:

It is recommended the Board conduct a public hearing on the question of annexation of territory into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”) and the levying of a special tax.

BACKGROUND INFORMATION:

The District has entered into a mitigation agreement (“Agreement”) with the developer (“Developer”) of certain real property known as Shaunessy Village (“Property”). Pursuant to the Agreement, Developer has agreed to the annexation of the Property into CFD No. 2. In order to proceed with the annexation of the Property, the District must conduct a public hearing (“Public Hearing”) on the question of annexation of the Property and the levying of a special tax on said Property.

At the Public Hearing, written and oral protests against the proposed annexation may be made, and the Board will hear the testimony of all interested persons for or against, if any. If either (i) 50% or more of the registered voters within the current boundaries of CFD No. 2 or within the boundaries of the Property, or (ii) owners of at least 50% of the land within CFD No. 2 or of the land consisting of the Property, and not exempt from the special tax, file written protests which are not withdrawn by the end of the Public Hearing to reduce them to less than 50%, then the District must abandon the proposal.

If the protests, if any, are not sufficient to stop the Board from moving forward, the Board is authorized to further consider the matter of annexation and submit the question on annexation to the qualified electorate, pursuant to the Mello-Roos Community Facilities Act of 1982.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

N/A

ORIGINATOR: Amer Iqbal, Assistant Superintendent, Administrative Services

Date: August 9, 2019

Board Reference Material

SUBJECT TITLE: **Consideration of Adoption of Resolution Ordering the Annexation of Territory to Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement)**

REQUESTED ACTION: Adopt Resolution

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 32-19 (“Resolution”), ordering the annexation of territory (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

BACKGROUND INFORMATION:

The District has entered into a mitigation agreement (“Agreement”) with the developer (“Developer”) of certain real property known as Shaunessy Village (“Property”). Pursuant to the Agreement, Developer has agreed to the annexation of the Property into CFD No. 2. In order to proceed with the annexation of the Property, the District must conduct a public hearing (“Public Hearing”) on the question of annexation of the Property and the levying of a special tax on said Property. After said Public Hearing the Board will conduct its meeting, whereby, so long as the protests, if any, were insufficient in number to prohibit the Board from moving forward with annexation, it will consider adoption of the Resolution, whereby it will order the annexation of the Territory into CFD No. 2.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The adoption of the Resolution will allow the District to continue its process for annexation and levying of a special tax, which will bring additional tax revenue to the District for capital facilities improvement costs.

ORIGINATOR: Amer Iqbal, Assistant Superintendent, Administrative Services

Date: August 15, 2019

**BEFORE THE BOARD OF EDUCATION
OF THE LOS BANOS UNIFIED SCHOOL DISTRICT
OF MERCED COUNTY, CALIFORNIA**

RESOLUTION NO. 32-19

**RESOLUTION ORDERING THE ANNEXATION OF TERRITORY TO
LOS BANOS UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)**

WHEREAS, 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 California Government Code (the “Act”), the Board of Education (the “Board”) of the Los Banos Unified School District (the “District”), on October 13, 2005, approved Resolution No. 25-05, forming Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”); and

WHEREAS, at a special election held on October 13, 2005, the questions of levying a special tax, establishing an appropriations limit and incurring bonded indebtedness with respect to CFD No. 2 were submitted to the qualified electors within CFD No. 2; and

WHEREAS, on October 13, 2005, the Board adopted Resolution No. 26-05 determining the results of the special election and finding that more than two-thirds ($\frac{2}{3}$) of all votes cast at the special election were cast in favor of the propositions presented, and such propositions passed; and

WHEREAS, the Board on July 11, 2019, adopted Resolution No. 13-19 (the “Resolution of Intention”) 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; and

WHEREAS, in the Resolution of Intention the Board approved the boundary map, as described in California Streets and Highways Code Section 3110, entitled “Annexation Map No. 2 of Community Facilities District No. 2 (Mitigation Agreement) of the Los Banos Unified School District, Merced County, California,” a copy of which is attached hereto as Exhibit A and incorporated herein by this reference, and was recorded on July 22, 2019 in the Book of Maps of Assessment and Community Facilities Districts maintained by the County Recorder of the County of Merced in Book number 15 at Page number 2, and as Instrument No. 2019021946; and

WHEREAS, the Resolution of Intention set a time and place for a public protest hearing (the “Public Hearing”) to be held by the Board to consider the annexation of territory to CFD No. 2 and the authorization of a special tax to be levied and collected, and all other matters set forth in the Resolution of Intention; and

WHEREAS, pursuant to the Resolution of Intention, the Public Hearing was set by the Board for Thursday, August 15, 2019, at the hour of 5:00 p.m., at 520 J Street, Los Banos, California 93635, and at or shortly after that time the Board held the Public Hearing, considered the annexation of territory to CFD No. 2, the levy of a special tax on the territory to be annexed, and all other matters set forth in the Resolution of Intention, and at the Public Hearing all persons interested, including all

taxpayers, property owners and registered voters within CFD No. 2 and the territory proposed to be annexed, 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, and all other matters set forth in the Resolution of Intention; and

WHEREAS, all registered voters residing within the boundaries of CFD No. 2 and the territory to be annexed to CFD No. 2, and all landowners within the boundaries of CFD No. 2 and the territory to be annexed to CFD No. 2, were allowed to submit written protests to any aspect of the proposals contained in the Resolution of Intention, and permitted to withdraw their protests prior to the close of the Public Hearing; and

WHEREAS, the Board is fully advised on this matter, and on the basis of the foregoing, the Board has determined to order the annexation of territory to CFD No. 2.

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

Section 1. The foregoing recitals are true and correct, and the Board so finds and determines.

Section 2. Except to the extent inconsistent with this Resolution, the Resolution of Intention is reaffirmed, and its provisions and findings are, to the same extent, incorporated herein by this reference.

Section 3. The Board finds and determines that at the close of the Public Hearing, written protests, if any, to the annexation of territory to CFD No. 2 or the levy of the special tax, or to any other matters contained in the Resolution of Intention, were submitted by less than (i) 50% of the registered voters, or by less than six of the registered voters (whichever is more), if any, residing within CFD No. 2; and (ii) 50% of the registered voters, or by less than six of the registered voters (whichever is more), if any, residing within the territory to be annexed to CFD No. 2. Similarly, the Board finds that at the close of the Public Hearing, such written protests, if any, were submitted by the owners of less than (i) one-half of the area of land within CFD No. 2 and not exempt from the special tax; and (ii) one-half of the area of land in the territory to be annexed to CFD No. 2 and not exempt from the special tax. Thus, the Board finds that it is not precluded, by the Act, from proceeding further in this matter. The Board hereby further orders and determines that all protests to the annexation of territory to CFD No. 2, or the levy of the special tax levied therein, or the extent of CFD No. 2, or the acquisition and construction of any of the described facilities, that may have been submitted, have been considered and are hereby overruled.

