

RESOLUTION NO. _____

BOARD OF SUPERVISORS, COUNTY OF SAN MATEO, STATE OF CALIFORNIA

RESOLUTION OF THE BOARD OF SUPERVISORS OF THE
COUNTY OF SAN MATEO, CALIFORNIA, AUTHORIZING THE
SAN MATEO UNION HIGH SCHOOL DISTRICT TO ISSUE AND
SELL SCHOOL BONDS DIRECTLY PURSUANT TO STATE
LAW

RESOLVED, by the Board of Supervisors of the County of San Mateo, State of California,
that

WHEREAS, Section 15140(b) of the Education Code of the State of California authorizes a county Board of Supervisors to allow school districts over which the county superintendent of schools has jurisdiction to issue and sell school bonds directly without further action by the Board of Supervisors or officers of the county if said school district has not received a qualified or negative certification in its most recent interim report; and

WHEREAS, on March 13, 2008, the Board of Trustees of the San Mateo Union High School District (the "District"), a school district under the jurisdiction of the Superintendent of Schools of the County of San Mateo, adopted District Resolution 08-05 ("District Resolution") providing for the issuance and sale of San Mateo Union High School District Election of 2006 General Obligation Bonds at a competitive sale pursuant to Sections 53506 and following of the Government Code of the State of California, subject to the Board of Supervisors of the County of San Mateo adoption of a resolution under the provisions of Section 15140(b) of the Education Code of the State of California; and

WHEREAS, the District, over which the Superintendent of Schools of the County has jurisdiction, has requested that this Board of Supervisors of the County of San Mateo (the "County") make such procedures under the provisions of Section 15140(b) of the Education Code of the State of California available to District, pursuant to the limitations contained in said law;

NOW, THEREFORE, BE IT RESOLVED by this Board of Supervisors of the County of San Mateo, as follows:

Section 1. Application of Education Code Section 15140(b). This Board of Supervisors hereby declares that Education Code Section 15140(b) shall hereafter be applicable to the issuance and sale of school bonds issued by the District pursuant to the authority of its Measure M, approved by the voters on November 7, 2006, Chapter 1 of Part 10 of Division 1 of Title 1 of the Education Code and Article 4.5 of Title 5 of Division 2 of the Government Code, including the following provisions:

(a) If the District shall have received, at the time of the sale or issuance of the bonds, a qualified or negative certification in its most recent interim report (as defined in Article 3 of Chapter 6 of Part 24 of Division 3 of Title 2 of the Education Code, or any successor law) the District shall not be entitled to issue bonds pursuant to the authority granted by this Resolution.

(b) Whenever the governing board of the District issues bonds payable from ad valorem

taxes, including specifically pursuant to the authority granted by this Resolution and by Education Code Section 15140(b) of the Education Code, or Government Code Sections 53508 et seq., the governing board of the District shall be required to transmit a copy of:

- (i) its resolution authorizing the issuance and sale of the bonds;
- (ii) the final debt service schedule for the bonds reflecting the principal amounts and interest rates of the bonds as determined in the sale of the bonds;

to the County Controller and the County Treasurer-Tax Collector, forthwith after the sale of any bonds and in no event no later than reasonably requested by such officer, in order to permit the County to establish tax rates and necessary funds or accounts for the bonds; and

(c) That any bonds issued and sold by the District pursuant to this Resolution shall be done on a competitive sale basis.

Section 2. County Responsibilities.

(a) The County, including the officers thereof and this Board of Supervisors, takes no responsibility for any act or omission that is in any way related to any bonds issued or sold by or on behalf of the District pursuant to the authority granted in this Resolution, including but not limited to any proceedings for the sale and issuance of the bonds, the validity of the bonds, or any disclosure issues related to the bonds.

(b) The County shall levy and collect taxes, pay bonds, and hold and invest bond proceeds and tax funds for bonds duly issued and sold by the District pursuant to the authority granted by this Resolution, as otherwise required by law. No part of any fund of the County is pledged or obligated to the payment of any bonds issued by the District pursuant to the authority granted by this Resolution.

(c) The County, including the officers, officials and employees thereof and this Board of Supervisors, takes no responsibility for establishing a tax rate for any new issue of bonds in any year in which the information required by Section 1(b) hereof to be delivered to the County officers is delivered later than the deadline established by such officers in order to permit compliance with Government Code Section 29100 et seq.

Section 3. Deposit and Investment of Bond Proceeds. The proceeds of bonds sold pursuant to the authority of this Resolution shall be deposited and invested as follows:

(a) The proceeds of sale of bonds, exclusive of any premium and accrued interest received, shall be deposited in the County treasury to the credit of the building fund of the district. Any premium and accrued interest received by the District shall be deposited upon receipt in the interest and sinking fund of the District within the County treasury.

(b) All funds held by the County Treasurer-Tax Collector relating to the bonds shall be invested at the County Treasurer-Tax Collector's discretion pursuant to law and the investment policy of the County.

(c) Investment earnings on the money in the District's building fund shall be deposited in the building fund. Investment earnings on the money in the District's interest and sinking fund shall

be deposited into the interest and sinking fund.

Section 4. Indemnification of County. The County, including its Board of Supervisors, officers, officials, agents and employees, shall be required to only undertake those duties which are specifically set forth in this Resolution. The District agrees to indemnify, defend, and hold harmless the County, including its Board of Supervisors, officers, officials, agents and employees, against any and all liabilities, losses, costs and expenses (including attorneys fees and court costs), damages and claims which the County, including its Board of Supervisors, officers, officials, agents and employees, may incur in the exercise and performance of its or their powers and duties hereunder which are not solely due to its gross negligence or willful misconduct.

Section 5 Delivery of Resolution. The Clerk of the Board of Supervisors is hereby directed to deliver a copy of this Resolution to the Superintendent of the District.

Section 6. Effective Date. This Resolution shall take effect from and after its adoption.