

Lammersville Unified School District

Governing Board Meeting

Governing Board Members:

Mr. Ben Fobert, President; Dr. James Hiramoto, Clerk; Mr. Matthew Balzarini; Mr. David Pombo;
Mrs. Micaela Vergara

**Wicklund Elementary School, Board Room
300 Legacy Drive, Mountain House, CA**

August 25, 2010 – 7:15 P.M.

Regular Meeting

Agenda

- I. Call to order at _____ P.M.
- II. Pledge of Allegiance – Mr. Ben Fobert, Board President
- III. Roll Call:
Matthew Balzarini _____; Ben Fobert _____; James Hiramoto _____; David Pombo _____;
Micaela Vergara _____;
- IV. Approval and/or Corrections to the Agenda.
MOTION BY: _____; SECOND BY: _____; AYES: _____; NOES: _____; ABSENT: _____.
- V. Receiving of Public Comments: (The Board shall give members of the public an opportunity to address the Board either before or during the Board's consideration of each agenda item (Gove. Code Section 549453). At a time so designated on the agenda, members of the public also may bring before the Board, matters that are not listed on the agenda of a regular meeting. The Board may refer such a matter to the Superintendent or designee or take it under advisement, but shall not take action at that time. The Board may place the matter on the agenda of a subsequent meeting for discussion or action. Presentations by the public shall be held to a reasonable length, normally not to exceed five (5) minutes)
- VI. Consent Items for Consideration:
 - A. Approval of Governing Board Meeting Minutes
 - i. Regular Meeting, July 28, 2010.....P. 1
 - ii. Special Governing Board Meeting, August 2, 2010.....P. 3
 - B. Board Calendar Dates.....P. 4
- VII. District Administrative Reports
 - A. Facilities.....Mr. Dale Hansen
 - i. Educational Specification Committee Meeting – September 7, 2010 6:00 P.M.
 - B. Enrollment Report (To be provided at the meeting)..... Mr. Dale Hansen
- VIII. Governing Board Reports:
- IX. Action Items:
 - A. Consider/Approval of Lammersville Elementary Board Policies, Administrative Regulations, and Board Bylaws. Additional Policies Pertaining to a Unified School District will be Developed During this Transitional Year
MOTION BY: _____; SECOND BY: _____; AYES: _____; NOES: _____; ABSENT: _____.
- X. Information and Discussion Items:
 - A. Mountain House Community Services District Offer to Dedicate Property for a Future Corporation Yard
 - B. State Fiscal Stabilization Fund (SFSF)

- C. Report from Goodwin & Association on Developers Financial Responsibilities per our Mitigation Agreements for Support Facilities..... P. 19
- D. Future Meetings with Developer to Establish Obligations under Mitigation Agreements for Support Facilities
- E. Board Protocol When Meeting with Representatives from the Media, Developers, and Special Interest Groups

XI. Calendar:

- A. Friday, August 20th & Monday, August 23rdStaff Development Days
- B. Tuesday, August 24th.....First Instructional Day 2010-11
- C. Wednesday, September 15th.....Regular Governing Board Meeting 6:30P.M.

XII. Public Comments for Closed Session

XIII. Adjourn to Closed Session: _____P.M. (Closed session is in regards to Personnel, and Negotiation Matters as permitted under Gov. Code § 54957, 54957.6, and 54957.1)

- A. Conference with Legal Council Regarding Anticipated Litigation
 - i. Initiation of Litigation Pursuant to Government Code § 54956.9 -- One Matter

XIV. Reconvene to Open Session to Report Action(s) Taken in Closed Session: _____P.M.

XV. Adjournment of Regular Meeting, August 25, 2010 at _____P.M.

MOTION BY: _____; SECOND BY: _____; AYES: _____; NOES: _____; ABSENT: _____.

AMERICAN WITH DISABILITIES COMPLIANCE NOTICE: In compliance with the Americans with Disabilities Act, those requiring special assistance to access the Board of Trustees meeting room, to access written documents being discussed at the Board meeting, or to otherwise participate at Board meetings, please contact Mrs. Noel Balzarini at (209) 836-7400. Notification at least 48 hours prior to the meeting will enable the District to make reasonable arrangements to ensure accessibility to the Board meeting and to provide any required accommodation, auxiliary aids or services.

DOCUMENT AVAILABILITY: Documents provided to a majority of the Governing Board regarding an open session item on this agenda, including documents distributed to the Board less than 72 hours in advance of a board meeting are available for public inspection at the front desk of the District offices located at 300 Legacy Drive, Mountain House, CA 95391 during normal business hours.

Lammersville Unified School District
Governing Board Meeting

08-25-10
VI.A.i.