Section 4. The facilities authorized to be financed by and through CFD No. 2 shall be those public facilities shown on Exhibit B attached hereto, and incorporated herein by this reference (the "Facilities"). The Board finds that the Facilities do not in any way exceed the description of the authorized facilities proposed in the Resolution of Intention. All of the Facilities have an estimated useful life of five years or longer. They are public school facilities that the District is authorized by law to construct, own or operate and that are necessary to meet increased demands placed upon the District as a result of development occurring and anticipated to occur within CFD No. 2. This

authorization to finance the acquisition and construction of the Facilities includes incidental expenses for the Facilities comprising the costs of planning and designing the Facilities, together with the costs of environmental evaluations thereof, and all costs associated with the annexation of territory to CFD No. 2, the issuance of debt (as defined in the Act, "Debt"), the determination of the amount of any special taxes or the collection or payment of any special taxes and costs otherwise incurred in order to carry out the authorized purposes of CFD No. 2, together with any other expenses incidental to the acquisition and construction of the Facilities.

Section 5. The Rate and Method of Apportionment (the "RMA") shall be as set forth in Exhibit C, attached hereto and incorporated herein by this reference, which sets forth the rate, method of apportionment and manner of collection of the special tax in sufficient detail to allow each landowner or resident within CFD No. 2 and the territory to be annexed to CFD No. 2 to estimate the maximum amount that such person will have to pay for the acquisition and construction of the Facilities. The Board finds that the RMA does not in any way exceed the description in the Resolution of Intention. If the special mailed-ballot election results in the approval of the ballot measure described herein, then upon recordation of an Amendment to Notice of Special Tax Lien pursuant to Section 3114.5 of the California Streets and Highways Code, a continuing lien to secure each levy of the special tax shall attach to all nonexempt real property in CFD No. 2 and the territory to be annexed to CFD No. 2, which lien shall continue in force and effect until the special tax obligation is prepaid and/or permanently satisfied and the lien cancelled in accordance with law or until collection of the special tax by the Board ceases and a notice of cessation of special tax is recorded in accordance with Section 53330.5 of the Act.

Section 6. Except where funds are otherwise available, the special tax, subject to the limits described in the RMA, but otherwise in an amount sufficient to pay for the acquisition and construction of the Facilities, the making of lease payments for Facilities (whether in conjunction with the issuance of certificates of participation or not); including the payment of principal of and interest on debt to be issued to finance the acquisition and construction of the Facilities and including the repayment of funds advanced by the District for CFD No. 2 and including the repayment under any agreement (which shall not constitute a debt or liability of the District) for advances of funds or for the reimbursement for the lesser of the value or cost of work in-kind provided by any person or entity for CFD No. 2, will be levied annually within the boundaries of CFD No. 2.

Section 7. The special tax will be collected through the regular County of Merced secured property tax bills, and will be subject to the same enforcement mechanism, and the same penalties and interest for late payment, as regular *ad valorem* property taxes; however, the Board reserves the right to utilize any other lawful means of billing, collecting and enforcing the special tax, including direct billing, supplemental billing, and when lawfully available, judicial foreclosure of the special tax lien.

Section 8. Pursuant to California Government Code Section 53340.1, the special tax shall be levied on the leasehold or possessory interests in property owned by a public agency (which property is otherwise exempt from the special tax) to be payable by the owner of the leasehold or possessory interests in such property.

Section 9. In the opinion of the Board, the public interest will not be served by allowing the property owners in CFD No. 2 to enter into a contract pursuant to California Government Code Section 53329.5(a) to do the work to be financed under the Act.

Section 10. The District's Superintendent, Assistant Superintendent of Administrative Services, and/or Director of Fiscal Services shall be responsible for annually preparing, or causing to be prepared, the roll of special tax levies on the parcels within CFD No. 2 identified by Merced County Assessor's parcel numbers, and will be responsible for estimating future special tax levies pursuant to California Government Code Section 53340.2.

Section 11. The Clerk of the Board, the Superintendent, Assistant Superintendent of Administrative Services, the Director of Fiscal Services, and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitations, to prepare and record an Amendment to Notice of Special Tax Lien.

Section 12. The Board finds and determines that all proceedings conducted and approved by the Board with respect to the annexation of territory to CFD No. 2, up to and including the adoption of this Resolution, and the other resolutions adopted this date in connection with the annexation of territory to CFD No. 2, are valid and in conformity with the Act, and this determination is final and conclusive for all purposes and is binding upon all persons. Accordingly, the Board finds, determines and orders that the territory is annexed into CFD No. 2 with all of the authorities described and set forth in this Resolution, the exercise of which is subject only to the special election.

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

The foregoing Resolution was adopted by the Board of Education of the Los Banos Unified School District at a meeting of the Board on the 15th day of August, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

