

**OLIVEHURST PUBLIC UTILITY DISTRICT**

**RESOLUTION NO. 2070**

**A RESOLUTION OF  
THE BOARD OF DIRECTORS OF THE OLIVEHURST PUBLIC UTILITY DISTRICT  
DETERMINING THE NECESSITY TO INCUR A BONDED INDEBTEDNESS FOR  
OLIVEHURST PUBLIC UTILITY DISTRICT COMMUNITY FACILITIES DISTRICT  
NO. 2004-1 (WASTEWATER TREATMENT FACILITY) AND ORDERING A SPECIAL  
ELECTION**

**WHEREAS**, the Board of Directors (the "Board") of the Olivehurst Public Utility District (the "District") on March 25, 2004, duly adopted its Resolution No. 2069 (the "Resolution of Formation") establishing Olivehurst Public Utility District Community Facilities District No. 2004-1 (Wastewater Treatment Facility) (the "CFD") pursuant to the Mello-Roos Community Facilities Act of 1982 (Chapter 2.5, Part 1, Division 2, Title 5 (commencing with Section 53311) of the California Government Code) (the "Act"), for the purpose of providing for the financing of the construction and acquisition of improvements to its wastewater treatment facility (the "Facilities") described in Exhibit A to the Resolution of Formation;

**WHEREAS**, pursuant to the Resolution of Formation, the Board determined to submit to the qualified electors of the CFD the levy of the special tax described in Exhibit B thereto and the establishment of an appropriations limit for the CFD;

**WHEREAS**, the Board on February 19, 2004 duly adopted Resolution No. 2064 (the "Resolution Declaring Necessity") (1) declaring the necessity to incur a bonded indebtedness, secured by special taxes, in the amount of \$120,000,000 to finance the Facilities and (2) calling a public hearing on the proposed bonded indebtedness;

**WHEREAS**, a notice of the hearing was duly published as required by the Act, as evidenced by the affidavit of publication on file with the Deputy Clerk;

**WHEREAS**, pursuant to the Act and the Resolution Declaring Necessity, a public hearing was convened by the Board on March 25, 2004, not earlier than 5:00 p.m. at the regular meeting place of the Board, 1970 9<sup>th</sup> Avenue, Olivehurst, California, relative to the establishment of the CFD;

**WHEREAS**, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the CFD, desiring to appear and present any matter material to the questions set forth in the Resolution Declaring Necessity was heard and considered, and a full and fair hearing was held thereon;

**WHEREAS**, the Board has received a written instrument from each landowner in the CFD consenting to the shortening of election time requirements, waiving analysis and arguments, and waiving all notice requirements relating to the conduct of the election;

**WHEREAS**, the Deputy Clerk has concurred in the election date set forth herein;

**WHEREAS**, the Board did, in the Resolution of Formation, and in accordance with Government Code sections 53351(h) and 53353.5, determine to consolidate the election on the levy of the special tax and the establishment of an appropriations limit for the CFD with the election on the incurrence of a bonded indebtedness for the CFD;

**NOW, THEREFORE, BE IT RESOLVED** by the Board of Directors of the Olivehurst Public Utility District that:

1. **Recitals.** The foregoing recitals are true and correct.
2. **Necessity.** The Board deems it necessary to incur the bonded indebtedness.
3. **Purpose of Debt.** The indebtedness will be incurred for the purpose of financing the construction and acquisition of the Facilities described in Exhibit A to the Resolution of Formation.
4. **Territory to be Taxed.** The whole of the CFD shall pay for the bonded indebtedness.
5. **Amount of Debt.** The amount of bonded indebtedness to be incurred is \$120,000,000.
6. **Maximum Term of the Debt.** The maximum term of the bonds of any series shall not exceed forty years from their date.
7. **Maximum Interest Rate on the Bonds.** The bonds shall bear interest at rate or rates not to exceed the maximum rate permitted by law at the time the bonds are issued, payable annually or semiannually or in such other manner as the Board shall determine, the actual rate or rates and times of payment of such interest to be determined by the Board at the time or times the bonds are issued.
8. **Submission to Voters.** The Board hereby submits to the qualified electors within the CFD the question of incurring the bonded indebtedness together with the questions of levying the special tax and the establishment of the annual appropriations limit for the CFD in a combined ballot at a consolidated election to be held on April 13, 2004. The consolidated special election shall be conducted as provided for in the Resolution of Formation.
9. **Vote Required.** If the combined proposition on the questions of levying the special tax, establishing an appropriations limit, and incurring the bonded indebtedness receives the approval of more than two-thirds of the votes cast on the proposition, then the Board may levy the special tax within the CFD in the amount and for the purposes specified in the Resolution of Formation, the appropriations limit shall be established in the proposed amount for the CFD, and bonds in the approved amount may be issued and sold for the purposes for which authorized.