Governing Board Members:

Mr. Ben Fobert, President; Dr. James Hiramoto, Clerk; Mr. Matthew Balzarini; Mr. David Pombo;
Mrs. Micaela Vergara

Wicklund Elementary School, Board Room
300 Legacy Drive, Mountain House, CA

July 28, 2010 – 7:15 P.M.

Regular Meeting

Minutes

-
- I. Called to order at 7:15 P.M. by Board President, Mr. Ben Fobert.
 - II. Pledge of Allegiance – Mr. Ben Fobert, Board President.
 - III. Board Members present included: Ben Fobert, Matthew Balzarini, James Hiramoto, David Pombo, Micaela Vergara.
 - IV. Approval and/or Corrections to the agenda. No changes to the agenda.
It was moved by Trustee Hiramoto and seconded by Trustee Vergara to approve the agenda as presented. Motion carried with five (5) ayes.
 - V. Receiving of Public Comments. No public comments were made.
 - VI. Consent Items for Consideration
 - A. Approval of Governing Board Meeting Minutes
 - i. Organizational Meeting, June 22, 2010
 - ii. Special Governing Board Meeting, July 14, 2010
 - iii. Special Governing Board Meeting, July 20, 2010It was moved by Trustee Balzarini and seconded by Trustee Hiramoto to approve the consent items as presented with no discussion. Motion carried with five (5) ayes.
 - VII. District Administrative Reports
 - A. Facilities
 - i. Formation of an Educational Specification Committee for the Unified School District
Superintendent Hansen requested that the Board choose representatives for this committee. The Board decided on the following representatives: Trustee Balzarini; Trustee Pombo; Trustee Vergara
 - VIII. Action Items:
 - A. Consider/Approval of "Additional Services Authorization Request" from Nichols, Melburg, & Rossetto for Design and Construction Administration for the new District Office. Not to Exceed \$127,000.
It was moved by Trustee Hiramoto and seconded by Trustee Balzarini to approve this item with no discussion. Motion carried with five (5) ayes.
 - B. Consider/Approval of Agreement for Legal Services with the Law Firm of Lozano Smith.
It was moved by Trustee Pombo and seconded by Trustee Vergara to approve this item with no discussion. Motion carried with five (5) ayes.
 - C. Consider/Approval Calendar for Regular Board Meeting Dates for the Lammersville Unified School Board.
It was moved by Trustee Hiramoto and seconded by Trustee Balzarini to approve this item as amended with no discussion. Motion carried with five (5) ayes.
 - D. Consider/Approval of Appointment of Board Representative to the County School Board Association: Trustee Balzarini with Trustee Pombo as an alternate
It was moved by Trustee Fobert and seconded by Trustee Pombo to approve this item with no discussion. Motion carried with five (5) ayes.

IX. Information and Discussion Items:

A. Superintendent Hansen will present an Overview of the Agreements, Resolutions, and Mitigation Agreements with Tracy Unified, and Mountain House Community Developers. Superintendent Hansen displayed a slide show summary of the timelines and agreements with TUSD and Mountain House Developers. He also reviewed the Master Plan of Mountain House.

B. Mountain House High School – Preliminary Design Schedule and Advertisement
Superintendent Hansen reviewed the schedule for the High School and discussed advertising options such as using the website and photos at the District Office. He reported that Shea Mountain House wants to move forward with the design. To do so we need the Educational Specifications for the High School. A rough timeline would begin construction at the end of 2012, and take about 18 months to complete phase 1 opening in 2013/14 with grades 9 and 10.

Another committee needing Board representation is working with the Mountain House Community Services District on Facilities. Trustee Balzarini and President Fobert will represent the Board for these meetings.

C. Official Measure "A" Results and Board Member Terms

Superintendent Hansen reviewed the results of the election on the terms for the newly elected board members.

X. Calendar: The following upcoming events were discussed.

- A. Wednesday, August 18th Questa Ribbon Cutting Ceremony
- B. Friday, August 20th & Monday, August 23rd Staff Development Days
- C. Tuesday, August 24th First Instructional Day 2010-2011
- D. Wednesday, August 25th Next Regular Governing Board Meeting

XI. Public Comments for Closed Session: No public comments were made in regards to closed session.

XII. Adjourn to Closed Session:

It was moved by Trustee Vergara, seconded by Trustee Hiramoto to adjourn to closed session at 8:14 P.M.