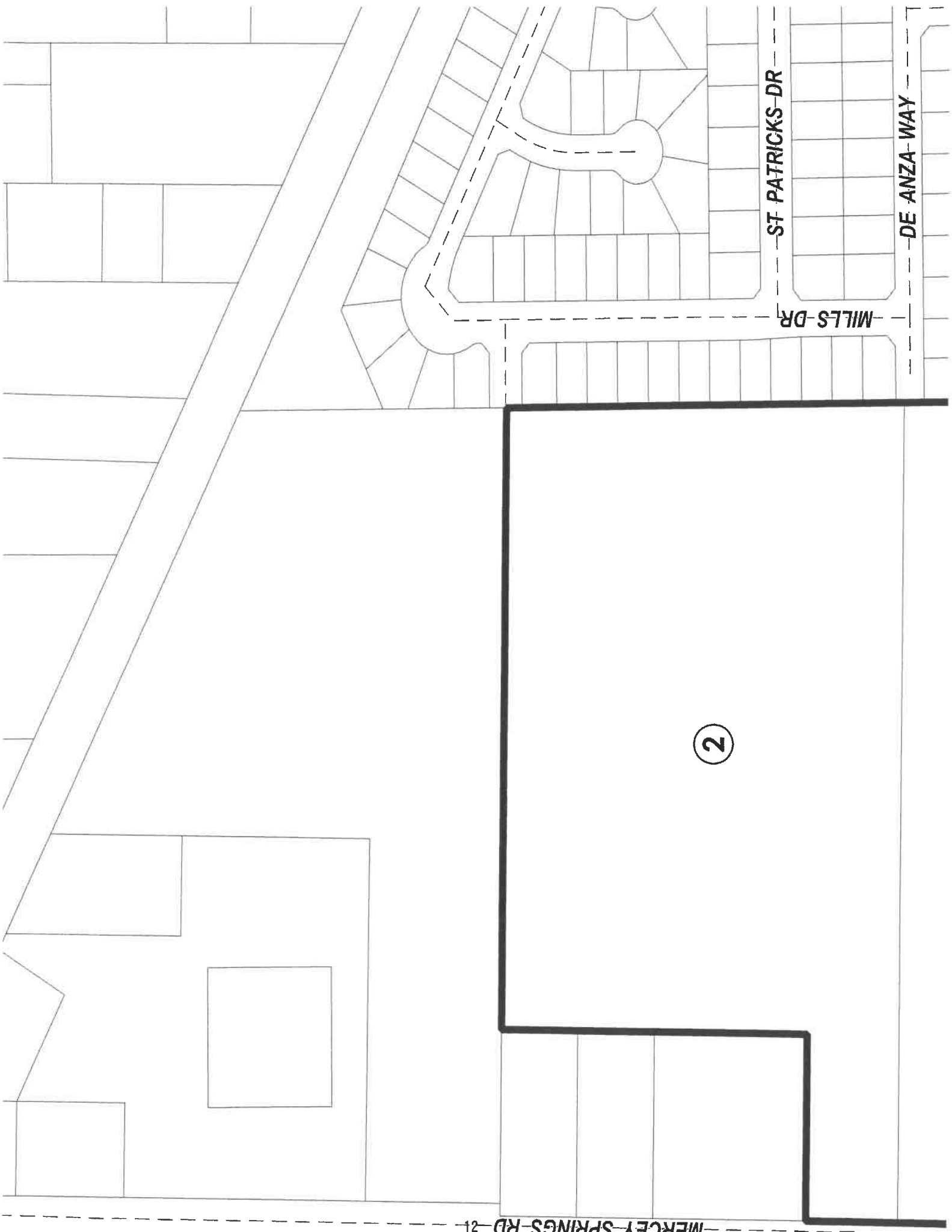
President, Board of Education
Los Banos Unified School District

ATTEST:

Clerk, Board of Education
Los Banos Unified School District

EXHIBIT A

[ATTACH ANNEXATION MAP]



ST PATRICKS DR

DE ANZA WAY

MILLS DR

2

MERCY SPRINGS RD

EXHIBIT B

Description of Public School Facilities and Services

The types of facilities and improvements to facilities and services to be financed by CFD No. 2, shall be as follows:

- The acquisition, construction and installation of new school facilities, including portable classroom buildings, together with related site acquisitions, all necessary appurtenances, integrated technology systems, equipment and furnishings therefor.
- The expansion of current school facilities, including portable classroom buildings, together with related site acquisitions, all necessary appurtenances, integrated technology systems, equipment and furnishings therefor.
- The acquisition, construction and installation of support facilities, together with related site acquisitions, all necessary appurtenances, integrated technology systems, equipment and furnishings therefor.

All facilities and equipment financed by CFD No. 2 will have an estimated useful life of five years or longer.

CFD No. 2 shall also finance incidental expenses directly related to acquisition, construction and installation of the aforementioned school facilities, including but not limited to, the cost of planning, engineering, inspecting, and designing the facilities (including the cost of environmental evaluation thereof); costs associated with the creation of CFD No. 2 and annexation of territory into CFD No. 2; issuance of bonds; determination of the amount of taxes and collection and payment thereof; costs otherwise incurred to carry out the authorized purposes of CFD No. 2; and any other expenses incidental to construction, completion and inspection of those facilities.

EXHIBIT C

[ATTACH RATE AND METHOD OF APPORTIONMENT]

**LOS BANOS UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)**

**RATE, METHOD OF APPORTIONMENT,
AND MANNER OF COLLECTION OF SPECIAL TAX**

Special Taxes, determined as shown below, shall be levied each year by the Board of Trustees of the Los Banos Unified School District (the "District") within the boundaries of Community Facilities District No. 2 (Mitigation Agreement) (the "CFD No. 2"):

I. DEFINITIONS. The terms hereinafter set forth have the following meanings:

"Act" means the Mello-Roos Community Facilities Act of 1982, as amended, Section 53311 and following of the California Government Code.

"Annual Tax" or "Annual Taxes" means the special tax levied each year against Developed Residential Property.

"Board" means the Board of Trustees of the Los Banos Unified School District.

"Bond(s)" means bond(s) issued by the District under the Act for CFD No. 2.

"City" means the City of Los Banos, California.

"County" means the County of Merced, California.

"Developed Residential Property" means all Taxable Property (i) that has improvements suitable for residential use, (ii) for which a residential certificate of occupancy has been issued, (iii) where there is a residential use that does not require a building permit, or (iv) that is otherwise used for residential purposes.

"Fiscal Year" means the period starting on July 1 and ending on the following June 30.

"Governmental Property" means property owned by the state, federal, or local government.

"Parcel" means any County Assessor's Parcel in CFD No. 2 whether or not included in the equalized tax rolls of the County as of January 1 preceding the Fiscal Year.

"Pre-Existing Residential Property" means any Parcel constituting Taxable Property in CFD No. 2 upon which an occupied Residential Unit is located at the time of the public hearing related to the formation of CFD No. 2. In the event of annexation of property into CFD No. 2, Pre-Existing Residential Property means any Parcel constituting Taxable Property within the

area subject to the annexation upon which an occupied Residential Unit is located at the time of the public hearing date for such annexation.

“Residential Unit” or “Residential Units” means any improvement or improvements on a Parcel or portion thereof for residential use or suitable for residential use.

“Special Tax Rates” for any Fiscal Year means the amounts of special taxes that may be levied against any Residential Unit in that Fiscal Year.

“Special Taxes” means Annual Taxes.

“Taxable Property” means all Parcels within the boundaries of CFD No. 2 that are not exempt from the Special Tax.

“Undeveloped Property” means all Taxable Property in CFD No. 2 for which no residential use exists and no certificate of occupancy has been issued as of the June 1 immediately preceding the Fiscal Year for which the Annual Special Tax is to be levied.

II. ANNUAL TAXES.

A. Levy and Amount of Annual Tax; Subsequent Adjustment. An Annual Tax shall be levied on each Parcel or portion thereof that is Developed Residential Property as of the June 1 immediately preceding the Fiscal Year for which the Annual Special Tax is to be levied as follows:

1. Single-Family Dwelling: A Parcel on which at least one single-family house is located shall be assessed an Annual Tax of three hundred thirty nine dollars (\$339) per Residential Unit.
2. Mobile Dwelling Units: A Parcel on which a mobile home or mobile homes are located shall be assessed an Annual Tax of three hundred thirty nine dollars (\$339) per mobile home.
3. Multi-Family Dwellings: A Parcel on which a structure that contains more than one Residential Unit is located, including but not limited to an apartment building, a duplex or a halfplex, shall be assessed an Annual Tax of three hundred thirty nine dollars (\$339) per each Residential Unit.

