

RESOLUTION NO. 2015-12

**A RESOLUTION OF THE CITY COUNCIL OF THE CITY OF
SAN JUAN BAUTISTA AUTHORIZING AND DIRECTING THE
EXECUTION AND DELIVERY OF A JOINT EXERCISE OF
POWERS AGREEMENT NECESSARY FOR THE CREATION OF
THE SAN JUAN BAUTISTA PUBLIC FINANCING AUTHORITY**

WHEREAS, the City of San Juan Bautista (the “City”) is a municipal corporation and general law city duly organized and validly existing under the Constitution and laws of the State of California; and

WHEREAS, the City, upon authorization of the City Council (the “City Council”), may, pursuant to Article 1 (commencing with Section 6500) of Chapter 5 of Division 7 of Title 1 of the Government Code of the State of California (the “JPA Law”), enter into joint exercise of powers agreement with one or more other public agencies pursuant to which such contracting parties may jointly exercise any power common to them or conferred to them by the JPA Law; and

WHEREAS, the City and the California Municipal Finance Authority (the “CMFA”) intend to enter into a joint exercise of powers agreement pursuant to the JPA Law (the “JPA Agreement”) pursuant to which the San Juan Bautista Public Financing Authority (the “Authority”) will be created to, among other things, make loans and purchase and sell bonds of local agencies, at public or private sale as authorized by the Marks-Roos Local Bond Pooling Act of 1985 constituting Article 4 (commencing with Section 6584) of Chapter 5 of Division 7 of Title 1 of the California Government Code (the “Bond Pooling Act”); and

WHEREAS, under California law and the JPA Agreement, the Authority will be a public entity separate and apart from the parties to the JPA Agreement and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of the City or the CMFA or any representative of either the City or the CMFA serving on the governing body of the Authority (the “Governing Board”); and

WHEREAS, this City Council proposes to authorize the execution of the above-referenced JPA Agreement, in substantially the form presented to this City Council; and

WHEREAS, all acts, conditions and things required by the Constitution and laws of the State of California to exist, to have happened and to have been performed precedent to and in connection with the consummation of the transactions authorized hereby do exist, have happened and have been performed in regular and due time, form and manner as required by law, and the City is now duly authorized and empowered, pursuant to each and every requirement of law, to consummate such transactions for the purpose, in the manner and upon the terms herein provided;

NOW, THEREFORE, THE CITY COUNCIL OF THE CITY OF SAN JUAN BAUTISTA HEREBY RESOLVES AS FOLLOWS:

SECTION 1. Declaration of City Council. This City Council hereby specifically finds and declares that the actions authorized hereby constitute and are with respect to public affairs of the City, and that the statements, findings and determinations of the City set forth in the preambles above and of the documents approved herein are true and correct.

SECTION 2. JPA Agreement. The form of JPA Agreement, presented to this meeting and on file with the City Clerk is hereby approved. The Mayor, Vice Mayor, City Manager, City Treasurer, and any other City officer or official of the City, is hereby authorized and directed to execute the final JPA Agreement, for and in the name of and on behalf of the City, with such changes therein as such officer may require or approve, with such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. Purpose of the JPA Agreement. The purpose of the JPA Agreement and the creation of the Authority is for the City and the CMFA, through the Authority, to jointly exercise the powers set forth in both the JPA Law and the Bond Pooling Act, including, but not limited to, (i) the purchase and sale, at public or negotiated sale, certain obligations issued by members of the Authority, or (ii) make loans, secured or unsecured, to local agencies, or (iii) sell, at public or negotiated sale, obligations, or (iv) issue and sell, at public or negotiated sale, bonds secured in whole or in part by such obligations. Reference is hereby made to both the JPA Law and the Bond Pooling Act for a complete recital of the powers of the Authority the exercise of which is the purpose of the Authority. The Authority is authorized, in its own name, to do all acts necessary to exercise such powers in order to fulfill the purposes of the JPA Agreement.

SECTION 4. Determination of Significant Public Benefits. The City has determined and hereby declares that the creation of the Authority for the express purpose of providing a pool of funds from which the City may draw to finance and/or refinance local public capital improvements offers significant public benefits in that there will be both (i) demonstrable savings in effective interest rates, bond preparation costs, bond underwriting, and other bond issuance costs by having the Authority purchase the City's obligations rather than selling them to the public by some other means, and (ii) more efficient delivery of services to residential and commercial development within the City.

SECTION 5. Attestation and Seal. The City Clerk is hereby authorized and directed to attest the signature of the authorized signatory, and to affix and attest the seal of the City, as may be required or appropriate in connection with the execution and delivery of the JPA Agreement.

SECTION 6. Further Actions. The Mayor, Vice Mayor, City Manager, City Treasurer, City Clerk and any other City officer or official is hereby authorized and directed, jointly and severally, to do any and all things and to execute and deliver any and all documents which they may deem necessary or advisable in order to consummate, carry out, give effect to and comply with the terms and intent of this resolution and the JPA Agreement. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 7. Effective Date. This resolution shall take effect immediately upon its passage and adoption.

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THE FOREGOING RESOLUTION WAS ADOPTED at a regular meeting of the San Juan Bautista City Council held on the 17th day of March, 2015, by the following vote:

AYES: **Edge, Boch, Martorana, West**

NOES: **None**

ABSENT: **Lund**

ABSTAIN: **None**

Rick Edge, Vice Mayor

ATTEST:

Connie Schobert, City Clerk