

RESOLUTION NO. 2016-1708

**RESOLUTION OF THE BOARD OF EDUCATION OF THE NORTH
MONTEREY COUNTY UNIFIED SCHOOL DISTRICT APPROVING
ASSIGNMENT OF DELINQUENT TAX RECEIVABLES TO THE
MONTEREY COUNTY EDUCATIONAL DELINQUENT TAX FINANCE
AUTHORITY FOR FISCAL YEARS ENDING JUNE 30, 2016, 2017 AND
2018, AND AUTHORIZING EXECUTION AND DELIVERY OF RELATED
DOCUMENTS AND ACTIONS**

WHEREAS, under Section 6516.6(b) of the Government Code of the State of California (the "Law"), a school district is authorized to sell and assign to a joint powers authority any or all of its right, title, and interest in and to the enforcement and collection of delinquent and uncollected property taxes, assessments, and other receivables that have been levied by or on behalf of the school district for collection on the secured, unsecured, or supplemental property tax rolls in accordance with such terms and conditions as are set forth in an agreement with the joint powers authority; and

WHEREAS, the Monterey County Educational Delinquent Tax Finance Authority (the "Authority") has been formed as a joint powers authority for the purpose of purchasing delinquent *ad valorem* property taxes in accordance with Section 6516.6 of the Law upon terms and conditions which are acceptable to school districts; and

WHEREAS, under the Law the amount of property tax receipts to be reported in a fiscal year for a school district for the Local Control Funding Formula is equal to 100% of the school district's allocable share of the taxes distributed to it for the fiscal year, and any additional amounts will not be reported and will be provided directly to the school district; and

WHEREAS, the Authority has financed the purchase of tax receivables from the District in prior fiscal years; and

WHEREAS, the Authority has requested the North Monterey County Unified School District (the "District") to consider selling it certain delinquent tax collections arising with respect to the fiscal years ending June 30 in each of the years 2016, 2017 and 2018 (collectively, the "Tax Receivables"), at a purchase price which is at least equal to 110.0% of the amount of Tax Receivables; and

WHEREAS, the Board wishes to take its action at this time approving the sale of the Tax Receivables to the Authority upon the same terms and conditions as the Prior Tax Receivables, and approving related documents and actions;

NOW, THEREFORE, BE IT RESOLVED by the Board of Education of the North Monterey County Unified School District as follows:

Section 1. Sale of Tax Receivables to Authority. The Board hereby approves and authorizes the sale of the Tax Receivables to the Authority, at a purchase price at least equal to 110.0% of the amount of Tax Receivables.

Section 2. Approval of Purchase and Sale Agreements. The sale of Tax Receivables shall be accomplished under a Purchase and Sale Agreement (the "Purchase and Sale Agreement") between the District and the Authority, in substantially the form executed by the District in connection with previous sales of tax receivables to the Authority.

The sale of the Prior Tax Receivables together with any changes therein or modifications thereof approved by the Superintendent and the Director of Fiscal Services of the District (each, an "Authorized Officer"). An Authorized Officer is authorized and directed to execute and deliver each such Purchase and Sale Agreement on behalf of the District, and the execution and delivery of each such Purchase and Sale Agreement by an Authorized Officer shall be conclusive evidence of the approval of any such changes and modifications. The Board hereby authorizes the delivery and performance of the Purchase and Sale Agreements.

Section 3. Official Actions. The Superintendent, the Director of Fiscal Services and any and all other officers of the District are hereby authorized and directed, for and in the name and on behalf of the District, to do any and all things and take any and all actions, including execution and delivery of any and all assignments, certificates, requisitions, agreements, notices, consents, instruments of conveyance, warrants and other documents, which they, or any of them, may deem necessary or advisable in order to consummate the sale of the Tax Receivables to the Authority and the other transactions described herein. Whenever in this resolution any officer of the District is authorized to execute or countersign any document or take any action, such execution, countersigning or action may be taken on behalf of such officer by any person designated by such officer to act on his or her behalf in the case such officer is absent or unavailable.

Section 4. Effective Date. This resolution shall take effect from and after the date of approval and adoption thereof.

PASSED AND ADOPTED this 6th day of October, 2016, by the following vote:

AYES:

NOES:

ABSENT:

President
Board of Education

ATTEST:

Secretary
Board of Education