- A. Conference with Legal Council Regarding Anticipated Litigation
 - i. Initiation of Litigation Pursuant to Government Code 54956.9 – One Matter

XIII. Reconvene to Open Session to Report Action Taken in Closed Session: 8:40 P.M.

XIV. Adjournment of Regular Meeting, July 28, 2010 at 8:40 P.M.

MOTION BY: MBalzarini; SECOND BY: BFobert ; AYES: 5 ; NOES: 0 ; ABSENT: 0 .

Respectfully submitted,

_____, Secretary

Approved and ordered entered into the

Proceedings of the District on August 25, 2010. _____, Clerk



LAMMERSVILLE ELEMENTARY
SCHOOL DISTRICT

Dale H. Hansen
Superintendent



8-25-10

Established 1877 — Over 125 Years of Educational Success

Governing Board Members

Mr. Shane Nielson, President ~ Mr. Ben Fobert, Clerk ~ Dr. Chris Cunningham ~ Dr. Atul Khanna ~ Dr. James Hiramoto

VI. A. ii.

Minutes of the Special Joint Governing Board Meeting

Monday, August 2, 2010 – 6:30P.M.

Questa School – 685 N. Montebello Street, Mountain House, CA 95391

- I. A special meeting of the Lammersville Elementary School District Governing Board was called to order at 6:35 P.M. by Board President, Mr. Shane Nielson & Mr. Ben Fobert.
- II. Pledge of Allegiance – by Board President, Mr. Shane Nielson & Mr. Ben Fobert.
- III. Board Members present included: Matthew Balzarini, Chris Cunningham, Ben Fobert, James Hiramoto, Atul Khanna, David Pombo, Micaela Vergara. Others present were LESD staff.
- IV. Approval and/or Corrections to the agenda. Superintendent Hansen reported there were no changes to the agenda.
It was moved by Trustee Fobert and seconded by Trustee Nielson to approve the agenda as presented. Motion carried with eight (8) ayes.
- V. Receiving of Public Comments. No public comments were made.
- VI. Tour of Questa Elementary School
Superintendent Hansen lead the group around the Sebastian Questa Elementary School Campus.
- VII. It was moved by Trustee Nielson and seconded by Trustee Khanna Adjourn the Special Meeting at : 7:20 P.M.

Approved and ordered entered into the
Proceedings of the District on August 25, 2010.

Mr. Dale Hansen
Superintendent/Secretary to the Board

Date

Accepted by: _____
Mr. Ben Fobert, Board Clerk

Date

08-25-10
VI. B.

Lammersville Unified School District

GOVERNING BOARD MEETING DATES 2010-2011 SCHOOL YEAR

Governing Board Members:

Mr. Ben Fobert, President; Dr. James Hiramoto, Clerk; Mr. Matthew Balzarini; Mr. David Pombo; Mrs. Micaela Vergara

Wicklund Elementary School, Board Room
300 Legacy Drive, Mountain House, CA

July 28, 2010

The Lammersville Unified School District Governing Board will hold its regular monthly meetings on the third (3rd) Wednesday of each month. Special meetings may be called under certain circumstances by the President of the Board when such business items of the District become necessary. The dates and locations of the regular Governing Board meetings and scheduled Special Meetings for the 2010-2011 school year shall be:

July 28, 2010	Wicklund School – Board Room	7:15 P.M.
August 25, 2010	Wicklund School – Board Room	7:15 P.M.
September 15, 2010	Wicklund School – Board Room	6:30 P.M.
October 20, 2010	Wicklund School – Board Room	6:30 P.M.
*November 10, 2010	Wicklund School – Board Room	6:30 P.M.
*December 8, 2010	Wicklund School – Board Room	6:30 P.M.
January 19, 2011	Wicklund School – Board Room	6:30 P.M.
February 16, 2011	Wicklund School – Board Room	6:30 P.M.
March 16, 2011	Wicklund School – Board Room	6:30 P.M.
*April 13, 2011	Wicklund School – Board Room	6:30 P.M.
May 18, 2011	Wicklund School – Board Room	6:30 P.M.
June 15, 2011	Wicklund School – Board Room	6:30 P.M.

* Recommended changes due to conflicts with the Elementary School Board Meetings:

- Wednesday, November 10, 2010
- Wednesday, December 8, 2010
- Wednesday, April 13, 2011

08-25-10
X.A.

August 11, 2010

Board of Directors
Mountain House Community Services District
230 South Sterling Drive, Suite 100
Mountain House, California 95391

Subject: Transfer of 5.82 Acres to the School District for a School Maintenance Yard

Dear Board Members:

Recommendation

Adopt Resolution Granting 5.82 Acres to Lammersville Joint Unified School District for the Purpose of School Maintenance Yard.

