

RESOLUTION NO. 2094

**A RESOLUTION OF
THE BOARD OF DIRECTORS OF THE OLIVEHURST PUBLIC UTILITY DISTRICT
DETERMINING TO PROCEED WITH ESTABLISHING THE
OLIVEHURST PUBLIC UTILITY DISTRICT COMMUNITY FACILITIES DISTRICT
NO. 2005-2 (PARK MAINTENANCE)**

WHEREAS, the Board of Directors (“Board”) of the Olivehurst Public Utility District, on June 16, 2005, adopted its Resolution No. 2088 (the “Resolution of Intention”) (i) declaring its intention to establish the Olivehurst Public Utility District Community Facilities District No. 2005-2 (Park Maintenance) (the “Park Maintenance CFD No. 2005-2”) 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 certain public services (the “Services”) described in Exhibit A thereto, and (iii) calling a public hearing on the establishment of the Park Maintenance CFD No. 2005-2;

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 District Clerk;

WHEREAS, pursuant to the Act and the Resolution of Intention, a public hearing was convened by the Board on July 21, 2005, not earlier than 7:00 p.m., at the regular meeting place of the Board, 1970 9th Avenue, Olivehurst, California, relative to the establishment of Park Maintenance CFD No. 2005-2;

WHEREAS, at the hearing, the testimony of all interested persons, including all taxpayers, property owners, and registered voters within the Park Maintenance CFD No. 2005-2, desiring to be heard on the establishment of the Park Maintenance CFD No. 2005-2, the extent thereof, the furnishing of specified types of public services, 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 Park Maintenance CFD No. 2005-2, the furnishing of specified type or types of services within the Park Maintenance CFD No. 2005-2 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 Park Maintenance CFD No. 2005-2, the furnishing of specified type or types of services within the Park Maintenance CFD No. 2005-2 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 Park Maintenance CFD No. 2005-2 and directs staff to submit a resolution of formation for consideration at a later Board meeting.

5. **CEQA Compliance.** The Council hereby determines that the formation of the proposed District is not a project pursuant to the California Environmental Quality Guidelines section 15378(b)(4).


PASSED AND ADOPTED this 21st day of July 2005.

OLIVEHURST PUBLIC UTILITY DISTRICT



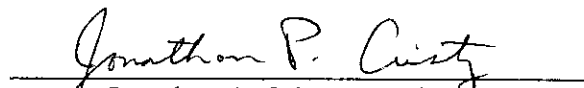
Philip R. Miller
President, Board of Directors

ATTEST:



Candy Vance
Deputy District Clerk & ex-officio Secretary

APPROVED AS TO FORM AND LEGAL
SUFFICIENCY



Jonathan P. Cristy, Bond Counsel

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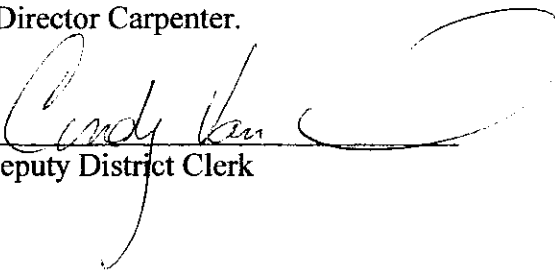
I hereby certify that the foregoing is a full, true, and correct copy of a Resolution duly adopted and passed by the Board of Directors of the Olivehurst Public Utility District, Yuba County, California, at a meeting thereof held on the 21st day of July 2005, by the following vote:

AYES, AND IN FAVOR THEREOF: Director Morrison, Patty, Hollis, and Miller.

NOES : None.

ABSTAIN : None.

ABSENT : Director Carpenter.


Deputy District Clerk