CAPISTRANO UNIFIED SCHOOL DISTRICT
San Juan Capistrano, California

RESOLUTION NO. 2324-03

RESOLUTION OF BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 90-2 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (TALEGA), AUTHORIZING THE LEVY OF SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 90-2 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (TALEGA) FOR FISCAL YEAR 2023-2024

WHEREAS, the Capistrano Unified School District (District) previously established Community Facilities District No. 90-2 of the Capistrano Unified School District (Talega) (CFD No. 90-2), pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended (Act); and

WHEREAS, the Board of Trustees of the District (Board), pursuant to the Act, adopted Resolution No. 90-50 calling for a public hearing, and such public hearing was duly held on May 21, 1990, to consider the levy of a proposed special tax and to incur bonded indebtedness in the amount of $10,000,000 within the boundaries of CFD No. 90-2; and

WHEREAS, the Board called and duly held an election on June 19, 1990 for the purpose of presenting to the qualified electors within CFD No. 90-2 Propositions A and B authorizing incurring bonded indebtedness in the maximum aggregate principal amount of $10,000,000 for authorized facilities and the levy of a Special Tax within the boundaries of CFD No. 90-2, which Propositions were approved by more than two-thirds of the votes cast at said election, thereby authorizing the Board to levy the Special Taxes described in Propositions A and B, respectively, for the purposes described therein and to take the necessary steps to levy the Special Taxes authorized by Propositions A and B; and

WHEREAS, the Board, acting as the Legislative Body of CFD No. 90-2, pursuant to the Act, on April 26, 1999, adopted Resolution No. 9899-112 to alter the existing rate and method of apportionment of Special Taxes (Amended Rate and Method of Apportionment of Special Taxes of Community Facilities District No. 90-2 of the Capistrano Unified School District (Talega), facilities and boundaries of CFD No. 90-2, and stating its intention to increase and incur bonded indebtedness in an aggregate principal amount not to exceed $50,000,000, and conducted a hearing on such matters on June 14, 1999; and

WHEREAS, the Board, acting as the Legislative Body of CFD No. 90-2, called and duly held an election on June 14, 1999, in CFD No. 90-2 for the purpose of presenting to the qualified electors within CFD No. 90-2 Propositions A, B, and C, authorizing the above-described amendments within CFD No. 90-2, which Propositions were approved by more than two-thirds of the votes cast at said election, thereby authorizing the Board to levy the Special Taxes described in the Propositions for the purposes described therein and to take the necessary steps to levy the Special Taxes authorized by the Propositions; and

WHEREAS, the Board, acting as the Legislative Body of CFD No. 90-2, is authorized pursuant to Resolution No. 9899-112 and Ordinance No. 90-2-1 (Ordinance) to levy a Special Tax on property in CFD No. 90-2 which shall be sufficient to pay principal, interest, and administrative expenses with respect to all Bonds of CFD No. 90-2, to pay for the construction, acquisition and rehabilitation of certain public facilities authorized to be financed by the levy of Special Taxes of CFD No. 90-2 pursuant to Resolution No. 9899-112, and to pay all expenses incidental thereto; and

WHEREAS, the District previously issued its 2001 Special Tax Bonds (2001 Bonds) in the aggregate principal amount of $23,050,000 and its 2002 Special Tax Bonds (2002 Bonds) in the aggregate principal amount of $17,605,000 (2001 Bonds and 2002 Bonds being referred to herein collectively as Prior Bonds) for the purpose of financing authorized facilities and related costs of the District; and

WHEREAS, the District additionally issued its $44,980,000 Series 2006 Special Tax Refunding Bonds (2006 Bonds) for the purpose of refunding the Prior Bonds; and

WHEREAS, it is now necessary and appropriate that this Board levy and collect the Special Taxes for Fiscal Year 2023-2024, for the purpose specified in the Ordinance, by the adoption of a Resolution as specified by the Act and the Ordinance; and

WHEREAS, on April 23, 2014, the Board, acting as the Legislative Body of CFD No. 90-2, adopted Resolution No. 1314-41, as amended, declaring its intent to levy the annual special taxes at rates below the maximum permitted special tax rates pursuant to the Amended Rate and Method of Apportionment of Special Taxes of Community Facilities District No. 90-2 of the Capistrano Unified School District (Talega), to levels sufficient to maintain debt service coverage similar to the debt service coverage at the time the 2006 Bonds were issued and

WHEREAS, on August 17, 2016, the Board adopted Resolution No. 1617-30 approving the elimination, as early as possible, of the collection of that portion of Special Taxes in CFD No. 90-2 used to fund projects on a "pay-as-you-go" basis, and the Special Taxes being levied herein reflect that determination by the Board.

NOW THEREFORE BE IT RESOLVED that the Board of Trustees of the District, acting in its capacity as the Legislative Body of the CFD No. 90-2, does hereby resolve, determine, and order as follows:

Section 1. The above Recitals are true and correct.

Section 2. The Special Tax is imposed without regard to property valuation and is levied in compliance with the Act and the Ordinance.