Once a property has been classified as Developed Residential Property, it may not be reclassified as any other property and shall be taxed in the manner set forth above unless taxes are prepaid and fully satisfied for the otherwise applicable remaining term of the tax.

B. Annual Escalation. Each Special Tax Rate described in paragraph A above is subject to annual increase, prior to its application to any specific Parcel or Residential Unit, of the greater of: (1) the change in the Construction Cost Index (CCI) set forth in the Engineering News Record (“ENR”) for the California Region – All Construction (consisting of the total average CCI of the cities of Los Angeles, San Francisco, and any other cities or areas added to the list of ENR California cities) if available; or (2) the rate of increase on the District’s school

impact fee authorized by Government Code Section 65995 to be applied and increased on an annual basis. In the event that the increase is based on Government Code Section 65995, then the annual rate of increase shall be based on the change in the Class B construction cost index, as maintained by the State Allocation Board, for the previous one year period, converted to an annual rate of increase. Once the Special Tax Rate is assigned to any specific Parcel or Residential Unit, the escalation process defined immediately above shall cease and instead, such Special Tax Rate shall be subject to annual increases of not-to-exceed two percent (2.0%), compounded.

C. Collection of Annual Tax.

The Annual Tax shall be collected each year upon the applicable Parcels in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same penalties, procedures, and lien priorities in the case of delinquency as is provided for *ad valorem* taxes. Notwithstanding the above, the District reserves the right to collect the Annual Tax pursuant to any other lawful procedure as determined by the Board.

III. ANNEXATION PARCELS

Parcels may be annexed to CFD No. 2 after CFD No. 2 has been formed. In the event a Parcel is annexed to CFD No. 2, the Special Tax shall be assigned using the procedures described herein unless modified by the Board by way of the proceedings of annexation.

IV. EXEMPT PROPERTY

A. Governmental Property. Governmental Property will not be taxed, except:

1. In accordance with Government Code Section 53340.1, if the public agency owning Governmental Property, including property held in trust for any beneficiary, grants a leasehold or other possessory interest in the property to a nonexempt person or entity after August 1, 2005, the Special Taxes shall, notwithstanding Government Code Section 53340(c), be levied on the leasehold or possessory interest and shall be payable by the owner of the leasehold or possessory interest.
2. In accordance with Government Code Section 53317.3, if property not otherwise exempt from the Special Taxes levied pursuant to this formula is acquired by a public entity through a negotiated transaction, or by gift or devise, the Special Taxes shall, notwithstanding Government Code Section 53340(c), continue to be levied on the property acquired and shall be enforceable against the public entity that acquired the property.
3. In accordance with Government Code Section 53317.5, if property subject to a Special Tax levied pursuant to this formula is acquired by a public entity through eminent domain proceedings, the obligation to pay the Special Taxes shall be treated as if it were a special annual assessment. For this purpose, the present value of the obligation to pay the Special Taxes to pay the principal and interest on any indebtedness incurred by the

District prior to the date of apportionment determined pursuant to Section 5082 of the Revenue and Taxation Code shall be treated the same as a fixed lien special assessment.

- B. Non-Governmental Tax Exempt Uses: Any Parcel that is exempt by law from *ad valorem* taxes will not be taxed except as otherwise provided herein.
- C. Undeveloped Property: Undeveloped Property shall not be subject to the Annual Special Tax.
- D. Pre-Existing Residential Property: Pre-Existing Residential Property shall not be subject to the Annual Special Tax as long as the number of Residential Units on such property existing at the time of the exemption are not increased.

V. ANNUAL ESTABLISHMENT OF SPECIAL TAX RATES.

The District shall cause the actions required above to be done for each Fiscal Year in a timely manner to assure that the schedule of the Annual Taxes to be collected is received by the Auditor of the County of Merced for inclusion with billings for such *ad valorem* taxes for the applicable Fiscal Year.

VI. APPEALS AND INTERPRETATION PROCEDURE.

Any taxpayer claiming that the amount or application of a Special Tax is in error may file a notice with the District appealing the levy of the Special Tax. The Superintendent or designee will promptly review the appeal and, if necessary, meet with the applicant and decide the appeal. If the findings of the Superintendent or designee verify that the tax should be modified or changed, the Special Tax levy shall be corrected and, if applicable, a refund shall be granted. Any dispute over the decision of the Superintendent or designee shall be referred to the Board and the decision of the Board shall be final.

Interpretations may be made by resolution of the Board for purposes of clarifying any vagueness or uncertainty as it relates to the application of the Special Tax Rate, or application of the method of apportionment, or the classification of properties or any definition applicable to the CFD.

VII. TERM OF COLLECTION OF SPECIAL TAXES.

Term of Annual Taxes. Annual Taxes shall be levied and collected only so long as they are needed to pay the principal of and interest on debt incurred in order to acquire and/or construct the facilities of the CFD, or so long as they are needed to pay the costs or expenses related to the construction of facilities authorized. However, in no event shall any Developed Residential Property be subject to the Annual Tax for more than thirty (30) years following the date such property is first subject to the payment of such tax.

VIII. PREPAYMENT OF TAX.

The Annual Tax applicable to a Taxable Property in CFD No. 2 may be prepaid and the obligation of the Taxable Property to pay any Annual Tax permanently satisfied as described herein. An owner of a Taxable Property intending to prepay the Annual Tax obligation shall provide the District (or its designee) with written notice of intent to prepay and identify the company or agency that will be acting as the escrow agent, if any. The District shall provide such property owner with a statement of the prepayment amount for such Taxable Property within thirty (30) days of the request and may charge a reasonable fee for providing this service. Within the District's sole discretion, prepayment may be required to be made 60 or more days prior to any redemption date for CFD No. 2 Bonds to be redeemed with the proceeds of such prepaid Special Taxes.

The Prepayment Amount (defined below) may be calculated as summarized below:

$P = PVT + \text{Premium} + F$, where

P = Prepayment Amount

PVT = Present Value of Special Taxes

F = Fees

Present Value of Special Taxes (PVT) shall mean the present value of the Annual Tax applicable to the subject lot or parcel in each year remaining until the year ending thirty (30) years after a property is first subject to the Annual Tax using the yield on the Bonds as the discount rate if Bonds have been issued and sold and using a discount rate determined by District Superintendent at the time of prepayment if Bonds have not been issued and sold.

The Annual Tax used in such calculation shall be determined by the classification of parcels shown above.

Premium shall mean, if Bonds have been issued, the bond call costs (not to exceed three percent (3%) of PVT) associated with the redemption of Bonds. If no Bonds have been issued, no premium shall be applied.

