

MT. DIABLO UNIFIED SCHOOL DISTRICT

RESOLUTION NO. _____

A RESOLUTION OF THE BOARD OF EDUCATION OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT APPROVING THE COMMUNITY FACILITIES DISTRICT NO. 1 TAX REPORT FOR FISCAL YEAR 2010-2011 AND LEVYING AND APPORTIONING THE SPECIAL TAX FOR FISCAL YEAR 2010-2011 AS PROVIDED THEREIN.

WHEREAS, the Board of Education (the "Board") of the Mt. Diablo Unified School District (the "District") has previously established the Mt. Diablo Unified School District Community Facilities District No. 1 (the "CFD") pursuant to Resolution No. 217 (the "Resolution"), duly adopted by the Board on June 7, 1988, for the purpose of providing for the financing of certain school facilities in and for the District; and

WHEREAS, on November 7, 1989, the qualified electors of the CFD approved the levy of a special tax in and for the CFD; and

WHEREAS, pursuant to Resolution No. 1:8-7-90-91, adopted by the Board on August 7, 1990, the Board authorized the issuance of \$90,000,000 principal amount of special tax bonds; and

WHEREAS, said special tax bonds and the interest thereon will be payable from a special tax levied and collected in accordance with the Resolution; and

WHEREAS, on August 7, 1990, the Board enacted an ordinance approving the Mt. Diablo Unified School District Community Facilities District No. 1 Tax Report, Fiscal Year 1990-91 (the "Tax Report") levying the special tax at the rates specified in the Tax Report and apportioning them in the manner specified in the Resolution; and

WHEREAS, the Mt. Diablo Unified School District Community Facilities District No. 1 Tax Report, Fiscal Year 2010-2011 (the "2010-2011 Tax Report") has been submitted to the Board and the Board has determined to approve the 2010-11 Tax Report; and

WHEREAS, pursuant to Section 53340 of the Government Code of the State of California, the Board is authorized to levy the special tax at the rates specified in the 2010-11 Tax Report provided that a certified copy of this resolution and a list of all parcels subject to the special tax with the 2010-11 Tax Report to be levied on each parcel is filed with the Contra Costa County Auditor on or before August 10, 2010 unless prior written consent is obtained from the Contra Costa County Auditor to file at a date not later than August 21, 2010.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF EDUCATION OF THE MT. DIABLO UNIFIED SCHOOL DISTRICT, AS FOLLOWS:

Section 1. The 2010-11 Tax Report, in the form submitted to this meeting and on file with the Board, is hereby approved and adopted. The Superintendent of the District, or his designees, are hereby authorized to make changes to the 2010-11 Tax Report before it is filed with the Contra Costa County Auditor as provided in Section 3 and to make changes in response to appeals from taxpayers in order to correct errors in the application of the special tax to particular parcels.

Section 2. Pursuant to Section 53340 of the Government Code of the State of California, a special tax is hereby levied at the rates specified in the 2010-11 Tax Report and is hereby apportioned in the manner specified in the Resolution (and as more particularly described in the 1990-91 Tax Report).

Section 3. The Clerk of the Board shall deliver a certified copy of this resolution together with a list of all parcels subject to the special tax levy with the 2010-11 Tax Report to the Contra Costa County Auditor not later than August 21, 2010, as authorized by the Contra Costa County Auditor pursuant to the letter attached hereto as Exhibit A and incorporated fully herein.

Section 4. The Clerk of the Board is hereby directed to enter this resolution on the minutes of the Board, which shall constitute the official action of the Board.

PASSED AND ADOPTED by the Board of Education of the Mt. Diablo Unified School District this 10th day of August, 2010, by the following vote:

AYES:

NOES:

ABSENT:

APPROVED:

President of the Board of Education
of the Mt. Diablo Unified School District

ATTEST:

Clerk of the Board of Education of the
Mt. Diablo Unified School District

CLERK'S CERTIFICATE

I, Steven Lawrence, Ph.D., Clerk of the Board of Education of the Mt. Diablo Unified School District, do hereby certify as follows:

The foregoing resolution is a full, true and correct copy of a resolution duly adopted at a regular meeting of the Board of Education of said District duly held at the regular meeting place thereof on the 10th day of August, 2010, 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:

NOES:

ABSENT:

An agenda for said meeting was posted at least seventy-two (72) hours before said meeting at 1936 Carlotta Drive, Concord, California 94519, a location freely accessible to members of the public, and a brief description of said resolution appeared on said agenda.

I have carefully compared the foregoing with the original minutes of said meeting on file and of record in my office, and the foregoing is a full, true and correct copy of the original resolution adopted at said meeting and entered in said minutes.

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: August 10, 2010

Clerk of the Board of Education of the
Mt. Diablo Unified School District

[SEAL]