Discussion

The Master Plan School Support Facilities and Implementation Measure provides that approximately five acres of land shall be provided for a service support center for transportation, warehouse, and maintenance yard facilities. Master Plan Figure 13.3 identifies the maintenance yard as part of the Wastewater Treatment and Public Use Site Area. The site is northwest of the intersection of Wicklund and Bethany Roads.

The San Joaquin County Community Development Department, by letter dated May 19, 2010, determined that the transfer is consistent with the Master Plan and General Plan.

The transfer of the property is exempt from the California Environmental Quality Act as a Common Sense Exemption under Guideline 15061(b) (3). There is no possibility that the activity may have a significant effect on the environment because the property, through previous review, has been designed as a maintenance yard. There is no change in use.

This property is a portion of a 27 acre parcel that Trimark conveyed to the Mountain House Community Services District (MHCS D) in December 2009. This action transfers the property to the School District, with the MHCS D retaining a reversionary interest that will return the property to the MHCS D, if the School District ceases to use the property for school purposes. The property is subject to roadway and utility easements on the southerly, westerly and easterly boundaries. The conveyance and subsequent acceptance are subject to joint maintenance responsibilities, on a proportional basis, for the westerly drive that serves the property and the remnant land. The net useable land on the property is 5.0 acres.

Fiscal Impact

There is no direct physical impact.

Action To Be Taken Following Approval

The General Manager will transmit the deed to the School District.

Respectfully submitted,



Paul M. Sensibaugh
General Manager

c: Dale Hansen, Superintendent – Lammersville Unified School District
District Counsel

AUGUST 10, 2010
JOB NO.: 673-00

**LEGAL DESCRIPTION
LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT
APN 209-160-17 (PORTION)
MOUNTAIN HOUSE
SAN JOAQUIN COUNTY, CALIFORNIA**

REAL PROPERTY, SITUATE IN THE UNINCORPORATED TERRITORY OF THE COUNTY OF SAN JOAQUIN, STATE OF CALIFORNIA, DESCRIBED AS FOLLOWS:

BEING A PORTION OF THAT CERTAIN PARCEL OF LAND GRANTED TO MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, BY DEED RECORDED DECEMBER 23, 2009, IN DOCUMENT NO. 2009-181421 OF OFFICIAL RECORDS, IN THE OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, ALSO BEING A PORTION OF PARCEL FOUR, AS SAID PARCEL FOUR IS SHOWN AND SO DESIGNATED ON THAT CERTAIN PARCEL MAP RECORDED JUNE 21, 2000, IN BOOK 21 OF PARCEL MAPS AT PAGE 161, IN SAID OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY, MORE PARTICULARLY DESCRIBED AS FOLLOWS;

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID PARCEL FOUR;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE WESTERN LINE OF SAID PARCEL FOUR, NORTH 00°17'30" EAST 297.00 FEET;