Section 3. In accordance with the Act and the Ordinance, there is hereby levied upon the parcels within CFD No. 90-2, which are not otherwise exempt from taxation under the Act or the Ordinance, the Special Taxes for Fiscal Year 2023-2024 at the tax rates set forth in the report prepared by the District's Special Tax Consultant, David Taussig and Associates (DTA), entitled, Capistrano Unified School District Community Facilities District No. 90-2 Administration Report Fiscal Year 2023-2024 (DTA 2023-2024 Administration Report) submitted herewith. The

DTA 2023-2024 Administration Report for CFD No. 90-2 is on file at the District Office, and is by this reference herein incorporated, which sets forth rates that do not exceed the maximum rates set forth in the Ordinance. After adoption of this Resolution, DTA may make any necessary modifications to the DTA 2023-2024 Administration Report consistent with actions of the Board, acting as the Legislative Body of CFD No. 90-2, in the adoption of this Resolution. After adoption of this Resolution, the Deputy Superintendent, Business and Support Services of the District, or designee, may make any necessary modifications to these Special Taxes to correct any errors, omissions or inconsistencies in the listing or categorization of parcels to be taxed or in the amount to be charged to any category of parcels; provided, however, that any such modifications shall not result in an increase in the Special Taxes applicable to any category of parcels.

Section 4. The Board, acting as the Legislative Body of CFD No. 90-2, hereby approves and adopts a budget for CFD No. 90-2 for Fiscal Year 2023-2024 in the amount of $2,717,481. Special taxes shall be levied as set forth in the DTA 2023-2024 Administration Report in accordance with this budget. All of the collections of the Special Tax shall be used only as provided for in the Act and Resolution No. 9899-112. The Special Tax shall be levied only so long as needed to accomplish the purposes described in Resolution No. 9899-112.

Section 5. The 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 as such procedure may be modified by law or this Board from time to time.

Section 6. When Bonds are sold and issued or such Special Taxes pledged as to Bonds issued as a cumulative remedy, if any amount levied as a Special Tax for payment of Bond interest or principal, together with any penalties and other charges accruing under this Resolution, are not paid when due, the Board may, not later than four years after the due date of the last installment of principal on the 2006 Bonds, order that the same be collected by an action brought in the superior court to foreclose the lien of such Special Tax. The Deputy Superintendent, Business and Support Services of the District, is authorized to pursue collection thereof and to commence such proceedings consistent with the applicable provisions of any Bands issued on behalf of CFD No. 90-2.

Section 7. The actions of District staff heretofore taken in order to obtain consent from the Orange County Auditor-Controller to a later filing date are hereby ratified and the Clerk is hereby authorized and directed to transmit a certified copy of this Resolution to the Orange County Auditor-Controller, together with other supporting documentation as may be required to place said Special Taxes on the secured property tax roll for Fiscal Year 2023-2024 on or before August 16, 2023, or other duly authorized date, and to perform all other acts which are required by the Act, the Ordinance, or by law in order to accomplish the purpose of this Resolution.

Section 8. The District hereby certifies that the Special Taxes to be placed on the 2023-24 Secured Property Tax bill by the District meets the requirements of Proposition 218 that added Articles XIIIC and XIIID to the California State Constitution. The District agrees to defend, indemnify, and hold harmless the County of Orange (the "County"), the Board of Supervisors, the Auditor-Controller, and its officers and employees, from litigation over whether

the requirements of Proposition 218 were met with respect to the Special Taxes. If any judgment is entered against any indemnified party as a result of not meeting the requirements of Proposition 218 for such assessments, the District agrees that the County may offset the amount of any judgment paid by an indemnified party from any monies collected by the County on the District's behalf, including property taxes, special taxes, fees, or assessments.

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ADOPTED, SIGNED, AND APPROVED this 16th day of August, 2023.

BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT ACTING AS THE LEGISLATIVE BODY OF COMMUNITY FACILITIES DISTRICT NO. 90-2 OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (TALEGA)

By: Krista Castellanos

Krista Castellanos, President of the Board of Trustees of the Capistrano Unified School District

By: _____

Amy Hanacek, Clerk of the Board of Trustees of the Capistrano Unified School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Amy Hanacek, Clerk of the Board of Trustees of the Capistrano Unified School District, do hereby certify that the foregoing resolution was duly adopted by the Board of Trustees of said District, acting as the Legislative Body of CFD No. 90-2, at a meeting of the Board of Trustees held on the 16th day of August, 2023, and that it was so adopted by the following vote:

AYES: 7

NOES: 0

ABSENT: 0

ABSTAIN: 0

By: _____
Amy Hanacek, Clerk of the Board of Trustees
of the Capistrano Unified School District

STATE OF CALIFORNIA)
) ss.
COUNTY OF ORANGE)

I, Amy Hanacek, Clerk of the Board of Trustees of the Capistrano Unified School District, do hereby certify that the foregoing Resolution was duly passed, approved, and adopted by the Board of Trustees of the Capistrano Unified School District, acting as the Legislative Body of CFD No. 90-2, at a regular meeting of said Board held on the 16th day of August, 2023.

Amy Hanacek, Clerk of the Board of Trustees of the Capistrano Unified School District