

RESOLUTION NO. CFD EM2 RES __

RESOLUTION OF THE BOARD OF DIRECTORS OF THE EASTMARK COMMUNITY FACILITIES DISTRICT NO. 2 (CITY OF MESA, ARIZONA) RECONCILING THE DISTRICT BOARD COMPOSITION BY PERMANENTLY REMOVING FROM THE DISTRICT BOARD THE TWO ADDITIONAL APPOINTED DISTRICT BOARD MEMBERS AND THEIR POSITIONS ON THE DISTRICT BOARD.

BE IT RESOLVED BY THE BOARD OF DIRECTORS OF THE EASTMARK COMMUNITY FACILITIES DISTRICT NO. 2 (CITY OF MESA, ARIZONA) AS FOLLOWS:

Section 1. Findings.

A. On December 10, 2018, the City Council of the City of Mesa, Arizona (the “City”) adopted Resolution No. 11254 (the “*Resolution*”) ordering and declaring formation of Eastmark Community Facilities District No. 2 (City of Mesa, Arizona) (the “*District*”) and authorizing and approving certain matters related to the formation of the District.

B. As provided by A.R.S. Title 48, Chapter 4, Article 6, as amended (the “*Act*”), at the time of the formation of the District the City Council of the City appointed two additional members (the “*Appointed Board Members*”) to the Board of Directors of the District (the “*District Board*”) who were initially designated by the owner who owned the largest amount of privately owned acreage within the boundaries of the then-proposed District.

C. Prior to the date hereof, the District Board was comprised of the City Council of the City, *ex officio*, and the two Appointed Board Members, all as in accordance with the Act.

D. Pursuant to recent amendments to the Act, including, without limitation, Section 48-729 of the Act, at any time after receipt of a petition signed by the owners of a majority of the privately owned real property within the boundaries of the District as measured by square footage or acreage, the District Board may adopt a resolution to reconcile the District Board composition by permanently removing from the District Board the two additional Appointed Board Members and their positions on the District Board.

E. The District is in receipt of a petition dated May 19, 2021 (the “*Petition*”), signed by the owners of a majority of the privately owned real property within the boundaries of the District as measured by square footage or acreage which petitions the District Board to adopt a resolution to reconcile the District Board to permanently remove the two additional Appointed Board Members and their positions on the District Board.

F. Attached as an exhibit to the Petition is a list of the owners of privately owned real property within the boundaries of the District, and the corresponding square footage or acreage owned by each owner, certified by the Maricopa County Assessor.

G. The District Board deems it necessary and advisable to reconcile the District Board composition by permanently removing from the District Board the two additional Appointed Board Members and their positions on the District Board.

Section 2. **District Board Composition Reconciliation.** Pursuant to the Act, the District Board composition is hereby reconciled to permanently remove the two additional Appointed Board Members and their positions from the District Board. Upon adoption of this resolution, the District shall hereafter be governed by a District Board that consists of the City Council of the City, *ex officio*.

Section 3. **Validity of District Formation and Prior District Board Actions.** Pursuant to the Act, the permanent removal of the two additional Appointed Board Members and their District Board positions does not affect the validity of the formation of the District or the validity of District Board actions prior to the reconciliation of the District Board.

Section 4. **Effective Date.** This resolution shall be effective immediately.

[Signature Page to Follow]

PASSED, ADOPTED AND APPROVED by the Board of Directors of the Eastmark Community Facilities District No. 2 (City of Mesa, Arizona) on June 10, 2021.

**EASTMARK COMMUNITY FACILITIES
DISTRICT NO. 2 (CITY OF MESA,
ARIZONA)**

Chairman, Board of Directors

ATTEST:

District Clerk

APPROVED AS TO FORM

Sherman & Howard L.L.C., Special District Counsel

Attachment:
Exhibit A – Petition

CERTIFICATE

I hereby certify that the above and foregoing resolution was duly passed by the Board of Directors of the Eastmark Community Facilities District No. 2 (City of Mesa, Arizona) at a regular meeting held on June 10, 2021, and that a quorum was present thereat and that the vote thereon was _____ ayes and _____ nays; _____ did not vote or were absent.

District Clerk

EXHIBIT A

PETITION

(Attached)