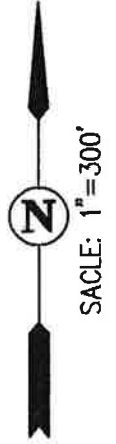
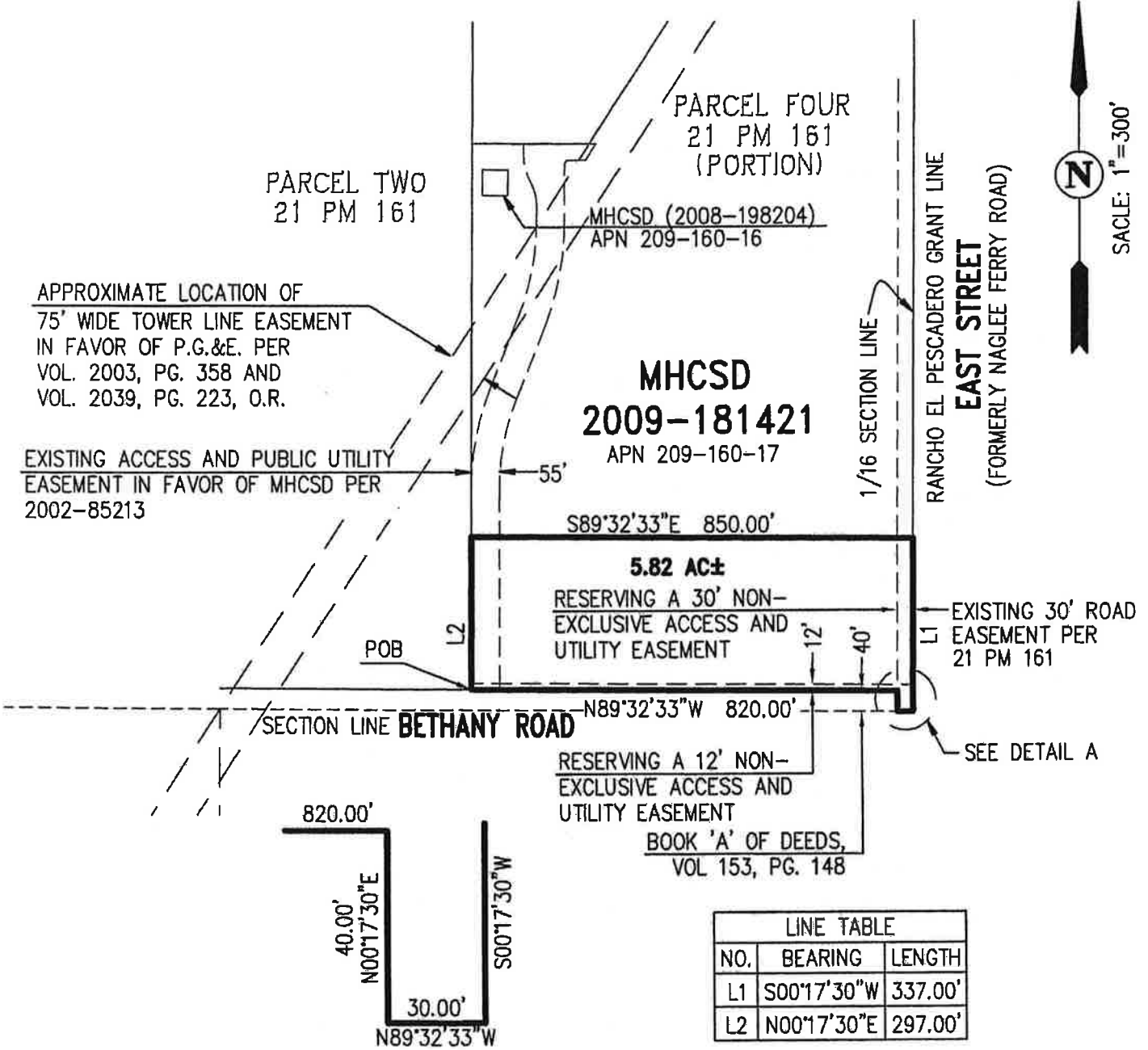
THENCE, LEAVING SAID WESTERN LINE, SOUTH 89°32'33" EAST 850.00 FEET TO A POINT ON THE EASTERN LINE OF SAID PARCEL FOUR;

THENCE, ALONG SAID EASTERN LINE, AND ALONG THE SOUTHERN LINE OF SAID PARCEL FOUR, THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 00°17'30" WEST 337.00 FEET,
- 2) NORTH 89°32'33" WEST 30.00 FEET,
- 3) NORTH 00°17'30" EAST 40.00 FEET, AND
- 4) NORTH 89°32'33" WEST 820.00 FEET TO SAID POINT OF BEGINNING.

CONTAINING 5.82 ACRES OF LAND, MORE OR LESS.

RESERVING THEREFROM, THAT CERTAIN ACCESS AND PUBLIC UTILITY EASEMENT GRANTED TO MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, BY DEED RECORDED MAY 15, 2002, IN DOCUMENT NO. 2002-85213 OF OFFICIAL RECORDS, IN SAID OFFICE OF THE COUNTY RECORDER OF SAN JOAQUIN COUNTY.



APPROXIMATE LOCATION OF
75' WIDE TOWER LINE EASEMENT
IN FAVOR OF P.G.&E. PER
VOL. 2003, PG. 358 AND
VOL. 2039, PG. 223, O.R.

EXISTING ACCESS AND PUBLIC UTILITY
EASEMENT IN FAVOR OF MHCS D PER
2002-85213

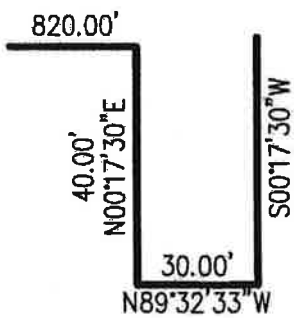
MHCS D
2009-181421
APN 209-160-17

5.82 AC±
RESERVING A 30' NON-
EXCLUSIVE ACCESS AND
UTILITY EASEMENT

RESERVING A 12' NON-
EXCLUSIVE ACCESS AND
UTILITY EASEMENT
BOOK 'A' OF DEEDS,
VOL 153, PG. 148

EXISTING 30' ROAD
EASEMENT PER
21 PM 161

SEE DETAIL A



DETAIL A
NOT TO SCALE

LINE TABLE		
NO.	BEARING	LENGTH
L1	S00°17'30"W	337.00'
L2	N00°17'30"E	297.00'

PLAT TO ACCOMPANY LEGAL DESCRIPTION

**MOUNTAIN HOUSE -
LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT
APN 209-160-17 (PORTION)
SAN JOAQUIN COUNTY, CALIFORNIA**

DATE: AUGUST 9, 2010

PAGE 1 OF 1

Carlson, Barbee, & Gibson, Inc.