Fees shall mean the fees of CFD No. 2, the District, the special tax consultant and any consultants retained by CFD No. 2 in connection with the prepayment calculation, and bond redemption, if any.

In addition, any property owner prepaying its Special Taxes must pay current and any delinquent Special Taxes and penalties prior to prepayment.

IX. CLAIMS FOR REFUND.

All claims for refund of Special Taxes collected on behalf of the CFD shall be filed with the Superintendent of the District no later than one year after the date the Special Tax was due and payable to the County or the District as applicable. 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 the

claimant's bringing suit thereon. Pursuant to Government Code Section 935(b), the claim shall be subject to the provisions of Government Code Sections 945.6 and 946.

The Board, acting on its own behalf and on behalf of CFD No. 2, shall act on a timely claim within the time period required by Government Code Section 912.4.

The procedure described above shall be the exclusive claimant procedure for claims seeking a refund of Special Taxes. The decision of the Board in response to the claim for refund of taxes shall be final.

Board Reference Material

SUBJECT TITLE: **Consideration of Adoption of Resolution Calling Special Mailed-Ballot Election to Submit the Question of Levying a Special Tax Within the Area Proposed to be Annexed to Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) to the Qualified Electors**

REQUESTED ACTION: Adopt Resolution

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 33-19 (“Resolution”), calling a special mailed-ballot election to submit the question of levying a special tax within the area proposed to be annexed (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

BACKGROUND INFORMATION:

The District has entered into a mitigation agreement (“Agreement”) with the developer (“Developer”) of certain real property known as Shaunessy Village (“Property”). Pursuant to the Agreement, Developer has agreed to the annexation of the Property into CFD No. 2. Should the District adopt the Resolution Ordering Annexation of the Territory, the Board will then immediately thereafter adopt the Resolution calling the election and naming the Clerk of the Board as the elections official.

Because there are no registered voters in the Territory, the qualified electorate for purposes of the election will be the landowners. In such instances, the landowners can waive certain formalities, time constraints and conduct relating to the election. The single landowner of the Territory has been provided with a waiver and has been returned to the District. The landowner’s waiver allows for the election to be called and conducted at the meeting. Therefore, the Board will adopt the Resolution calling the election, in order to continue with the annexation process.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The adoption of the Resolution will allow the District to continue its process for annexation and levying of a special tax, which will bring additional tax revenue for capital facilities improvements.

ORIGINATOR: Amer Iqbal, Assistant Superintendent, Administrative Services

Date: August 15, 2019

**BEFORE THE BOARD OF EDUCATION
OF THE LOS BANOS UNIFIED SCHOOL DISTRICT
OF MERCED COUNTY, CALIFORNIA**

RESOLUTION NO. 33-19

**RESOLUTION CALLING SPECIAL MAILED-BALLOT ELECTION TO SUBMIT THE
QUESTION OF LEVYING A SPECIAL TAX WITHIN THE AREA PROPOSED TO BE
ANNEXED TO LOS BANOS UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)
TO THE QUALIFIED ELECTORS**

WHEREAS, 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 California Government Code (the “Act”), the Board of Education (the “Board”) of the Los Banos Unified School District (the “District”), on October 13, 2005, approved Resolution No. 25-05, forming Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”); and

WHEREAS, at a special election held on October 13, 2005, the questions of levying a special tax, establishing an appropriations limit and incurring bonded indebtedness with respect to CFD No. 2 were submitted to the qualified electors within CFD No. 2; and

WHEREAS, on October 13, 2005, the Board adopted Resolution No. 26-05 determining the results of the special election and finding that more than two-thirds ($\frac{2}{3}$) of all votes cast at the special election were cast in favor of the propositions presented, and such propositions passed; and

WHEREAS, the Board on July 11, 2019, adopted Resolution No. 13-19 (the “Resolution of Intention”) 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; and

WHEREAS, the territory proposed to be annexed is identified in a map entitled “Annexation Map No. 2 of Community Facilities District No. 2 (Mitigation Agreement) of the Los Banos Unified School District, Merced County, California,” a copy of which was recorded in the office of the Merced County Recorder; and

WHEREAS, the Resolution of Intention set a public protest hearing (the “Public Hearing”) to be held on August 15, 2019; and

WHEREAS, on August 15, 2019, at the time and place set, the Public Hearing was conducted at which hearing all persons interested, including all taxpayers, property owners and registered voters within CFD No. 2 and the territory proposed to be annexed, 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; and

WHEREAS, at the close of the Public Hearing, the Board determined that a majority protest under Government Code Section 53324 was not made; and

WHEREAS, at the conclusion of the Public Hearing, the Board adopted its Resolution No. 32-19 ordering the annexation of the territory to CFD No. 2 (the “Resolution Ordering Annexation”); and

WHEREAS, in order to proceed with the levy of the special tax, as provided by the Resolution Ordering Annexation, the matter must be submitted to an election of the qualified electors of the territory to be annexed to CFD No. 2.; and

WHEREAS, the ballot question just described, is provided in the form of special election ballot attached hereto as Exhibit A and incorporated herein by this reference; and

WHEREAS, a Certificate Regarding Registered Voters and Landowners (the “Certificate”) has been filed with the Clerk of the Board and submitted to this Board, certifying that at no time during the ninety days preceding the close of the Public Hearing were there ever twelve or more persons registered to vote within the territory proposed to be annexed to CFD No. 2; and

WHEREAS, the Board is fully advised on this matter, and on the basis of the foregoing, the Board has determined to call an election to authorize the annexation of territory to CFD No. 2 and the levying of a special tax therein.

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

Section 1. The foregoing recitals are true and correct, and the Board so finds and determines.

Section 2. The Board reconfirms all of its findings and determinations as set forth in the Resolution of Intention.

Section 3. The Board accepts the Certificate heretofore filed in these proceedings and finds, in accordance therewith, that there presently are, and at all times during the ninety days prior to the date of this Resolution there have been, fewer than twelve registered voters residing within the boundaries of the territory proposed to be annexed to CFD No. 2. Accordingly, under Government Code Section 53326(b), the qualified electors for the proposed special election shall be the landowners of the territory proposed to be annexed to CFD No. 2.

Section 4. The Board further finds and determines that the landowners of record owning property in the territory proposed to be annexed to CFD No. 2 (the “Landowners”) are the landowners set forth in the attachment to the Certificate and that the attachment correctly sets forth the amount of property owned by each such Landowner and the number of votes to which each Landowner is entitled pursuant to Government Code Section 53326(b) being the number of acres owned rounded up to the next whole acre.

