

**Before the Board of Supervisors in and for the  
County of Monterey, State of California**

**Resolution No. 06-099 / Agreement No. A-10436**

Approving a Joint Exercise of Powers )  
Agreement with the East Garrison Community )  
Services District to establish and manage the )  
East Garrison Public Financing Authority. )

WHEREAS, the County of Monterey (the "**County**") is a California county and political subdivision of the State of California (the "**State**"), organized and existing pursuant to the Constitution and laws of the State; and

WHEREAS, the County, upon authorization by this Board of Supervisors (this "**Board**"), may pursuant to Article I (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 a 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; and

WHEREAS, the County and the East Garrison Community Services District (the "**District**") intend to enter into a joint exercise of powers agreement pursuant to the JPA Law (the "**Joint Exercise of Powers Agreement**") pursuant to which the East Garrison Public Financing Authority (the "**Authority**") will be created to, among other things, (a) finance and refinance various Public Capital Improvements and Working Capital, both as defined in 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 (b) conduct proceedings for the establishment of one or more community facilities districts ("**CFDs**") pursuant to the Community Facilities Act of 1982 (Sections 53311 and following, California Government Code) (the "**Community Facilities Act**") ; and

WHEREAS, under the JPA Law and the Joint Exercise of Powers Agreement, the Authority will be a public entity separate and apart from the parties to the Joint Exercise of Powers Agreement, and the debts, liabilities and obligations of the Authority will not be the debts, liabilities or obligations of any of its members or any representative of any of its members serving on the governing body of the Authority (the "**Authority Governing Board**") ; and

WHEREAS, the Authority, when established, will be authorized under the Bond Pooling Act to purchase at public or negotiated sale certain obligations (the "**Obligations**") issued by members of the Authority and other public agencies and sell at public or negotiated sale such Obligations or issue and sell at public or negotiated sale bonds secured in whole or in part by such Obligations or by other revenues of the Authority, and will be authorized under the Community Facilities Act to establish CFDs and, subject to the required approval of the qualified electors within any such CFD, to exercise the powers specified by the Community Facilities Act with respect to any such CFD; and

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WHEREAS, the County proposes to authorize the execution of the above-referenced Joint Exercise of Powers Agreement, in substantially the form presented to this Board; 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 County 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, BE IT RESOLVED AS FOLLOWS:

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

SECTION 2. Joint Exercise of Powers Agreement. The form of Joint Exercise of Powers Agreement, dated as of March 21, 2006, between the County and the District, presented to this meeting and on file with the Clerk of this Board (the "**Clerk**"), is hereby approved. The Board Chair is hereby authorized to execute, acknowledge and deliver said Joint Exercise of Powers Agreement in substantially said form, with such changes therein as County Counsel may require or approve, such approval to be conclusively evidenced by the execution and delivery thereof.

SECTION 3. Attestation. The Clerk is hereby authorized and directed to attest the signature of the Board Chair, as may be required or appropriate in connection with the execution and delivery of the Joint Exercise of Powers Agreement.

SECTION 4. Further Actions. The Chair and Vice Chair of this Board, the Clerk and any other officer or official of the County are 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 Joint Exercise of Powers Agreement. Such actions heretofore taken by such officers are hereby ratified, confirmed and approved.

SECTION 5. Effective Date. This resolution shall take effect immediately upon its passage.

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PASSED AND ADOPTED on this 28<sup>th</sup> day of March 2006, by the following vote, to-wit:

AYES: Supervisors Armenta, Calcagno, Lindley, Smith and Potter

NOES: None

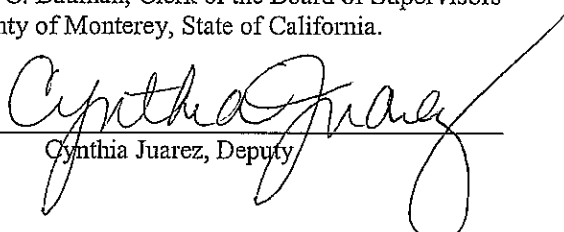
ABSENT: None

I, Lew C. Bauman, Clerk of the Board of Supervisors of the County of Monterey, State of California, hereby certify that the foregoing is a true copy of an original order of said Board of Supervisors duly made and entered in the minutes thereof Minute Book 73, on March 28, 2006.

Dated: April 18, 2006

Lew C. Bauman, Clerk of the Board of Supervisors  
County of Monterey, State of California.

By

  
Cynthia Juarez, Deputy