CIVIL ENGINEERS • SURVEYORS • PLANNERS
6111 BOLLINGER CANYON ROAD, SUITE 150 SAN RAMON, CALIFORNIA 94583
TELEPHONE: (925) 866-0322 FAX: (925) 866-8575

LEGAL DESCRIPTION

LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT

AUGUST 10, 2010
JOB NO.: 673-00

ALSO RESERVING THEREFROM, A NON-EXCUSIVE ACCESS AND UTILITY EASEMENT,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEING THE EAST THIRTY (30.00) FEET OF THE PARCEL OF LAND HEREINABOVE
DESCRIBED.

ALSO RESERVING THEREFROM, A NON-EXCUSIVE ACCESS AND UTILITY EASEMENT,
MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWESTERN CORNER OF SAID PARCEL FOUR;

THENCE, FROM SAID POINT OF BEGINNING, ALONG THE WESTERN LINE OF SAID
PARCEL FOUR NORTH 00°17'30" EAST 12.00 FEET;

THENCE, LEAVING SAID WESTERN LINE, SOUTH 89°32'33" EAST 850.00 FEET TO
A POINT ON THE EASTERN LINE OF SAID PARCEL FOUR;

THENCE, ALONG SAID EASTERN LINE, AND ALONG THE SOUTHERN LINE OF SAID
PARCEL FOUR, THE FOLLOWING FOUR (4) COURSES:

- 1) SOUTH 00°17'30" WEST 52.00 FEET,
- 2) NORTH 89°32'33" WEST 30.00 FEET,
- 3) NORTH 00°17'30" EAST 40.00 FEET, AND
- 4) NORTH 89°32'33" WEST 820.00 FEET TO SAID POINT OF BEGINNING.

ALSO EXCEPT THE RIGHT IN AND TO ALL OIL, GAS, MINERALS AND OTHER
HYDROCARBON SUBSTANCES IN AND UNDER THE ABOVE DESCRIBED PREMISES AS
EXCEPTED IN THE DEED FROM F. LLOYD HUGHES, ET AL, TO OTTO POHLMAN, ET
UX, RECORDED JUNE 19, 1952, IN BOOK 1430 OF OFFICIAL RECORDS, PAGE
337.

LEGAL DESCRIPTION
LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT

AUGUST 10, 2010
JOB NO.: 673-00

ALSO EXCEPT THE REMAINING RIGHTS (IF ANY) IN AND TO THE OIL, GAS, MINERALS AND OTHER HYDROCARBON SUBSTANCES LYING 500 FEET BELOW THE SURFACE OF SAID LAND AS RESERVED FROM THE OPERATION OF THE DEED EXECUTED BY RONALD G. SILVA TO TRIMARK COMMUNITIES, A CALIFORNIA GENERAL PARTNERSHIP, RECORDED APRIL 28, 1998 IN OFFICIAL RECORDS UNDER RECORDER'S SERIAL NUMBER 98-048750.

ATTACHED HERETO IS A PLAT TO ACCOMPANY LEGAL DESCRIPTION, AND BY THIS REFERENCE MADE A PART HEREOF.

END OF DESCRIPTION

Christopher S. Harmison

CHRISTOPHER S. HARMISON, P.L.S.
L.S. NO. 7176
EXPIRES: DECEMBER 31, 2011



RECORDING REQUESTED BY, AND
WHEN RECORDED MAIL TO:

Lammersville Joint Unified School District
300 Legacy Drive
Mountain House, California 95391
Attention: Superintendent

SPACE ABOVE THIS LINE FOR RECORDER'S USE

MAIL TAX STATEMENTS TO:

DOCUMENTARY TRANSFER TAX \$ _____

Computed on the consideration or value of property conveyed; OR
Computed on the consideration or value less liens or encumbrances
remaining at time of sale.

