

RESOLUTION NO. 21

RESOLUTION OF THE GOVERNING BOARD OF THE SAN MARINO UNIFIED SCHOOL DISTRICT APPROVING ASSIGNMENT OF DELINQUENT TAX RECEIVABLES TO THE CALIFORNIA STATEWIDE DELINQUENT TAX FINANCE AUTHORITY FOR FISCAL YEARS ENDING JUNE 30, 2020, 2021 AND 2022, 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, community college district or other local educational agency 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 it or on its behalf 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 California Statewide 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 local educational agencies in Los Angeles County; and

WHEREAS, under the Law the amount of property tax receipts to be reported in a fiscal year for revenue limit purposes is equal to 100% of the local educational agency'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 local educational agency; and

WHEREAS, the Authority has financed the purchase of tax receivables from the San Marino Unified School District (the "District") in prior fiscal years; and

WHEREAS, the Authority has requested the District to consider selling it certain delinquent tax receivables arising with respect to the fiscal years ending June 30 in each of the years 2020, 2021 and 2022 (collectively, the "Tax Receivables"), at a purchase price which is at least equal to 110.0% of the amount of Tax Receivables; and

WHEREAS, in order to provide funding for the purchase of the Tax Receivables, the Authority has made arrangements to issue and sell a certificate of participation for each fiscal year to a designee of Tower Capital Management, LLC, a Delaware limited liability company; and

WHEREAS, the Governing Board of the District (the "Board") wishes to take its action at this time approving the sale of the Tax Receivables to the Authority, and approving related documents and actions;

NOW, THEREFORE, BE IT RESOLVED by the Governing Board of the San Marino 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 which is 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 Purchase and Sale Agreement is hereby approved in substantially the form on file with the Clerk of the Board, together with any changes therein or modifications thereof approved by the Superintendent or the Assistant Superintendent Human Resources of the District (each, an "Authorized Officer"). The Authorized Officers are individually 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 each of the Purchase and Sale Agreements.

Section 3. Official Actions. The Authorized Officers 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 12th day of May, 2020, by the following vote:

AYES:

NOES:

ABSENT:

C. Joseph Chang, Board President