

RESOLUTION NO. 16-21

**RESOLUTION OF THE BOARD OF TRUSTEES OF
MERCED UNION HIGH SCHOOL DISTRICT**

**APPROVING A FIRST AMENDMENT TO THE
JOINT-EXERCISE OF POWERS AGREEMENT FORMING THE
EAST MERCED COUNTY PUBLIC FACILITIES FINANCING AUTHORITY**

WHEREAS, on May 1, 2005, Merced City School District ("MCSD"), Merced Union High School District ("MUHSD"), and Weaver Union High School District ("Weaver") entered into the Joint Exercise of Powers Agreement (the "JPA Agreement") to create the East Merced County Public Facilities Financing Authority ("Authority") for the purposes of assisting the school districts in financing school facilities as set forth in the Agreement; and,

WHEREAS, on June 13, 2006, the Authority established the East Merced County Public Facilities Financing Authority Community Facilities District No. 2006-1 (the "CFD") and held an election with area of the CFD to authorize special taxes and the issuance of bonds (or other debt) up to a maximum principal amount of \$8,000,000 (the "Bonds"); and,

WHEREAS, other than the CFD, which was to finance facilities of MUHSD and MCSD, the Authority has not formed any other community facilities district or undertaken any financings; and

WHEREAS, Weaver determined to unilaterally withdraw from the Authority by adoption of a resolution on March 9, 2022 pursuant to Article III of the JPA Agreement which permits unilateral withdrawal and pursuant to Resolution No. 11-21, MUHSD has accepted said withdrawal; and

WHEREAS, MUHSD and MCSD desire to amend the JPA Agreement to provide more clarity as to the proceeds of special taxes and bonds, if any, which would be generated from the CFD consistent with the purposes and requirements of the CFD;

WHEREAS, attached hereto as Exhibit A and by this reference incorporated herein is a form of First Amendment to JPA Agreement ("First Amendment"); and

WHEREAS, pursuant to Section 6.6 (relating to amendments) and Section 5.1 (relating to allocation of taxes) of the JPA Agreement, MUHSD and MCSD may amend the JPA Agreement to delineate the breakdown of special taxes and more clearly define the rights of the parties; and

WHEREAS, MUHSD and MCSD now desire to amend the JPA Agreement to delineate the parties' rights with respect to the CFD.

THEREFORE BE IT RESOLVED, by Merced Union High School District Board of Trustees, as follows:

Section 1. That the recitals set forth hereinabove are true and correct in all respects.

Section 2. That said form of First Amendment be and is hereby approved in substantially the form attached hereto with such changes as may be approved by the President or Superintendent, the execution thereof by the President and Superintendent to be conclusive evidence of approval of said changes. The President is hereby authorized and directed to execute the First Amendment on behalf of the MUHSD with such execution to be attested to by the Superintendent.

Approved and adopted on the 11th day of May 2022.

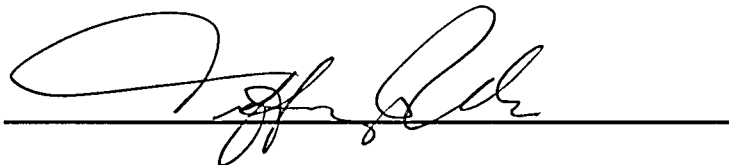
I, the undersigned, hereby certify that the foregoing Resolution No. 16-21 was duly adopted by the Merced Union High School District Board of Trustees following a roll call vote:

AYES: Trustees Hamm, Jayasinghe, Lopez, Pickle & Valadez

NOES: None

ABSENT: None

ABSTENTIONS: None



President, Board of Trustees