



CALAVERAS COUNTY BOARD OF SUPERVISORS AGENDA SUBMITTAL

Short Name/Subject Resolution Authorizing Bret Harte UHSD To Sell Bonds	Board Meeting Date July 23, 2019	Agenda Number 16
Dept: Administrative Office Contact: Albert Alt Phone: 209/754-6025	Supervisory District Number	Consent Agenda
Published Notice Required? No Public Hearing Required? No		Estimated Time: 0
Type of Document? Resolution PowerPoint Presentation Included? No Budget Transfer Included (Must be signed by Auditor)? No Complete Agreement Required? No Position Allocation Change? No		

RECOMMENDATION:

Adopt a Resolution authorizing Bret Harte Union High School District to issue Bonds without further action by the County.

DISCUSSION/SUMMARY:

On November 4, 2008 the voters of the Bret Harte Union High School District passed a measure authorizing the issuance of bonds. The District has previously issued three series of Bonds pursuant to this voter authorization.

The Board of Education of the District, on June 26, 2019 authorized the issuance of a fourth series of bonds. Education Code §15140(b) authorizes the Board of Supervisors to Adopt a Resolution providing that, in certain circumstances, the governing board of the school district may issue and sell bonds on its own behalf and without further action by the Board of Supervisors.

Due to a clerical error, this resolution was brought forth as an “action item” on July 9, 2019 and was adopted by the Board of Supervisors. Because of this technical defect in creating the agenda item, no resolution number was created and the resolution was not presented to the Chair for his signature. Staff brings this resolution forward for proper execution.

This resolution would authorize the Bret Harte School District Board to issue and sell bonds as authorized by the voters of the district without further action of the Board.

FINANCING:

The Bonds have already been approved by voters. This resolution authorizes the issuance of the next series of Bonds by the Bret Harte UHSD. There is no County General Fund impact.

ALTERNATIVES:

The Board could decline to pass a resolution authorizing the issuance of Bonds

OTHER AGENCY INVOLVEMENT:

Bret Harte Union High School District; Auditor; Tax Collector

APPROVED BY:



Albert Alt, County Administrative Officer

7/18/2019



Diane Severud, Deputy Clerk of the Board of Supervisors

7/18/2019



Albert Alt, County Administrative Officer

7/18/2019



Ethan Turner, Deputy County Counsel

7/18/2019

BOARD OF SUPERVISORS, COUNTY OF CALAVERAS
STATE OF CALIFORNIA
July 23, 2019

Resolution
No. (ID # 4678)

RESOLUTION AUTHORIZING THE BRET HARTE UNION HIGH SCHOOL DISTRICT TO SELL BONDS DIRECTLY WITHOUT FURTHER ACTION OF THE COUNTY AND DIRECTING THE COUNTY AUDITOR/CONTROLLER TO MAINTAIN TAXES ON THE TAX ROLL

WHEREAS, a duly called election was held in the Bret Harte Union High School District (the "District"), Calaveras County (the "County"), State of California, on November 4, 2008 (the "Election") and thereafter canvassed pursuant to law;

WHEREAS, at the Election there was submitted to and approved by the requisite fifty-five percent vote of the qualified electors of the District a question as to the issuance and sale of general obligation bonds of the District for various purposes set forth in the ballot submitted to the voters, in the maximum amount not-to-exceed \$18,000,000, payable from the levy of an *ad valorem* tax against the taxable property in the District (the "Authorization");

WHEREAS, the District has previously issued three series of bonds under the Authorization;

WHEREAS, the Board of Supervisors of the County (the "Board") has received a copy of a resolution (the "District Resolution") adopted by the Board of Education of the District on June 26, 2019, authorizing the issuance of a fourth series of bonds under the Authorization in an aggregate principal amount not-to-exceed \$3,114,575 to be styled as "Bret Harte Union High School District (Calaveras County, California) Election of 2008 General Obligation Bonds, Series D" (the "Bonds");

WHEREAS, pursuant to Government Code Article 4.5 of Chapter 3 of Part 1 of Division 2 of Title 5, the Bonds are authorized to be issued by the District, for the purposes set forth in the ballot submitted to voters at the Election;

WHEREAS, Education Code Section 15140(b) authorizes a county board of supervisors to adopt a resolution providing that, in specified circumstances, the governing board of a school district or community college district over which the county superintendent of schools has jurisdiction may issue and sell bonds on its own behalf and without further action by the board of supervisors or other offices of the county; provided the District has not received a qualified or negative certification in its most recent interim report;

WHEREAS, the Board desires to make such procedures available to the District with regard to the Bonds;

WHEREAS, the District has not received a qualified or negative certification in its most recent interim report pursuant to Education Code Section 42131;

WHEREAS, the District has formally requested to have the Auditor/Controller of the County (the "Auditor/Controller") levy *ad valorem* taxes in an amount sufficient to pay the principal of and interest on the Bonds when due, and to place on its 2019-20 tax roll, and all subsequent tax rolls, taxes sufficient to fulfill the requirements of the debt service schedule for

the Bonds that will be provided to the Auditor/Controller and the Treasurer-Tax Collector of the County (the "Treasurer") by the District following the sale of the Bonds;

NOW, THEREFORE, IT IS HEREBY RESOLVED by the Board of Supervisors of the County of Calaveras as follows:

Section 1. Application of Section 15140(b) to Bonds sold under the Authorization by the District. Pursuant to Education Code Section 15140(b), this Board authorizes the District to issue and sell the Bonds under the Authorization, in one or more series of bonds, and in the maximum principal amount of \$3,114,575, without further action by this Board.

Section 2. Levy and Collection of Tax for Payment of Bonds. This Board authorizes the levy and collection, on all taxable property in the County situated within the District, during the period when any of the Bonds are outstanding, of *ad valorem* taxes in an amount sufficient to pay the principal of and interest on the Bonds when due. Such taxes, when collected, shall be paid to the Treasurer pursuant to Education Code Section 15251. The Auditor/Controller is further authorized and directed to maintain on its tax roll, and all subsequent tax rolls, taxes in an amount sufficient to fulfill the requirements of the debt service schedule for the Bonds.

Section 3. Other Actions. The Chair, the Clerk, the County Counsel, the Treasurer and the Auditor/Controller and the deputies and designees of such officers, are hereby authorized and directed to execute and deliver any and all certificates, representations or agreements as may be acceptable to County Counsel, and which are deemed necessary and desirable to accomplish the transactions authorized herein or to otherwise comply with the terms of this Resolution. Such actions heretofore taken by such officers, officials and staff are hereby ratified, confirmed and approved.

Section 4. Effective Date. This Resolution shall take effect immediately upon its passage.

Chair

ATTEST

Rebecca Turner, Ex-Officio Clerk
of the Board of Supervisors, County of Calaveras

Deputy Clerk