

THE BOARD OF SUPERVISORS OF CONTRA COSTA COUNTY, CALIFORNIA
and for Special Districts, Agencies and Authorities Governed by the Board

Adopted this Resolution on 11/03/2020 by the following vote:

AYE:
NO:
ABSENT:
ABSTAIN:
RECUSE:



Resolution No. 2020/236

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE COUNTY OF CONTRA COSTA, STATE OF CALIFORNIA, AUTHORIZING THE CONTRA COSTA COMMUNITY COLLEGE DISTRICT TO ISSUE ITS GENERAL OBLIGATION BONDS, ELECTION OF 2014, 2020 SERIES C BONDS WITHOUT FURTHER ACTION OF THE BOARD OF SUPERVISORS OR OFFICERS OF THE COUNTY

WHEREAS, Section 15140 et seq. of the Education Code of the State of California (the "Education Code"), provides that a community college district may issue and sell bonds on its own behalf at a private sale; and

WHEREAS, Section 15140(b) of the Education Code provides that the Board of Supervisors of a county may authorize a community college district over which the County Superintendent of Schools has jurisdiction to issue and sell bonds on its own behalf without further action of the Board of Supervisors or officers of the county; and

WHEREAS, the Governing Board of the Contra Costa Community College District (the "District"), a community college district under the jurisdiction of the Superintendent of Schools of the County of Contra Costa, adopted on September 9, 2020, a resolution (the "District Resolution") providing for the issuance of its "Contra Costa Community College District General Obligation Bonds, Election of 2014, 2020 Series C," in one or more series (the "Bonds") by negotiated sale pursuant to Sections 15140 and 15146 of the Education Code; and

WHEREAS, by said District Resolution, the District has requested that this Board of Supervisors (the "Board") of the County of Contra Costa (the "County") authorize the District on its own behalf to issue the Bonds and sell the Bonds at a negotiated sale, all pursuant to Section 53506 et seq. of the Government Code of the State of California (the "Government Code") and Section 15140(b) of the Education Code and subject to the terms set forth in the District Resolution;

NOW THEREFORE, be it resolved, determined and ordered by the Board of Supervisors of the County of Contra Costa, State of California, as follows:

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

Section 2. Authorization of District Issuance and Sale. The Board hereby authorizes the issuance and private negotiated sale of the Bonds by the District on its own behalf, pursuant to the terms set forth in the District Resolution and as authorized by and in full compliance with all applicable laws, including but not limited to Sections 15140 and 15146 of the Education Code, as permitted by Section 53508.7 of the Government Code, as determined by the District's bond counsel. This authorization shall apply to the bonds authorized by said District Resolution and all future bonds issued by the District.

Section 3. Purpose. The purpose of this action is to permit the District to sell its Bonds in the manner that the District determines is in its best interests and the best interests of its taxpayers, as provided in the District Resolution.

Section 4. District Responsibilities. Pursuant to Section 15140(c) of the Education Code, the Governing Board of the District shall transmit the District Resolution and a copy of the final debt service schedule for the Bonds, reflecting the principal amounts and interest rates of such Bonds as determined in the sale thereof, to the Treasurer-Tax Collector of the County (the "Treasurer-Tax Collector") and the Auditor-Controller of the County (the "Auditor-Controller"), forthwith after the sale of the Bonds, and in any event no later than the date reasonably requested by such officers, in order to permit the County to establish tax rates and necessary funds or accounts for this series of Bonds.

Section 5. County Responsibilities. The County shall levy and collect taxes, pay principal and interest on the Bonds when due, and hold the Bond proceeds and tax funds for the Bonds that have been duly issued and sold by the District as otherwise required by law.

Section 6. Delegation to Treasurer-Tax Collector. The Treasurer-Tax Collector or his designee is hereby authorized and directed to act on behalf of and with the authority of the County to take any official action and to execute and deliver any certificates, receipts, orders, or other documents required or intended to be signed and delivered by the County, which the Treasurer-Tax Collector deems necessary or advisable, in connection with the issuance and delivery of the Bonds.

Section 7. Indemnification of County. The County acknowledges and relies upon the fact that the District has represented that it shall indemnify and hold harmless, to the extent permitted by law, the County and its officers and employees (“Indemnified Parties”), against any and all losses, claims, damages or liabilities, joint or several, to which such Indemnified Parties may become subject because of action or inaction related to the adoption of this Resolution, or related to the proceedings for sale, award, issuance and delivery of the Bonds in accordance herewith and with the District Resolution and that the District shall also reimburse any such Indemnified Parties for any legal or other expenses incurred in connection with investigating or defending any such claims or actions.

Section 8. Limited Responsibility for Official Statement. Neither the Board nor any officer of the County has prepared or reviewed the official statement of the District describing the Bonds (the “Official Statement”), and this Board and the various officers of the County take no responsibility for the contents or distribution thereof; provided, however, that solely with respect to a section contained or to be contained therein describing the County’s investment policy, current portfolio holdings, and valuation procedures, as they may relate to funds of the District held by the Treasurer-Tax Collector, the Treasurer-Tax Collector is hereby authorized and directed to prepare and review such information for inclusion in the District’s Official Statement and in a preliminary Official Statement, and to certify in writing prior to or upon the issuance of the Bonds that the information contained in such section does not contain any untrue statement of a material fact or omit to state any material fact necessary in order to make the statements made therein, in the light of the circumstances under which they are made, not misleading.

Section 9. Appointment of Paying Agent. The Bank of New York Mellon Trust Company, N.A., is hereby appointed the initial Paying Agent for the Bonds (the “Paying Agent”).

Section 10. Effective Date. This Resolution shall take effect from and after its adoption.

I hereby certify that this is a true and correct copy of an action taken and entered on the minutes of the Board of Supervisors on the date shown.

ATTESTED: November 3, 2020

David J. Twa, County Administrator and Clerk of the Board of Supervisors

Contact: Timothy Ewell, 925-655-2043

By: , Deputy

cc: