

**FORM OF
RESOLUTION NO. 24-20**

RESOLUTION OF THE BOARD OF TRUSTEES OF THE MERCED COMMUNITY COLLEGE DISTRICT DECLARING ITS INTENTION TO FORM SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 2024-1 OF THE MERCED COMMUNITY COLLEGE DISTRICT, SETTING FORTH THE LOCATION, DATE AND TIME OF A PUBLIC HEARING RELATED THERETO, MAKING CERTAIN FINDINGS AND TAKING RELATED ACTIONS

WHEREAS, the Merced Community College District (“District”), a public community college district organized and operating pursuant to the laws of the State of California (“State”) desires to acquire, construct, install and finance education facilities, capital projects, furnishings and equipment as authorized by State law to serve the students within certain portions of the District, as further described herein (collectively, the “Education Facilities”); and

WHEREAS, in order to fund the Education Facilities, the Board of Trustees (“Board”) of the District intends to institute proceedings for the establishment of a school facilities improvement district to include a designated portion of the District, located within the District’s boundaries (“Improvement District No. 2024-1” or “SFID No. 2024-1”), pursuant to Title 1, Division 1, Part 10, Chapter 2 of the California Education Code, commencing with Section 15300, the procedure for which was approved by the Merced County Board of Supervisors on July 9, 2002; and

WHEREAS, Improvement District No. 2024-1 will be formed for the purpose of calling one or more bond measure elections within the territory within Improvement District No. 2024-1 No. 2024-1, as formed, on the question of whether general obligation bonds, including general obligation bond anticipation notes (“Bonds”), should be issued by the District, on behalf of Improvement District No. 2024-1, to provide financing for the Education Facilities and to pay costs incident thereto, which Bonds, if authorized by the applicable required majority of the voters voting on the measure, would be supported by an *ad valorem* tax levied solely on the territory within the boundaries of Improvement District No. 2024-1; and

WHEREAS, as authorized by California law, such general obligation bond election(s) within Improvement District No. 2024-1 may, at the discretion of this Board, be called and conducted pursuant to the provisions and requirements of the Smaller Classes, Safer Schools and Financial Accountability Act as adopted by the voters within the State of California on November 7, 2000 (“Proposition 39”), and related California legislation, as set forth herein; and

WHEREAS, the Education Facilities to be funded include, but not by way of limitation, acquisition, installation, construction and financing of public school property and facilities, making improvements to, and providing capital projects for, existing public District facilities and providing and acquiring furnishings and equipment, all as authorized by State law; and

WHEREAS, the District intends to form Improvement District No. 2024-1 over and including the territory depicted on the boundary map presented to this Board, and attached hereto as Exhibit “A,” and incorporated herein by this reference, and which is on file with the Clerk of the Board; and

WHEREAS, the District has found that there is no potential for the formation of Improvement District No. 2024-1 and elections therein to result in physical change in the environment, either directly or ultimately.

NOW, THEREFORE, THE BOARD OF TRUSTEES OF THE MERCED COMMUNITY COLLEGE DISTRICT HEREBY DETERMINES, RESOLVES, AND ORDERS AS FOLLOWS:

Section 1. The foregoing recitals are true and correct and are incorporated herein by this reference.

Section 2. That Improvement District No. 2024-1 is proposed to be established under the provisions and requirements Chapter 2 of Part 10 of Division 1 of Part 1 of the California Education Code, commencing with Section 15300 and other applicable California law (subject to future amendment to the extent permitted by applicable law).

Section 3. The District has arranged for the preparation of a boundary map and description of the boundaries of proposed Improvement District No. 2024-1 in compliance with Section 15320(e) of the Education Code (collectively the "Boundary Map"). The District Board hereby determines that such proposed Boundary Map conforms to the requirements of Education Code Section 15301(b). The original Boundary Map of Improvement District No. 2024-1, as presented to this District Board, is on file in the office of the Clerk of the District Board ("Clerk") and shall be available for public inspection upon request.

Section 4. That the name of the proposed Improvement District shall be "**School Facilities Improvement District No. 2024-1 of the Merced Community College District.**"

Section 5. That the Education Facilities to be financed are public facilities and capital projects as provided for in, and consistent with, Education Code Section 15320(b) and Proposition 39. The Education Facilities may include, but not by way of limitation, design, acquisition, installation, construction, reconstruction, modernization, upgrade and financing of public school and educational buildings, structures and facilities, acquisition, improvement and/or leasing of property for public educational purposes, including supporting structures and infrastructure, making improvements to, and providing capital projects for, existing public educational facilities and providing, acquiring and financing of furnishings and equipment and costs relating thereto.

Section 6. The Board further finds and determines that pursuant to Education Code Section 15301(c): (i) the Education Facilities will benefit the territory within Improvement District No. 2024-1; (ii) it is necessary and in the best interest of the District to form Improvement District No. 2024-1 pursuant to the provisions of Education Code Sections 15300, *et seq.*, to finance the Education Facilities and for purposes authorized pursuant to Education Code Sections 15100 and 15264, *et seq.*, which are referenced herein as the Education Facilities; and (iii) based on information available and provided to the Board, the overall cost of financing the Education Facilities to benefit the territory within Improvement District No. 2024-1 through the bonds to be issued pursuant to Part 10 of Division 1 of Title 1 of the Education Code, as described herein, by the District on behalf of Improvement District No. 2024-1, would be less than the overall cost of other such Education Facilities financing options available to the District for the territory within

Improvement District No. 2024-1, including, but not limited to, authorizing and issuing bonds pursuant to the Mello-Roos Community Facilities Act of 1982, as amended.

Section 7. That the present estimated cost of providing the Education Facilities is not to exceed Forty-Six Million Dollars (\$46,000,000).

Section 8. That a public hearing (“Hearing”) on the proposed formation of Improvement District No. 2024-1 shall be held on June 25, 2024, at 4:00 p.m. or as soon thereafter as practicable, at Merced College Administration Building, Margaret M. Randolph Boardroom, 3600 M Street, Merced, California 95348.

Section 9. That at the time and place set forth above for the Hearing, the Board shall receive testimony concerning any matter set forth in this Resolution. Any interested person, including all persons owning land in the District and within proposed Improvement District No. 204-1, may appear and be heard at the Hearing.

Section 10. That if, following the close of the Hearing, the Board makes a determination that it is desirable and legally permissible to form Improvement District No. 2024-1, the Board shall then order Improvement District No. 2024-1 to be formed and may thereafter call one or more elections within territory within Improvement District No. 2024-1 on the question of whether Bonds should be issued to finance the Education Facilities and to pay costs incident to authorizing and issuing the Bonds. The form of the bond measure(s) and all other proceedings incident to calling and conducting such bond election(s) shall be as provided for pursuant to State law and such resolution(s) as this District Board shall adopt. The Board specifically reserves the right to proceed under Title 1, Division 1, Part 10, Chapter 1.5 of the California Education Code, commencing with Section 15264, to call any of such elections within the boundaries of Improvement District No. 2024-1 pursuant to the requirements of Proposition 39 and the related State legislation applicable thereto. If the required majority of the voters voting on the proposition vote in favor of the measure, as shall be applicable, this Board may thereafter direct such authorized Bonds to be issued, and other required actions to be taken, in accordance with the California Constitution and the applicable provisions of State law.

Section 11. That the Clerk is hereby directed to give, or cause to be given, notice (“Notice”) of the Hearing pursuant to Education Code Sections 15320 and 15321 and Section 6066 of the Government Code of the State of California, by publishing a copy of this Resolution in a newspaper of general circulation published within Merced County. Publication of such Notice shall be once a week for two successive weeks. Any and all actions taken in advance of the adoption of this Resolution to provide such Notice, and comply with the directives of this Resolution, are hereby ratified and confirmed by this Board.

Section 12. That payment of debt service on authorized bonded indebtedness, as referenced herein, shall be payable from *ad valorem* property taxes levied solely on the territory within the boundaries of Improvement District No. 2024-1 as authorized pursuant to State law.

Section 13. That the District hereby determines that, in accordance with Section 15061(b) of the California Environmental Quality Act (“CEQA”), the actions taken by this Resolution, the formation of Improvement District No. 2024-1, and the calling of the above-referenced elections, is not a “project,” and therefore is exempt from the requirements of CEQA. The Clerk of the

District is directed to, or arranges to, complete, execute, file and post a Notice of Exemption in such regard pursuant to the provisions and requirements of CEQA.

Section 14. At the time this Resolution is adopted, statutes are in effect to allow certain changes to be made to certain formation proceedings affecting Improvement District No. 2024-1. In light of such current law, the Board hereby expressly reserves all rights to subsequently amend the proceedings under which Improvement District No. 2024-1 is formed, pursuant to the provisions of applicable law, including, but not limited to; the purposes for which Improvement District No. 2024-1 was formed, the description of the Education Facilities and/or the amount of bonded indebtedness that Improvement District No. 2024-1 can authorize or incur subject to voter authorization.

Section 15. If any term, provision, finding, condition or directive of this Resolution, and the other proceedings for the formation of Improvement District No. 2024-1 to any extent, be held invalid or unenforceable, the remainder of the proceedings, or the application of such term, provision, finding, condition or directive other than those to whom or which it is held invalid or unenforceable, shall not be affected thereby, and each such term, provision, finding, condition or directive shall be valid and enforceable to the fullest extent provided by law. If this Resolution, or the proceedings relative to the formation of Improvement District No. 2024-1 are held invalid or unenforceable as against any particular piece or parcel of property within Improvement District No. 2024-1, the remainder of the proceedings, or the application of any term, provision, finding, condition or directive applicable to other parcels of properties as against which such holding is not applicable, shall continue to be valid and enforceable to the fullest extent provided by law.


Section 16. The Superintendent, Vice President of Administrative Services, President of the Board, Clerk of the Board and/or their designee(s) and District staff and District consultants are authorized to take any and all other actions necessary or desirable to implement the orders and directives of this Resolution to proceed with the establishment of the proposed Improvement District No. 2024-1, and related matters, as directed herein.


Section 17. That this Resolution shall take effect immediately upon adoption hereof.

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ADOPTED, SIGNED AND APPROVED this 11th day of June, 2024.

**BOARD OF TRUSTEES OF THE MERCED
COMMUNITY COLLEGE DISTRICT**

By: 
President, Board of Trustees of the Merced Community
College District

By: 
Clerk, Board of Trustees of the Merced Community
College District

STATE OF CALIFORNIA)
) ss.
COUNTIES OF MERCED & FRESNO)

I, Mario Mendoza, Clerk, Board of Trustees of the Merced Community College District, do hereby certify that the foregoing is a full, true and correct copy of Resolution No. 24-20 of such Board, and that the same has not been rescinded, amended or repealed.

Dated: June 11, 2024.



Clerk, Board of Trustees of the Merced Community College District

EXHIBIT "A"

BOUNDARY MAP – SCHOOL FACILITIES IMPROVEMENT DISTRICT NO. 2024-1

The Boundary Map of proposed School Facilities Improvement District No. 2024-1 of the Merced Community College District is on file at the District's Business Offices and available for public inspection upon request.

The foregoing is the form of Resolution No. 24-20 and is not intended to, nor does it, contain all of the information set forth in that Resolution. Reference is hereby made to the full text of the Resolution itself, which is available for public inspection at the District's business offices.

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