Signature of Declarant or Agent Determining Tax

GRANT DEED

FOR VALUABLE CONSIDERATION, receipt of which is hereby
acknowledged,

MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, a political
subdivision of the State of California

hereby GRANT(S) to

LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT, a political
subdivision of the State of California

the real property in the County of San Joaquin, State of California, described in Exhibit
"A" attached hereto and made part hereof, subject to:

The express condition that if LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT
ceases to use the property for school purposes, the property shall revert back to the
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT, a political subdivision of
the State of California, or its heirs or assigns; and

The reservation of the access and utility easements described in Exhibit A; and

The express condition that LAMMERSVILLE JOINT UNIFIED SCHOOL DISTRICT
share, on a proportional basis, the maintenance of the access drive located along the
westerly boundary of the property.

****SIGNATURE ON NEXT PAGE****

Dated: _____

Mountain House Community Services
District

By: _____
PAUL M. SENSIBAUGH
General Manager

APPROVED AS TO FORM:

By: _____
MICHAEL F. MCGREW
Special Counsel

ATTEST: MIMI DUZENSKI
Secretary of
the Board of Directors of
the Mountain House
Community Services District

By: _____

State of California)
)
County of _____)

On _____, before me, _____,
a Notary Public, personally appeared _____

_____ ,
who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s)
is/are subscribed to the within instrument and acknowledged to me that he/she/they
executed the same in his/her/their authorized capacity(ies), and that by his/her/their
signature(s) on the instrument the person(s), or the entity upon behalf of which the
person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that
the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

State of California)

County of _____)

On _____, before me, _____,
a Notary Public, personally appeared _____

_____ who proved to me on the basis of satisfactory evidence to be the person(s) whose name(s) is/are subscribed to the within instrument and acknowledged to me that he/she/they executed the same in his/her/their authorized capacity(ies), and that by his/her/their signature(s) on the instrument the person(s), or the entity upon behalf of which the person(s) acted, executed the instrument.

I certify under PENALTY OF PERJURY under the laws of the State of California that the foregoing paragraph is true and correct.

WITNESS my hand and official seal.

EXHIBIT "A"

**BEFORE THE BOARD OF DIRECTORS OF THE
MOUNTAIN HOUSE COMMUNITY SERVICES DISTRICT**

RESOLUTION

NO. MMX-_____

**RESOLUTION GRANTING REAL PROPERTY TO
LAMMERSVILLE UNIFIED SCHOOL DISTRICT**

WHEREAS, the Master School Support Facilities and Implementation Measure provides that approximately five acres shall be provided for a school service support center for transportation, warehouse, and maintenance facilities; and

WHEREAS, the Master Plan identifies the maintenance yard as part of the Wastewater Treatment and Public Use Area; and

WHEREAS, The San Joaquin County Community Development Department, by letter dated May 19, 2010, determined that the transfer is consistent with the Master Plan and General Plan.; and

WHEREAS, the transfer of the property is exempt from the California Environmental Quality Act as a Common Sense Exemption under Guideline 15061(b) (3) because it can be seen with certainty that there is no possibility that the activity may have a significant effect on the environment because this is transfer of property, previously designed as a maintenance yard, to the school agency; and

WHEREAS, the conveyance is subject to the Lammersville Joint Unified School District sharing the maintenance, on a proportional basis, of the access drive located along the westerly boundary of the parcel;

NOW, THEREFORE, BE IT RESOLVED that the Mountain House Community Services District hereby grants to the Lammersville Joint Unified School District the real property described in Exhibit A attached hereto and directs the General Manager to execute the Grant Deed.

BE FURTHER RESOLVED that the General Manager is Directed to file a Notice of Exemption under the California Environmental Quality Act.

PASSED AND ADOPTED this _____ day of _____, 2010, by the following vote of the Board of Directors of the Mountain House Community Services District, to wit:

AYES:

NOES:

ABSENT:

ANDY K. SU, PRESIDENT
Board of Directors of the Mountain House
Community Services District, County of San
Joaquin, State of California

ATTEST: MIMI DUZENSKI
Secretary of the Board of Directors
of the Mountain House Community
Services District, County of San
Joaquin, State of California

By: _____

8-25-10
X.C.



MEMORANDUM

August 19, 2010

To: Dale Hansen
From: Nikki Muranaka
Re: Developer Fair Share Cost Allocation for Administrative and Service Facilities

Dale, we have reviewed the School Facilities Impact Mitigation Agreement (“Agreement”) between the Lammersville School District (“District”) and Trimark Communities (“Trimark”), dated November 19, 1998, as well as subsequent amendments. We were requested to determine the developers fair share costs of two of the school facilities identified in the Agreement: the District Administrative Office and the Service Support Center. These two cost items are identified in Exhibit B of the Agreement, and we’ve escalated their cost according to Sections 2.22, 3.4 and 4.3 of the Agreement.