Section 5. The Board hereby approves the form of “Waiver and Consent Shortening Time Periods and Waiving Various Requirements for Conducting a Mailed-Ballot Election and Appointment of Representative to Act for Property Owner in Voting and Casting Ballot” (the “Waiver”) by which the time limits, and related requirements respecting the conduct of the election

and preparation and distribution of election materials are waived, a copy of which is attached hereto as Exhibit B. The Board hereby finds that the rights, procedures and time periods therein waived are solely for the protection of the voters and may be waived by the voters under Government Code Sections 53326(a) and 53327(b) and other provisions of law, and that the Waiver constitutes a full and knowing waiver, by any voter who has executed the form, of those rights, procedures and time periods.

Section 6. The Board further finds and determines, based on a Certificate of Clerk Regarding Receipt of Property Owner Waiver, Consent and Appointment Forms, provided this date by the Clerk of the Board, that an authorized representative of each Landowner has filed with the Clerk of the Board a properly executed Waiver. The Board therefore is establishing the procedures and time periods for this special mailed-ballot election without regard to statutory schedules.

Section 7. The Board hereby 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 are hereby overruled.

Section 8. 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 9. The Board hereby calls and orders a special election, to be held and conducted forthwith upon adoption of this Resolution, and sets Thursday, August 15, 2019 as the election date ("Election Day"). The election shall be conducted by mailed ballot; provided that personal service of the respective ballots to authorized representatives of each Landowner is permitted under the terms of the Waiver on file with the Clerk of the Board and shall therefore be permitted. The Clerk of the Board is hereby directed to either mail or make personal service of the ballots, in the form of the attached Exhibit A, to each Landowner or, if one has been appointed, to the Landowner's authorized representative.

Section 10. The proposition to be submitted to the qualified electors of the territory to be annexed to CFD No. 2 shall be as set forth in the form of special election ballot attached hereto as Exhibit A.

Section 11. The Clerk of the Board is hereby designated as the official to conduct the special mailed-ballot election pursuant to the Act, other provisions of law, and the following provisions:

(a) The special election shall be held and conducted, and the votes canvassed and the returns made, and the results determined, as provided herein; and in all particulars not prescribed by this Resolution the special election shall be held and conducted and the votes received and canvassed in the manner provided by law for the holding of special elections consistent with the Act.

(b) All Landowners within the territory to be annexed to CFD No. 2 as of the close of the Public Hearing shall be qualified to vote upon the proposition to be submitted at the special election.

(c) The special election shall be conducted as a mailed ballot election, and there shall be no polling places for the special election. All ballots shall be delivered by the Clerk of the Board to the Landowners, and all voted ballots are required to be received by the Clerk of the Board no later than 5:00 p.m. on Election Day in order to be counted. If at any time, however, the Clerk of the Board determines that all votes have been cast, the Clerk of the Board shall declare the election closed.

(d) Each voter desiring to vote in favor of the proposition to be submitted at the special election shall mark a cross (+) or similar mark in the voting target after the word "Yes" on the ballot to the right of the proposition; and each voter desiring to vote against the proposition shall mark a cross (+) or similar mark in the voting target after the word "No" on the ballot to the right of the proposition. The cross (+) or similar mark may be marked with either pen or pencil.

(e) The Clerk of the Board shall commence the canvass of the returns of the special election at the conclusion of the Public Hearing on Thursday, August 15, 2019, at the meeting place of the Board at 520 J Street, Los Banos, California 93635, and shall canvass the returns of the election, and report the returns to the Board.

(f) The Board may thereupon immediately declare the results of the special election, and shall cause to be spread upon its minutes a statement of the results of the special election as ascertained by said canvass.

Section 12. The Clerk of the Board, the Superintendent, Assistant Superintendent, Administrative Services, Director of Fiscal Services, and the other officers of the District are hereby authorized and directed, individually and collectively, to do any and all things and to execute, deliver, and perform any and all agreements and documents that they deem necessary or advisable in order to effectuate the purposes of this Resolution, including, without limitations, to prepare and file an Amendment to Notice of Special Tax Lien.

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

The foregoing Resolution was adopted by the Board of Education of the Los Banos Unified School District at a meeting of the Board on the 15th day of August, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

President, Board of Education
Los Banos Unified School District

ATTEST:

Clerk, Board of Education
Los Banos Unified School District

LOS BANOS UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)
MERCED COUNTY, CALIFORNIA

SPECIAL ELECTION BALLOT

(Mailed-Ballot Election)

This ballot is for the use of the authorized representative of the following owner of land proposed to be annexed into Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”):

Name of Landowner	Number of Acres Owned	Total Votes
Stonefield Home, Inc.	31.90	32

According to the provisions of the Mello-Roos Community Facilities Act of 1982, and resolutions of the Governing Board (“Board”) of the Los Banos Unified School District (“District”), the above-named landowner, is entitled to cast the number of votes shown above under the heading “Total Votes,” representing the total votes for the property owned by the landowner.

In order to be counted, this ballot must be executed and certified below and be returned to the Clerk of the Board, by mail or in person, at 1717 S. 11th Street, Los Banos, California 93635 prior to 5:00 p.m. on August 15, 2019, which is the time and date of the meeting of the Board to be held at 520 J Street, Los Banos, California 93635.

Mailing by that date will not be sufficient. This ballot must be received by the time stated in order to be counted.

[BALLOT ON NEXT PAGE]

A "+" or Other Mark Will Cast All Votes Assigned To This Ballot

BALLOT MEASURE

Shall the Board of Education of the Los Banos Unified School District, by and through its Community Facilities District No. 2 (Mitigation Agreement) ("CFD No. 2"), be authorized to order the annexation of the property described in the Board of Education's Resolution of Intention to Annex (Resolution No. 13-19) to its CFD No. 2 and be authorized to levy an annual special tax on said property to finance the public school facilities and services as specified in its resolutions pertaining thereto?

MARK "YES" OR "NO" WITH "+"	
<u>YES</u>	<input type="checkbox"/>
<u>NO</u>	<input type="checkbox"/>

Certification for Special Election Ballot

The undersigned is an authorized representative of the above-named landowner and is legally authorized and entitled to cast this ballot on behalf of the above-named landowner.

I declare under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this declaration is executed on _____.

By: _____

Printed Name: _____

EXHIBIT A
FORM OF BALLOT

EXHIBIT B
FORM WAIVER, CONSENT AND APPOINTMENT

**WAIVER AND CONSENT
SHORTENING TIME PERIODS AND WAIVING VARIOUS
REQUIREMENTS FOR CONDUCTING A MAILED-BALLOT ELECTION
AND APPOINTMENT OF REPRESENTATIVE TO ACT FOR PROPERTY OWNER
IN VOTING AND CASTING BALLOT**

**COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)
LOS BANOS UNIFIED SCHOOL DISTRICT
MERCED COUNTY, CALIFORNIA**

I (the “Undersigned”) am the _____ of Stonefield Home, Inc., the owner of the real property listed below by Assessor’s Parcel Number (“APN”), which the Los Banos Unified School District (the “District”) intends to annex into the Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement), Merced County, California (the “CFD”). The APNs are: 083-100-005 and 083-100-006 (the “Property”).

