

RESOLUTION NO. 2033

**A RESOLUTION OF
THE BOARD OF DIRECTORS OF THE OLIVEHURST PUBLIC UTILITY DISTRICT
DETERMINING TO PROCEED WITH ESTABLISHING THE
OLIVEHURST PUBLIC UTILITY DISTRICT PLUMAS LAKE COMMUNITY
FACILITIES DISTRICT NO. 2002-1**

WHEREAS, the Board of Directors (“Board”) of the Olivehurst Public Utility District, on August 15, 2002, adopted its Resolution No. 2031 (the “Resolution of Intention”) (i) declaring its intention to establish the Olivehurst Public Utility District Plumas Lake Community Facilities District No. 2002-1 (the “Plumas Lake CFD No. 2002-1”) 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”), (ii) proposing to levy a special tax therein for the purpose of providing for the financing of the construction and acquisition of certain public facilities (the “Facilities”) described in Exhibit A thereto, and (iii) calling a public hearing on the establishment of the Plumas Lake CFD No. 2002-1;

WHEREAS, before the time for the hearing, as directed in the Resolution of Intention, the General Manager filed with the Board the report required by California Government Code section 53321.5 (the “Hearing Report”);

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 of Intention, a public hearing was convened by the Board on September 19, 2002, not earlier than 7:00 p.m., at the Community Center Building, 4979 Olivehurst Avenue, Olivehurst, California, relative to the establishment of the Plumas Lake CFD No. 2002-1;

WHEREAS, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the Plumas Lake CFD No. 2002-1, desiring to be heard on the establishment of the Plumas Lake CFD No. 2002-1, the extent thereof, the furnishing of specified types of public facilities, the proposed special tax, or any other matters set forth in the Resolution of Intention was heard and considered, and a full and fair hearing was held thereon, whereupon the hearing was closed;

WHEREAS, no written protests against the establishment of the Plumas Lake CFD No. 2002-1, the furnishing of specified type or types of facilities within the Plumas Lake CFD No. 2002-1 as listed in the Hearing Report, or the levying of the special tax have been filed;

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. **Hearing Report.** The Board hereby makes the Hearing Report a part of the record of the hearing.

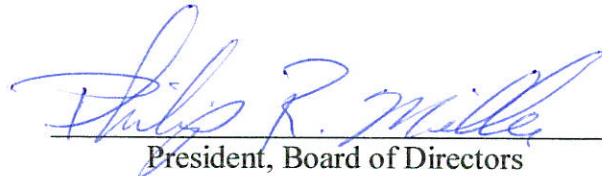
3. **Protests.** Because no written protests against the establishment of the Plumas Lake CFD No. 2002-1, the furnishing of specified type or types of facilities within the Plumas Lake CFD No. 2002-1 as listed in the Hearing Report, or the levying of the special tax have been filed, no action by the Board in response to protests or passing upon them is required.

4. **Determination to Proceed.** On the basis of all of the foregoing, the Board hereby determines to proceed with establishing the Plumas Lake CFD No. 2002-1 and directs staff to submit a resolution of formation for consideration at a later Board meeting.

5. **CEQA Compliance.** The environmental impacts of construction of the public facilities that will be needed to serve development in the Plumas Lake Specific Plan area, including the Facilities, which is a "project" within the meaning of the California Environmental Quality Act ("CEQA"), were analyzed in the environmental impact reports prepared for the County of Yuba General Plan and the Plumas Lake Specific Plan prior to their approval by the Yuba County Board of Supervisors, as required by CEQA. The Board hereby determines that establishing the Plumas Lake CFD No. 2002-1 will not be a "project" as defined in CEQA (see CEQA Guidelines section 15378(c)).

PASSED AND ADOPTED this 19th day of September 2002.

OLIVEHURST PUBLIC UTILITY DISTRICT



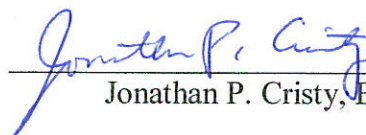
Philip R. Miller
President, Board of Directors

ATTEST:



Cindy Van der ...
Deputy Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Jonathan P. Cristy, Bond Counsel