The Agreement refers to the Mountain House Master Specific Plan (the “Master Plan”), approved by the County Board of Supervisors on November 10, 1994, as amended and supplemented from time to time. Since approval of the Master Plan, several specific plans, initial studies, and community facilities districts have been formed which update the current land use plan for the Mountain House area. The unit counts in the attached table were based on the following sources:

Neighborhood(s)	Source
A/B and D (East)	College Park at Mountain House Specific Plan III, Amended December 12, 2006
C	Mountain House New Community Specific Plan II, Revised March 11, 2008
D (West)	Mountain House Neighborhood D Tentative Subdivision Map Initial Study, Dated June 2008
E, F, G	Lammersville School District CFD No. 2002 (Mountain House) Special Tax Bonds, Series 2006 Official Statement, Dated August 4, 2006
H	Improvement Area No. 1 of the Lammersville School District CFD No. 2007-1 (Mountain House – Shea Homes) Special Tax Bonds, Series 2008 Official Statement, Dated July 17, 2008

I, J	Mountain House Revised Neighborhoods I and J Initial Study, Dated March 2007
K	Mountain House New Community Specific Plan II, Revised March 11, 2008
L	Mountain House New Community Specific Plan II, Revised March 11, 2008

Based on the various planning sources above, the total number of residential units currently planned for Mountain House is 14,515 units, of which 11,245 are single family units and 3,270 are multi-family units (these totals do not include age-restricted units, allowable bonus density units, or town center units). Per the Agreement, single family units are assigned an equivalent dwelling unit ("EDU") of 1.00 and structures that are part of three or more attached units are considered multi-family units and are assigned an EDU of 0.50. In total, there are 12,880 EDUs in the plan area.

The costs of the District Administrative Office and Service Support Center have been escalated according to terms in the Agreement. The first increase occurs starting January 1, 2000 for the prior 16 month period and for every following January 1, the increase is for the prior 12-month period according to the CCI for Class D construction. We have received the escalation factors from the State Allocation Board, however, we are waiting for them to verify one figure which should not affect the total significantly. The aggregate increase of approximately 46.9% results in costs of \$3.04 million and \$2.01 million for the District Administrative Office and Service Support Center, respectively. The combined total of \$5.06 million is about \$500,000 less than the total shown on the table that you provided to us. We are not sure how the developer calculated the inflated cost; however, based on information provided by the State Allocation Board we are confident that our cost is correct. The total cost of these facilities is allocated based on each developer's pro-rata share of EDU. Trimark is responsible for approximately 26.6% of the total EDUs, and therefore, is allocated \$1.35 million of the total cost. Please see the attached table for the fair share allocation for the other developers.

As we get more information on the smaller developers, (Global Investments, Pegasus, Cuhna) we will update the allocation. If you would like to discuss anything further, please don't hesitate to call us.

**Lammersville School District
Fair Share Cost Allocation for Administrative and Service Facilities**

Developer/Land Owner	Single Family		Multi-Family		Total Units	Multi-Family EDUs /2	Total EDUs/2	Percent of EDUs	District		Service Support Center		Total Fair Share Cost
	Units /1	Units /1	Units /1	Units /1					Admin Office Fair Share Cost /3	Support Center Fair Share Cost /3	Support Center Fair Share Cost /3	Support Center Fair Share Cost /3	
Trimark	2,909	1,038	3,947	519	3,428	26.61%	\$809,860	\$535,542	\$1,345,402				\$1,345,402
Shea/Calpers	6,366	1,962	8,328	981	7,347	57.04%	\$1,735,719	\$1,147,790	\$2,883,509				\$2,883,509
Kamilos	985	130	1,115	65	1,050	8.15%	\$248,061	\$164,037	\$412,098				\$412,098
Machado	286	0	286	0	286	2.22%	\$67,567	\$44,681	\$112,248				\$112,248
Other Developers /4	699	140	839	70	769	5.97%	\$181,675	\$120,138	\$301,813				\$301,813
Totals	11,245	3,270	14,515	1,635	12,880	100.00%	\$3,042,883	\$2,012,188	\$5,055,070				\$5,055,070

/1 Based on tentative map or applicable Specific Plan sources. Unit counts for Neighborhoods E, F, G and H were based on development projections in the Official Statements for the applicable CFD bonds.

/2 Single family units have an EDU factor of 1.00 and multi-family units have an EDU factor of 0.50 per Section 2.15 of the Mitigation Agreement.

/3 School facilities costs have been escalated by the CCI for Class D construction as determined by the State Allocation Board, per Sections 2.22, 3.4 and 4.3 of the Mitigation Agreement.

/4 Other Developers owning property in the College Park at Mountain House Specific Plan III (Neighborhood A/B) are unknown at the time this table was prepared.