The Undersigned is authorized to execute contracts on behalf of the above-referenced owner, and is authorized to execute this Waiver, Consent and Appointment on behalf of the above-referenced owner.

Pursuant to California Government Code Sections 53326 and 53327, any time limit or requirement pertaining to the conduct of an election held under the authority of the Mello-Roos Community Facilities Act of 1982, commencing with California Government Code Section 53311, *et seq.* (the “Act”), may be waived with the unanimous consent of the qualified electors. The Undersigned understands that a special mailed-ballot, landowner election will be held to approve the District’s annexation of the Property into the CFD, and to levy an annual special tax on said Property. The Undersigned, on behalf of the above-referenced owner, requests that the election be conducted at the earliest possible date. The Undersigned is the person legally entitled and authorized to cast the ballot attributable to the Property in the landowner, mailed-ballot election.

The Undersigned, on behalf of the above-referenced landowner, hereby expressly waives any and all minimum time periods and/or time limits relative to the election pursuant to California Government Code Section 53326, the California Elections Code, and elsewhere.

The Undersigned, on behalf of the above-referenced landowner, hereby expressly waives any and all requirements for the preparation and distribution of an impartial analysis of the ballot measure, as well as arguments in favor and against, and rebuttals, under the authority of Government Code Section 53327.

The Undersigned, on behalf of the above-referenced landowner, hereby expressly waives any and all requirements to publish notice of the election under Government Code Section 53352, and elsewhere.

The Undersigned, on behalf of the above-referenced landowner, hereby expressly waives the requirements regarding the time and any requirement to mail ballots to the qualified electors under Elections Code Section 4101, and expressly consents that either mailed service or personal service of the ballot will be sufficient, and that the results of the election be canvassed and reported at the same meeting of the District's Governing Board as the public hearing on annexation of the Property.

The Undersigned, on behalf of the above-referenced owner, hereby expressly waives any and all requirements regarding identification envelopes for the return of mailed ballots contained in Government Code Section 53327.5, and expressly waives any requirements as to the form of the ballot, under the Government Code, Elections Code, or elsewhere.

The Undersigned, on behalf of the above-referenced owner, expressly waives any and all defects in notice or procedure in the conduct of the election, whether known or unknown (except the right to vote and to have the ballots fairly counted), and states that the election is being expedited, pursuant to this Waiver, Consent and Appointment, at the particular instance and request of the Undersigned, and acknowledges that the annexation is valid and shall not be affected by any such error, irregularity or departure.

The Undersigned, on behalf of the above-referenced owner, hereby consents to the election officer unsealing the ballot prior to the adoption of the resolution calling the election and waives any rights it may have under the Government Code and Elections Code related to concealment of the ballot.

The Undersigned, on behalf of the above-referenced owner, hereby consents to the levy and collection of the special tax on the Property and hereby waives any and all rights to challenge the inclusion of the Property in the CFD and any and all proceedings related thereto.

Finally, the Undersigned hereby authorizes _____ (if the Undersigned will cast the ballot, enter "N/A") to act in all respects for the Property and for the above-referenced owner in casting the votes and executing the ballot assigned to the Property.

The Undersigned declares under penalty of perjury under the laws of the State of California that the foregoing is true and correct and that this Waiver, Consent and Appointment is signed by the Undersigned on the date below.

Date: _____

By: _____

Printed Name: _____

Consent to Waiver

By: _____
Elections Official

Board Reference Material

SUBJECT TITLE: **Consideration of Adoption of Resolution Declaring Results of Special Mailed-Ballot Election Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement)**

REQUESTED ACTION: Adopt Resolution

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board adopt Resolution No. 34-19 (“Resolution”), declaring the results of the special mailed-ballot election regarding annexation of territory (“Territory”) into its Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”).

BACKGROUND INFORMATION:

The District has entered into a mitigation agreement (“Agreement”) with the developer (“Developer”) of certain real property known as Shaunessy Village (“Property”). Pursuant to the Agreement, Developer has agreed to the annexation of the Property into CFD No. 2. In order to continue with the annexation process, and after calling and conducting the election, and assuming that the election returns favor the annexation, the Board will adopt the Resolution, declaring the results of the election.

As this is a landowner election, and there is only one landowner of the Territory, there will only be one ballot.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

The adoption of the Resolution will allow the District to levy a special tax on the Territory, which will bring additional tax revenue to the District for capital facilities improvements.

ORIGINATOR: Amer Iqbal, Assistant Superintendent, Administrative Services

Date: August 15, 2019

**BEFORE THE BOARD OF EDUCATION
OF THE LOS BANOS UNIFIED SCHOOL DISTRICT
OF MERCED COUNTY, CALIFORNIA**

RESOLUTION NO. 34-19

**RESOLUTION DECLARING RESULTS OF SPECIAL MAILED-BALLOT ELECTION
LOS BANOS UNIFIED SCHOOL DISTRICT
COMMUNITY FACILITIES DISTRICT NO. 2 (MITIGATION AGREEMENT)**

WHEREAS, the Board of Education (the “Board”) of the Los Banos Unified School District (the “District”) has conducted proceedings under and 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 California Government Code (the “Act”), to annex territory to the Los Banos Unified School District Community Facilities District No. 2 (Mitigation Agreement) (“CFD No. 2”), and to authorize a special tax to finance the acquisition and construction of certain public school facilities, all as set forth in the Board’s Resolution No. 32-19 (“Resolution Ordering Annexation”); and

WHEREAS, in order to confer upon the Board the authority contained in the Resolution Ordering Annexation, a two-thirds approving vote by the qualified electors within the territory to be annexed to CFD No. 2 is required; and

WHEREAS, a special mailed-ballot election has been conducted pursuant to the Board’s Resolution No 33-19, to which reference is made for further particulars; and

WHEREAS, a Certificate of Clerk Regarding Preparation and Distribution of Ballots, Receipt of Executed Ballots, and Declaring the Election Results (the “Certificate of Election Results”), dated August 15, 2019, executed by the Clerk of the Board, has been filed with the Board; and

WHEREAS, the Board is fully advised on this matter, and has received, reviewed and hereby accepts the Clerk’s Certificate of Election Results and wishes by this Resolution to declare the results of the special mailed-ballot election; and

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

Section 1. The foregoing recitals are true and correct, and the Board so finds and determines.

Section 2. The canvass by the Clerk of the Board, as shown by the Certificate of Election Results is hereby ratified, confirmed, approved and entered upon the minutes of this meeting.

Section 3. The Board hereby finds and determines and declares that the ballot measure submitted to the qualified electors has been passed and approved by those qualified electors in accordance with California Government Code Section 53328.

