

BERRYESSA UNION SCHOOL DISTRICT RESOLUTION NO. 19-15

REQUESTING BOARD OF SUPERVISORS OF SANTA CLARA COUNTY TO ESTABLISH TAX RATE FOR BONDS OF BERRYESSA UNION SCHOOL DISTRICT EXPECTED TO BE SOLD DURING FISCAL YEAR 2020-21, AND AUTHORIZING NECESSARY ACTIONS IN CONNECTION THEREWITH

**WHEREAS**, this Board of Trustees (the “Board”) of the Berryessa Union School District (the “District”), located in Santa Clara County (the “County”), California, is authorized to, and intends to, issue a series of its bonds for purposes authorized by the voters of the District on March 3, 2020 (“Measure U”);

**WHEREAS**, the Board of Supervisors of the County is required to take action approving a tax rate for payment of indebtedness of the District during Fiscal Year 2020-21, and it is the responsibility of the Auditor-Controller of the County to calculate the several tax rates for the Board of Supervisors’ action thereon;

**WHEREAS**, this Board has determined that it is not possible or advisable to sell the District’s bonds in time to permit the Auditor-Controller, or other appropriate County official, of the County to calculate the tax rates necessary to pay debt service on such bonds in order that such tax rates may be reflected on 2020-21 property tax bills of taxpayers in the District;

**WHEREAS**, the Education Code of the State of California provides that the Board of Supervisors of each county shall annually, at the time of making the levy of taxes for county purposes, estimate the amount of money required to meet the payment of the principal of and interest on the bonds authorized by the electors of the District and not sold, and which the Board of Trustees of the District informs the Board of Supervisors in their belief will be sold before the next tax levy, and further provides that said Board of Supervisors shall levy a tax sufficient to pay the principal and interest so estimated; and

**WHEREAS**, this Board deems it necessary and desirable to issue a series of the District’s bonds during Fiscal Year 2020-21, as authorized by the Government Code, and that the County levy a tax for payment on debt service estimated to come due on such bonds during Fiscal Year 2020-21, and believes that said bonds will be sold during said Fiscal Year.

NOW, THEREFORE, BE IT RESOLVED BY THE BOARD OF TRUSTEES OF BERRYESSA UNION SCHOOL DISTRICT:

Section 1. Recitals. All of the above recitals are correct.

Section 2. Estimate of Tax Levy. The Superintendent or the Assistant Superintendent, Business and Support Services of the District or such other officer of the District as either

authorized officer may designate (each, an “Authorized District Representative”), are hereby authorized and directed to prepare, or cause the financial advisor to the District, to prepare, an estimate of all payments of principal and interest which shall become due on a series of Measure U bonds of the District expected to be sold prior to the making of the tax levy for Fiscal Year 2020-21, and to cause the debt service schedule so prepared to be provided to the Board of Supervisors and the Auditor-Controller of the County and to any other officers of the County responsible for preparing the tax levy for bonds of the District and for levying said tax. The District estimates that the sale of its next series of bonds shall be in an estimated amount of \$30,000,000 million, an amount within the District’s authorized but unissued bond allowance, and shall be issued during Fiscal Year 2020-21.

Section 3. Request to County to Levy Tax. The Board of Supervisors of the County is hereby requested, in accordance with Education Code Sections 15252-15254, to adopt a tax rate for bonds of the District expected to be sold during Fiscal Year 2020-21, based upon the estimated debt service schedule prepared by officers of the District, and to levy a tax in Fiscal Year 2020-21 on all taxable property in the District sufficient to pay said estimated debt service. The proceeds of such tax shall be deposited into the debt service fund of the District established pursuant to the Education Code for bonds of the District.

Section 4: Application of Tax Proceeds. In the event that the bonds of the District are not sold during Fiscal Year 2020-21, or sold in such amount and on such terms that the proceeds of the tax requested in Section 3 hereof, or any portion thereof, are not required for payment of debt service due on the bonds, or payment of other outstanding bonds of the District payable from the debt service fund of the District, this Board hereby requests that the Auditor-Controller, or other appropriate official of the County cause the remaining proceeds of the tax to be held in the debt service fund and applied to debt service on outstanding bonds of the District coming due in Fiscal Year 2020-21.

Section 5. Filing of Resolution. The Secretary of this Board is hereby authorized and directed to file forthwith a certified copy of this Resolution with the Clerk of the Board of Supervisors of the County, and to cause copies of this Resolution to be delivered to the Auditor-Controller and the Treasurer-Tax Collector of the County.

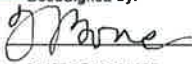
Section 6. Further Authorization. The President of this Board, the Secretary of this Board, or any Authorized District Representative, shall be and they are hereby authorized and directed to take such additional actions consistent with the intent of this Resolution in connection with the sale of the bonds of the District, which any of them deem necessary and desirable to accomplish the purpose hereof.

Section 7. Effective Date. This resolution shall take effect from and after its adoption.

APPROVED, PASSED AND ADOPTED by the Board of Trustees of the Berryessa Union School District on the 12<sup>th</sup> day of May, 2020 by the following vote:

Hugo Jimenez Aye      Khoa Nguyen Aye      David Cohen Aye  
Thelma Boac Aye      Richard Claspill Aye

I, Thelma Boac, Clerk of the Board of Trustees of the Berryessa Union School District of Santa Clara County, California, do hereby certify that the foregoing is a full, true and correct copy of a resolution adopted by the Board at a meeting thereof held at its regular place of meeting on the date shown above and by the vote stated, which resolution is on file in the office of said Board.

DocuSigned by:  
  
8345DAE0C6514FF  
Clerk of the Board of Trustees  
Berryessa Union School District  
Santa Clara County, California