HARTNELL COMMUNITY COLLEGE DISTRICT

Resolution #19:9

Approving Assignment of Delinquent Tax Receivables to the Monterey County Educational Delinquent Tax Finance Authority for Fiscal Years Ending June 30, 2019, 2020, and 2021, 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 Local Control Funding Formula purposes 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 Hartnell Community College 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 2019, 2020 and 2021 (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 Governing 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 Governing Board of the Hartnell Community College District as follows:

Section 1. Sale of Tax Receivables to Authority. The Governing 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”)...
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 Tax Receivables together with any changes therein or modifications
thereof approved by the Superintendent/President and the Vice President of Administrative
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 Governing Board hereby authorizes the delivery and performance 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
deed 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 4th day of June, 2019, by the following vote:

AYES: Donohue, Lopez, Montemayor, Osorio, Padilla-Chavez, Salazar, Jr.

NOES: None

ABSENT: DePauw

Aurelio Salazar, Jr. Governing Board President

ATTEST:

Willard Lewallen, Board Secretary
Superintendent/President