

CAPISTRANO UNIFIED SCHOOL DISTRICT  
San Juan Capistrano, California

**RESOLUTION NO. 2021-15**

**RESOLUTION OF THE BOARD OF TRUSTEES OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT, ACTING AS THE LEGISLATIVE BODY FOR COMMUNITY FACILITIES DISTRICT NO. 98-1A OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (PACIFICA SAN JUAN), AUTHORIZING THE LEVY OF SPECIAL TAXES IN COMMUNITY FACILITIES DISTRICT NO. 98-1A OF THE CAPISTRANO UNIFIED SCHOOL DISTRICT (PACIFICA SAN JUAN) FOR FISCAL YEAR 2020-2021**

*WHEREAS*, the Capistrano Unified School District (District) previously established Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) (CFD No. 98-1A) pursuant to the terms and provisions of the Mello-Roos Community Facilities Act of 1982, as amended (Act); and

*WHEREAS*, the Board of Trustees (Board) of the District, acting as the Legislative Body of CFD No. 98-1A, pursuant to the Act, adopted Resolution No. 03-04-77 calling for a public hearing, and such public hearing was duly held on June 14, 2004, to consider certain amendments to CFD No. 98-1A (Amendments), as described therein; and

*WHEREAS*, the Board, acting as the Legislative Body of CFD No. 98-1A, called and duly held an election on June 14, 2004, regarding the Amendments as to CFD No. 98-1A for the purpose of presenting to the qualified electors within CFD No. 98-1A Propositions A, B and C authorizing the levy of an amended Special Tax within CFD No. 98-1A, and to incur an indebtedness and issue Bonds in the maximum principal amount of \$45,000,000, with interest at a rate or rates not to exceed the maximum interest rate permitted by law, to finance the Facilities and the Incidental Expenses described in Resolution No. 03-04-77, 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. 98-1A, is authorized, pursuant to Resolutions Nos. 03-04-77 and 03-04-91 and Amendment to Ordinance No. 98-1A-1 adopted on June 28, 2004 (Ordinance), to levy a Special Tax on property in CFD No. 98-1A, which shall be sufficient to pay principal, interest, and administrative expenses with respect to all Bonds of CFD No. 98-1A, to pay for the construction, acquisition, and rehabilitation of certain public facilities authorized to be accomplished and as applicable financed by the levy of Special Taxes of CFD No. 98-1A pursuant to Resolution No. 03-03-91, and to pay all Incidental Expenses relating thereto; and

*WHEREAS*, the District previously issued its \$6,375,000 Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2016 on July 13, 2016 (Series 2016 Bonds); and

*WHEREAS*, prior to the issuance of the Series 2016 Bonds, the Board acting as the Legislative Body of CFD 98-1A adopted Resolution No. 1516-56 on May 11, 2016 irrevocably

releasing and relinquishing its authority to levy the Special Tax pursuant to the 2004 Amendments in excess of 39.67% of (i) the authorized Maximum Special Tax Rate for Developed Property, Undeveloped Property, Taxable Property Owner Association Property, Taxable Public Property and Taxable Religious Property and (ii) the authorized backup Special Tax, in order to encourage the development of property within the Community Facilities District (Relinquishment). Such Relinquishment is evidenced by the recordation in the Official Records of Orange County of Amendment No. 2 to Notice of Special Tax Lien And Partial Cessation of Special Tax; and

*WHEREAS*, the District was authorized, pursuant to Resolution No. 1718-42 to issue its \$8,670,000 additional special tax bonds designated as the Community Facilities District No. 98-1A of the Capistrano Unified School District (Pacifica San Juan) Special Tax Bonds, Series 2018 (Series 2018) relating to the issuance of Parity Bonds; and

*WHEREAS*, the Board, acting as the Legislative Body of CFD No. 98-1A, has been presented with information regarding the authorized facilities expenditures of special taxes collected from CFD No. 98-1A pursuant to all applicable law; and

*WHEREAS*, it is now necessary and appropriate that this Board levy and collect the Special Taxes for Fiscal Year 2020-2021 for the purposes specified in the Ordinance, by the adoption of a Resolution as specified by the Act and the Ordinance; and

*WHEREAS*, the Special Taxes being levied hereunder are at the rate or at a lower rate than provided by the Ordinance.

*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. 98-1A, 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. 98-1A, which are not otherwise exempt from taxation under the Act or the Ordinance the Special Taxes for Fiscal Year 2020-2021, 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 Administration Report Fiscal Year 2020-2021 (DTA 2020-2021 Administration Report) submitted herewith. The DTA 2020-2021 Administration Report is on file at the District Office, and is by this reference herein incorporated, and 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 2020-2021 Administration Report consistent with actions of the Board, acting as the Legislative Body of CFD No. 98-1A 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. 98-1A, hereby approves and adopts a budget for CFD No. 98-1A for Fiscal Year 2020-2021 in the amount of \$1,227,093.00. Special taxes shall be levied as set forth in the DTA 2020-2021 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, Resolution No. 03-04-91, and the applicable Mitigation Agreement with the party or parties thereto. The Special Tax shall be levied only so long as needed to accomplish the purposes described in Resolution No. 03-04-91 and the rates herein provided only for Fiscal Year 2020-2021 and not as a precedent for any future Fiscal Years.

**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 are pledged for 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 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 Act and the applicable provisions of any Bonds issued on behalf of CFD No. 98-1A.

**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 and the DTA Annual Report 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 2020-2021 on or before August 19, 2020, or other duly authorized date 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 2020-21 Secured Property Tax bill by the District meets the requirements of Proposition 218 that added Articles XIII C and XIII D 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.

ADOPTED, SIGNED, AND APPROVED this 19th day of August, 2020.

BOARD OF TRUSTEES OF THE CAPISTRANO  
UNIFIED SCHOOL DISTRICT ACTING AS THE  
LEGISLATIVE BODY OF COMMUNITY  
FACILITIES DISTRICT NO. 98-1A OF THE  
CAPISTRANO UNIFIED SCHOOL DISTRICT  
(PACIFICA SAN JUAN)

By: 

Jim Reardon, President of the Board of  
Trustees of the Capistrano Unified School  
District

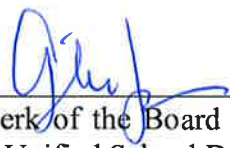
By: 

Gila Jones, Clerk of the Board of Trustees of  
the Capistrano Unified School District

STATE OF CALIFORNIA            )  
  )  
COUNTY OF ORANGE            )            ss.


I, Gila Jones, 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. 98-1A, at a meeting of the Board of Trustees held on the 19th day of August, 2020, and that it was so adopted by the following vote:

AYES: 7  
NOES: 0  
ABSENT: 0  
ABSTAIN: 0

By:   
Gila Jones, Clerk of the Board of Trustees of  
the Capistrano Unified School District

STATE OF CALIFORNIA            )  
  )  
COUNTY OF ORANGE            )        ss.

I, Gila Jones, 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. 98-1A, at a regular meeting of said Board held on the 19th day of August, 2020.

  
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Gila Jones, Clerk of the Board of Trustees of the  
Capistrano Unified School District