

## RESOLUTION NO. 19

### A RESOLUTION OF THE BOARD OF EDUCATION OF THE REDLANDS UNIFIED SCHOOL DISTRICT AUTHORIZING THE EXECUTION AND DELIVERY OF MITIGATION AGREEMENTS IN CONNECTION WITH REDLANDS UNIFIED SCHOOL DISTRICT COMMUNITY FACILITIES DISTRICT NO. 2024-1

**WHEREAS**, each of (a) Meritage Homes of California, Inc., (b) Tri Pointe Homes IE-SD, Inc., (c) KL LB BUY 2 LLC, and (d) Bird Song LLC, Metis Two LLC and VS Unlimited LLC, as tenants in common (each separate entity described in (a), (b), (c) or (d), a “Landowner”) owns certain undeveloped property within the boundaries of the Redlands Unified School District (the “School District”) (such property, with respect to each Landowner, the “Landowner’s Property”);

**WHEREAS**, each Landowner proposes to construct single family residential units on all or a portion of such Landowner’s Property (with respect to each Landowner, the “Landowner’s Project”);

**WHEREAS**, the School District and each Landowner have determined that the development of such Landowner’s Project will generate additional students in kindergarten through twelfth grade of the School District (with respect to each Landowner, the “Landowner’s Project Students”) who cannot be housed in the existing school facilities of the School District and that additional school facilities for such students (the “School Facilities”), will be needed to adequately house such Landowner’s Project Students;

**WHEREAS**, the School District and each Landowner have determined that, given the uncertainties of funding for such School Facilities by the State of California, which has the primary obligation to fund such School Facilities, it is in the best interest of the School District and such Landowner to provide a means of financing such School Facilities;

**WHEREAS**, in order to provide a means of financing such School Facilities, the School District and each Landowner desire to enter into a Mitigation Agreement (each such Mitigation Agreement, in the form presented to this meeting, with such changes, insertions and omissions as are made pursuant to this Resolution, being referred to herein as a “Mitigation Agreement”);

**WHEREAS**, each Landowner’s participation and cooperation in implementing the Mitigation Agreement between the School District and such Landowner is intended to constitute complete mitigation of the impact upon the School District of the development of such Landowner’s Property in lieu of any fees, charges, dedications or other requirements that the School District might have imposed upon such Landowner for School Facilities needed to adequately house such Landowner’s Project Students pursuant to California Education Code Section 17620 or California Government Code Sections 65970, *et seq.* and 65995, *et seq.* or as may be authorized by any other existing or future legislation, ordinance, resolution or court decision;

**WHEREAS**, each Mitigation Agreement, among other things, provides for the establishment of a community facilities district pursuant to the Mello-Roos Community Facilities Act of 1982, constituting Section 53311 *et seq.* of the California Government Code (the “Act”), proposed to be named “Redlands Unified School District Community Facility District No. 2024-1” (the “Community Facility District”);

**WHEREAS**, the School District and each Landowner intend that, subject to the approval of the qualified electors thereof in accordance with the Act, the Community Facilities District will be authorized to incur bonded indebtedness payable from a special tax levied within the Community Facilities District, the proceeds of which bonded indebtedness will be used to finance School Facilities;

**WHEREAS**, each Landowner has submitted a petition to the Board of Education of the School District (the “Board of Education”) requesting that the Board of Education institute proceedings pursuant to the Act to establish the Community Facilities District, to levy a special tax in the Community Facilities District, to provide for the future annexation of territory to the Community Facilities District and to authorize special tax bonds for the Community Facilities District in an amount of not to exceed \$250,000,000 and the Board of Education has so instituted such proceedings;

**WHEREAS**, there has been prepared and submitted to this meeting a form of the Mitigation Agreement to be entered into by each Landowner; and

**WHEREAS**, the Board of Education desires to proceed to authorize the execution and delivery of a Mitigation Agreement with each Landowner and the performance of such acts as may be necessary or desirable to effect such execution and delivery;

**NOW, THEREFORE, BE IT RESOLVED**, by the Board of Education of the Redlands Unified School District, as follows:

**Section 1.** The foregoing recitals are true and correct, and the Board of Education so finds and determines.

**Section 2.** The Mitigation Agreement, in substantially the form submitted to this meeting and made a part hereof as though set forth herein, is hereby approved. Each of the President of the Board of Education, and such other member of the Board of Education as the President may designate, the Superintendent of the School District and the Assistant Superintendent, Business Services of the School District, and such other officer of the School District as the Superintendent or Assistant Superintendent, Business Services may designate (the “Authorized Officers”) is hereby authorized, and any one of the Authorized Officers is hereby directed, for and in the name of the School District, to execute and deliver a Mitigation Agreement with each Landowner in the form submitted to this meeting, with such changes, insertions and omissions as the Authorized Officer executing the same may require or approve, such requirement or approval to be conclusively evidenced by the execution of such Mitigation Agreement by such Authorized Officer.

**Section 3.** All actions heretofore taken by the officers, employees and agents of the School District with respect to the Mitigation Agreement to be entered into with each

Landowner, or in connection with or related to any of the matters referred to herein, are hereby approved, confirmed and ratified.

**Section 4.** The officers, employees and agents of the School District are hereby authorized and directed to take all actions and do all things that they, or any of them, may deem necessary or desirable to accomplish the purposes of this Resolution and not inconsistent with the provisions hereof.

**Section 5.** This Resolution shall take effect immediately upon its adoption.

**PASSED AND ADOPTED** by the Board of Education of the Redlands Unified School District on October 22, 2024.

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President of the Board of Education of the  
Redlands Unified School District

ATTEST:

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Clerk of the Board of Education of the  
Redlands Unified School District

**CLERK’S CERTIFICATE**

I, Jim O’Neill, Clerk of the Board of Education of the Redlands Unified School District, hereby certify that the foregoing is a full, true and correct copy of a Resolution duly adopted at a regular meeting of the Board of Education of said School District duly held and conducted on October 22, 2024, of which meeting all of the members of said Board of Education had due notice and at which a quorum thereof was present and participated (in person or telephonically), and that at said meeting said Resolution was adopted by the following vote:

AYES:           BOARD MEMBERS:  
NOES:           BOARD MEMBERS:  
ABSTAIN:       BOARD MEMBERS:  
ABSENT:        BOARD MEMBERS:

An agenda of the meeting was posted at least 72 hours before the meeting at 25 West Lugonia Avenue, Redlands, California, a location freely accessible to members of the public, and on the Redlands Unified School District’s internet website, and a brief general description of said Resolution appeared on said agenda as well as information as to how members of the public could observe and address said meeting.

I further certify that I have carefully compared the same with the original minutes of said meeting on file and of record in my office; that the foregoing Resolution is a full, true and correct copy of the original Resolution adopted at said meeting and entered in said minutes; and that 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: \_\_\_\_\_, 2024

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Clerk of the Board of Education of the  
Redlands Unified School District