Section 4. The Board hereby authorizes and directs the Clerk of the Board to cause the preparation and recordation with the Merced County Recorder of a notice of amendment to special tax lien in accordance with the provisions of California Streets and Highways Code Section 3114.5 and California Government Code Section 53328.3. The notice shall be recorded in the Merced County Recorder's office within fifteen days of the date of this Resolution.

Section 5. This Resolution shall take effect immediately upon its passage.

The foregoing Resolution was adopted by the Board of Education of the Los Banos Unified School District at a meeting of the Board on the 15th day of August, 2019, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

President, Board of Education
Los Banos Unified School District

ATTEST:

Clerk, Board of Education
Los Banos Unified School District

Board Reference Material

SUBJECT TITLE: Agreement, California School Board Association

REQUESTED ACTION: Action

Action X

Discussion/Information

RECOMMENDATION:

It is recommended the Board approve agreement with California School Board Association (CSBA) for governance consulting services.

BACKGROUND INFORMATION:

CSBA will facilitate a workshop for Board Members and the Superintendent to be held at a Special Board Meeting on October 3, 2019

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not directly support a specific Board goal.

ALTERNATIVES/IDENTIFIED OPPOSITION:

N/A

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

For the consulting services, the District agrees to pay CSBA a base fee of \$2700, plus reasonable travel expenses.

ORIGINATOR: Mark Marshall, Ed.D., Superintendent

Date: August 15, 2019

California School Boards Association

AGREEMENT FOR GOVERNANCE CONSULTING SERVICES

THIS Agreement made and entered into by and between the CALIFORNIA SCHOOL BOARDS ASSOCIATION, a nonprofit California corporation, hereinafter referred to as “CSBA” and Los Banos Unified School District hereinafter referred to as “District.”

CONDITION PRECEDENT

To be eligible for this program, the district must be a member in good standing of CSBA.

The parties hereby agree as follows:

1. DUTIES AND RESPONSIBILITIES OF DISTRICT

1.1 District agrees to:

- a. assure attendance by all board members, and the superintendent of Los Banos Unified School District as requested by CSBA;
- b. provide appropriate facilities for each session; and
- c. provide necessary food and refreshments.

2. DUTIES, RESPONSIBILITIES AND RECOMMENDATIONS OF CSBA

2.1 CSBA agrees to:

- a. conduct phone interviews with board members and superintendent as appropriate;
- b. provide governance consulting services, which may include a workshop to be completed not later than June 30, 2020 on governance leadership, such as district goal setting, board self-evaluation, superintendent evaluation, developing norms and protocols, developing a governance planning calendar, and other governance-related activity as CSBA and District may agree.
- c. provide any necessary copyrighted course materials as needed for the governance leadership workshop;
- d. provide summary materials from the governance consulting services.

3. COMPENSATION AND REIMBURSEMENT OF EXPENSES

- 3.1 In consideration for the consulting services, the District agrees to pay CSBA a base fee of \$2700, plus reasonable travel expenses.
- 3.2 Payment is due within 30 days upon receipt of invoice from CSBA, following the service delivery.

3.3 In the event that District cancels the workshop after it is scheduled, District agrees to reimburse CSBA for any travel expenses already incurred by the consultant at the time of the cancellation.

4. CONTRACT TERMINATION

- 4.1 The terms of the Agreement shall terminate no later than June 30, 2020, or sooner if all provisions have been satisfied.
- 4.2 Unless otherwise terminated pursuant to this Agreement, CSBA or District may terminate this agreement without cause by giving thirty (30) days written notice to the other party.
- 4.3 Should CSBA default in the performance of this Agreement or materially breach any of its provisions, District may terminate this Agreement by giving written notification to CSBA.
- 4.4 Should District default in the performance of this Agreement or materially breach any of its provisions, CSBA may terminate this Agreement by giving written notification to District.

5. GENERAL PROVISIONS

5.1 For the purposes of communication between the parties, the following shall be the representatives of the parties:

Anthony Parreira Board President	Dr. Mark Marshall Superintendent	Naomi Eason, Ed.D. Assistant Executive Director, Member Services
Los Banos Unified School District 1717 S. 11th St. Los Banos, CA 93635	Los Banos Unified School District 1717 S. 11th St. Los Banos, CA 93635	California School Boards Association 3251 Beacon Boulevard West Sacramento, CA 95691
Phone: (209) 826-3801	Phone: (209) 826-3801	Phone: (916) 669-3293 Fax: (916) 371-3407

- 5.2 This Agreement is the entire agreement and supersedes any oral or written agreements previously entered into concerning the conduct of the Governance consulting services.
- 5.3 If any provision in this Agreement is held by a court of competent jurisdiction to be invalid, void or unenforceable, the remaining provisions will nevertheless continue in full force.
- 5.4 This Agreement will be governed and construed according to the laws of the State of California.

AGREED

SCHOOL DISTRICT

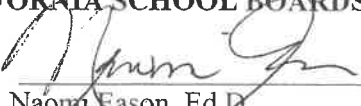
BY: _____
Anthony Parreira, Board President

DATED: _____

BY: _____
Dr. Mark Marshall, Superintendent

DATED: _____

CALIFORNIA SCHOOL BOARDS ASSOCIATION

BY:  _____
Naomi Eason, Ed.D.
Assistant Executive Director,
Member Services

DATED: 7/31/19

Board Reference Material

SUBJECT TITLE: Student Overnight Travel & Teacher Out-of-State Travel

REQUESTED ACTION: Approve

Action X

Discussion/Information _____

RECOMMENDATION:

It is recommended the Board approve overnight/out-of-state travel for Los Banos High School and Pacheco High School students and teachers to travel to Indianapolis, Indiana and Washington DC to attend the National FFA Convention and Leadership Trip from October 29 to November 6, 2019.

BACKGROUND INFORMATION:

Thirteen (13) students, representing Los Banos and Pacheco High Schools, will be attending along with one teacher from each high school as well as several parents.

This activity will provide students with an opportunity to observe and experience leadership at the student level as well as the federal level. Students will be able to see first hand how their nation is run and will be able to relate what they learn in their government classes to real world experiences.

HOW DOES THIS ACTIVITY SUPPORT BOARD GOALS?

This is an operational activity and does not support a specific Board goal. All student overnight and teacher out-of-state travel requires prior Board approval.

ALTERNATIVES/IDENTIFIED OPPOSITION:

None

SPECIFIC FINANCIAL IMPACT (Include Impact on School District Facilities):

There is no financial impact to the District; the trip is sponsored by the Los Banos Ag Boosters.

ORIGINATOR: Veli Gurgun, Principal, Los Banos High School; Daniel Sutton, Principal, Pacheco High School
Date: August 15, 2019