

ORDINANCE NO. 48-15

AN ORDINANCE OF THE GOVERNING BOARD OF THE DAVIS JOINT UNIFIED SCHOOL DISTRICT LEVYING AND APPORTIONING THE SPECIAL TAX IN TERRITORY ANNEXED TO THE DAVIS JOINT UNIFIED SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2 AS PROVIDED IN RESOLUTION NO. 43-15

WHEREAS, the Board of Education (the “Board”) of the Davis Joint Unified School District (the “District”) has established the Davis Joint Unified School District Community Facilities District No. 2 (“CFD No. 2”) pursuant to Resolution No. 36-90, duly adopted on May 3, 1990, for the purpose of providing for the financing of certain school facilities in and for the District, the levying of the special tax in CFD No. 2 at the rate and according to the method of apportionment described in Resolution No. 36-90; and the authority to incur bonded indebtedness;

WHEREAS, the Board duly adopted Resolution No. 38-15 (the “Resolution”) on April 23, 2015, wherein the Board submitted the question of levying a special tax in territory proposed to be annexed to CFD No. 2 at the rate and according to the method of apportionment described therein;

WHEREAS, at an election held in the territory proposed to be annexed to CFD No. 2 on May 12, 2015, the qualified electors (landowners) of such territory authorized the levy of the special tax described in the Resolution; and

WHEREAS, the Board duly adopted Resolution No. 43-15 on May 21, 2015, wherein the Board declared the results of the election and determined that the territory proposed to be annexed was duly added to CFD No. 2.

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the Davis Joint Unified School District, that:

1. **Recitals.** The foregoing recitals are true and correct.
2. **Levy of Special Tax.** Pursuant to Section 53340 of the Government Code of the State of California, the special tax is hereby levied at the maximum rates specified in the Resolution and is hereby apportioned in the manner specified in the Resolution on all parcels annexed to CFD No. 2 as described in the Resolution.
3. **Collection of the Special Tax.** Pursuant to Section 53340 of the Government Code of the State of California, the special tax shall be collected by the Tax Collector of the County of Yolo in the same manner as ordinary *ad valorem* property taxes are collected and shall be subject to the same procedure, sale, and lien priority in case of delinquency as is provided for *ad valorem* taxes.
4. **Claims for Refund of the Special Tax.** Claims for refund of the tax shall comply with the following and any additional procedures as established by the Board:

(a) All claims shall be filed with the Superintendent of the Davis Joint Unified School District no later than one year after the date the tax was paid. The claimant shall file the claim within this time period and the claim shall be finally acted upon by the Board as a prerequisite to bringing suit thereof.

(b) Pursuant to Government Code Section 935(b), the claim shall be subject to the provisions of Government Code Sections 945.6 and 946.

(c) The Board shall act on a timely claim within the time period required by Government Code Section 912.4.

(d) The procedure described in this Ordinance, and any additional procedures established by the Board, shall be the exclusive claims procedure for claimants seeking a refund of the tax. The decision of the Board shall be final.

5. **Effective Date of Ordinance.** This Ordinance shall take effect 30 days after its adoption.

6. **Publication of Ordinance.** The Secretary of the Board is hereby directed to cause this Ordinance to be published in *The Davis Enterprise*, a newspaper of general circulation in CFD No. 2, within fifteen (15) days after its adoption.

[Remainder of this page intentionally left blank.]

APPROVED, PASSED AND ADOPTED by the Governing Board of the Davis Joint Unified School District this 4th day of June, 2015, by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

By: _____
President, Governing Board of the
Davis Joint Unified School District

ATTEST:

Secretary, Governing Board of the
Davis Joint Unified School District

CERTIFICATION

I, Winfred Roberson, Secretary of the Board of Education of the Davis Joint Unified School District, do hereby certify that the foregoing is a full, true and correct copy of an ordinance duly approved and adopted by the Board at a regular meeting thereof held on June 4, 2015, of which meeting all the members of the Board had due notice and at which a majority thereof was present. At the meeting the ordinance was adopted by the following vote:

AYES: _____

NOES: _____

ABSENT: _____

ABSTAIN: _____

The agenda for the meeting was posted at least seventy-two (72) hours before the meeting at the Community Chambers, 23 Russell Boulevard, Davis, California, a location freely accessible to members of the public, and a brief description of the ordinance appeared on the agenda.

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

Date: _____, 2015

Winfred Roberson, Secretary of the
Board of Education
Davis Joint Unified School District