

SAN BERNARDINO
AGENCY ACCOUNT
CODE

RESOLUTION AND ORDINANCE NO. 05-5

RESOLUTION AND ORDINANCE OF THE BOARD OF EDUCATION
OF THE FONTANA UNIFIED SCHOOL DISTRICT
ACTING AS THE LEGISLATIVE BODY OF
COMMUNITY FACILITIES DISTRICT NO. 04-1
OF THE FONTANA UNIFIED SCHOOL DISTRICT
RELATIVE TO THE LEVY OF SPECIAL TAXES WITHIN
COMMUNITY FACILITIES DISTRICT NO. 04-1

WHEREAS, the Governing Board (the "Board") of the Fontana Unified School District (the "District") on December 8, 2004, adopted its Resolution No. 04-65 (the "Resolution of Intention to Establish CFD No. 04-1") declaring its intention to establish Community Facilities District No. 04-1 of the Fontana Unified School District ("CFD No. 04-1") providing for a special tax to pay for the acquisition, design, construction, lease, equipping and/or improvement of public facilities (the "Facilities") within CFD No.04-1, under and pursuant to the terms and provisions of 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; and

WHEREAS, an election was held on February 4, 2005, at which the electors of CFD No. 04-1 approved by the requisite vote the bonds, the tax levy and an appropriations limit for CFD No. 04-1 (the "Election"); and

WHEREAS, the Superintendent of the District, or designee, as the duly appointed election official, has canvassed the votes cast in the Election, which canvas

was confirmed and the results of the Election confirmed by appropriate Resolution of this Board; and

WHEREAS, Government Code section 53340 provides that the legislative body of a community facilities district may initially levy the special tax at the rate and method of apportionment specified in the resolution of intent to establish the community facilities district by ordinance and by resolution pursuant to said ordinance for any subsequent tax year; and

WHEREAS, the Board, acting as the legislative body of CFD No. 04-1 is authorized to levy a special tax; and

WHEREAS, the Board desires to levy the special tax for 2005-2006 within CFD No. 04-1 in accordance with Government Code section 53340.

NOW, THEREFORE, the Board of Education of the Fontana Unified School District does hereby resolve and order as follows:

Section 1. The Board hereby approves the rate and method of apportionment of the special tax for CFD No. 04-1. The special tax ("Special Tax") is levied within the boundaries of CFD No. 04-1 pursuant to the rate and method set forth in the Resolution of Intention to Establish CFD No. 04-1. The Special Tax is in an amount necessary to pay the costs of the acquisition, design, construction, lease, equipping and/or improvement of the Facilities and all incidental expenses in connection therewith including the costs of administering the levy and collection of the Special Tax.

Section 2. This legislative body is hereby further authorized each year, by resolution, to determine the specific special tax rate and amount to be levied for the next

fiscal year, except that the special tax rate to be levied shall not exceed that set forth in the rate and method.

Section 3. All of the collections of the special tax shall be used as provided for in the Act and the Resolution of Intention to Establish CFD No. 04-1.

Section 4. The above authorized Special Tax shall be collected in the same manner as ordinary ad valorem taxes are collected and shall be subject to the same penalties and the same procedure and sale in cases of delinquency as provided for ad valorem taxes.

Section 5. A request for collection of the Special Tax for 2005-2006 shall be submitted to the Auditor of the County of San Bernardino by the District.

Section 6. The Superintendent of the District, or designee, is hereby authorized to make the request for the collection for 2005-2006 as authorized in Section 5 above.

Section 7. This Resolution and Ordinance relating to the levy of the special tax shall take effect 30 days after its final passage in accordance with the provisions of Section 36937 of the Government Code, and this specific authorization for adoption is pursuant to the provisions of Section 53340 of the Government Code.

Section 8. The President of the Board, acting on behalf of CFD No. 04-1, shall sign this Resolution and Ordinance and the Clerk of the Board shall attest to the President's signature and then cause the same to be published within fifteen (15) days after its passage at least once in a newspaper of general circulation published and circulated in the District, or by posting in three public places in the District or published

in a newspaper of general circulation printed and published in the County of San Bernardino and circulated in the District.

Section 9. A full reading of this Resolution and Ordinance is dispensed with prior to its final passage, such reading having been dispensed with by a majority vote of the Board.

Section 10. This Resolution and Ordinance shall take effect and be in force on the thirtieth day from and after its passage.

ADOPTED, SIGNED AND APPROVED this 2nd day of March, 2005.

FONTANA UNIFIED SCHOOL DISTRICT BOARD OF
EDUCATION

By 
Gus Hawthorn
President of the Fontana Unified School District Board
of Education

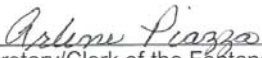
AYES 5

NOES 0

ABSENT 0

ABSTENTION 0

ATTEST:


Secretary/Clerk of the Fontana Unified
School District Board of Education

CLERK'S CERTIFICATE

I, Arlene Piazza, Clerk of the Board of Education of the Fontana Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted at a regular meeting place thereof on 2nd day of March, 2005, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

AYES 5

NOES 0

ABSENT 0

ABSTENTION 0

An agenda of said meeting was posted at least 72 hours before said meeting at Fontana, California, a location freely accessible to members of the public, and a brief general description of said resolution appeared on said agenda.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing resolution is a full, true and correct copy of the original resolution adopted at said Board meeting and entered in said minutes; and that said resolution has not been amended, modified or rescinded since the date of its adoption, and the same is now in full force and effect.

Dated: March 2, 2005



Arlene Piazza, D.Min., Clerk
of the Fontana Unified School District
Board of Education

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I, Arlene Piazza, Clerk of the Board of Education of the Fontana Unified School District, hereby certify that the foregoing is a full, true and correct copy of a resolution adopted at a regular meeting place thereof on 2nd day of March, 2005, of which meeting all of the members of said Board of Education had due notice and at which a majority thereof were present; and that at said meeting said resolution was adopted by the following vote:

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